

## **Council Minutes – May 1, 2012**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 1, 2012. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker and Harmon -7. Mayor William W. Bunten presided -1. Absent: Councilmembers Archer and Gray -2.

AFTER THE MEETING was called to order, Reverend Nicki Wicklef, Lane Chapel CME Church gave the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

Councilmember Hiller requested to add two ordinances allowing the sale, consumption and possession of alcoholic beverages for Top City Thursdays Concert Series and the Slash and Bash Movie Festival under First Readings.

Upon hearing no objections, Mayor Bunten announced the ordinances would be added to the Council agenda under First Readings as items 7B and 7C, respectively.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8423 introduced by Councilmember Larry Wolgast, granting Boss Hawgs an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8424 introduced by Councilmember Sylvia Ortiz, granting Maria Marin an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of April 24, 2012 were presented.

2012 Open After Midnight License renewal applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
39 <sup>th</sup> Street Bar & Grill	555 SW 39 <sup>th</sup> Street
Abigail's Grill & Bar	3701 SW Plaza Drive
Boss Hawgs	2833 SW 29 <sup>th</sup> Street
The Break Room	911 S Kansas Avenue
CG's Lounge	501 NW Lyman
El Azteca	1116 SE 6 <sup>th</sup> Street
Joletta's	600 NW Paramore Street
Midwest Elks #1441	1316 SE Madison
The Office	124 SW 8 <sup>th</sup> Street
Topeka Country Club	2700 SW Buchanan
Woodvalley Racquet Club	2909 SW 37 <sup>th</sup> Street

Councilmember Wolgast moved to approve the consent agenda. The motion seconded by Councilmember Manspeaker carried unanimously. (7-0-0)

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code Sections 18.10.010, 18.10.020, 18.25.060, 18.55.005 and 18.55.190 and specifically repealing said original sections, as well as, creating new Code Section 18.25.095 all concerning programmable electronic signs placed on first reading April 24, 2012 was again presented. (ACZR12/1)

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Wolgast asked staff to provide an overview of the general purpose for the proposed change in sign regulations.

David Thurbon, Planning Department Director reported the amendment would allow church and public buildings with residential zoning to increase their monument signs from 25 square feet to a maximum of 40 square feet; allow programmable electronic signs only indirectly illuminated; and allow signage for properties with historic designations . He reported the Board of Zoning Appeals has been granting sign variances over the past several years to accommodate size change requests, as well as, many churches have requested a change in sign regulations.

Mayor Bunten expressed concern with the increased size and stated he believes it would not compliment the character of neighborhoods. He asked how many churches have been granted waivers.

David Thurbon stated approximately five (5) waivers have been granted over the past year.

Councilmember Alcalá expressed concern with the large number of small churches located throughout some neighborhoods and reported residents are divided on the issue in regards to supporting the change. He spoke in opposition to the amendments because he believes it may create more of an issue than already exists.

Councilmember Alcalá moved to defer the ordinance for one week to have full Council present for consideration. The motion was seconded by Councilmember Harmon.

Jancy Pettit, First Congregational Church spoke in support of the sign changes and provided an example of what a new sign would look like with the sign regulations in place. She stated a survey was conducted with neighborhood residents and most preferred the new sign regulations. She thanked the Topeka Planning Commission for their hard work and research in the matter and encouraged the Council to approve the changes.

Councilmember Alcalá asked if there was a protest period offered to area residents when a person applies for a sign variance through the Board of Zoning Appeals.

David Thurbon reported protest periods are not offered; however, property owners located within a 200 foot radius are notified of the proposed change and have the option to express opposition at that time. He stated the Board of Zoning Appeals has informed the Topeka Planning Commission they would no longer grant sign variances and encouraged the Commission to implement a change in sign regulations to accommodate requests.

The motion to defer the ordinance for one week to have full Council present for consideration carried. Mayor Bunten voted “yes.” Councilmember Manspeaker voted “no.” (7-1-0)

ORDINANCE NO. 19728 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of March 31, 2012, through April 13, 2012, and enumerating said expenditures therein was presented for first and final reading.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Everhart carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker and Harmon -7. Absent: Archer and Gray -2.

A FINAL PLAT for St. Eve’s Subdivision located at 3417 SE California Avenue within the City of Topeka, Shawnee County, Kansas was presented. (P12/2)

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Hiller moved to approve the final plat. The motion seconded by Councilmember Everhart carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

NO Retail Cereal Malt Beverage License applications were presented.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan for the Neighborhood Element was presented for first reading. (CPA12/2)

AN ORDINANCE introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for Top City

Thursdays Concert Series pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645(e)(1) was presented for first reading.

AN ORDINANCE introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for Slash and Bash movie festival pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645(e)(1) was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Councilmember Ortiz questioned if there were funds available in the budget to cut grass and stated she believes it is an important service for the City to provide in certain areas. She asked for the Council's support to allocate funds in the 2013 budget to address code violations. She noted there are very few volunteers available to help with the situation.

Daniel R. Stanley, Interim City Manager stated he would research if there are funds available and report back to the Council.

Councilmember Wolgast stated he received a communication from a citizen indicating neighbors were dumping trash and debris in Ward Meade Creek. He commended City staff for their speedy response in removing the debris from the area.

Councilmember Manspeaker reported he assisted with the cleanup of parks over the weekend and questioned the enforcement of fines regarding trash and debris. He suggested implementing a \$0.05 sales tax per plastic grocery bag to reduce the amount of trash in the city. He expressed concern with the loss of City email service last week and questioned why the City would pay an internet service provider that is not able to accommodate the high volume of information generated by the City's website and email system. He asked if the City has

considered contracting with larger internet service providers such as, AT&T or Cox Communications. He also asked why he has not received a response to the email he sent staff last week asking what the consequences would be for a City employee if they acted in a similar manner as the Mayor in regards to comments made at the State of the Community Address.

Mayor Bunten stated he regrets if the remarks he made at the State of the Community Address offended or hurt anyone; however, the situation was meant in jest and he does not believe it reached a level of insult.

Daniel R. Stanley reported he received Councilmember Manspeaker's email on April 26, 2012, and has not responded to the email due to the legal research required to provide a proper response to the request.

Ted Mize and Carol Westerdale appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:49 p.m.

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Brenda Younger  
City Clerk