



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE

CITY COUNCIL
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Date: January 3, 2024

Time: 1:00pm

Location: 1st Floor Conference Room; City Hall 215 SE 7th Street

Committee members present: Councilmembers Karen Hiller (Chair), Christina Valdivia-Alcalá, Brett Kell, and Spencer Duncan

City staff present: Property Maintenance Division Director John Schardine, City Attorney Amanda Stanley, Planning Director Rhiannon Friedman, Wendi Rieb, Housing Services Division Director Carrie Higgins, Interim Finance Director Rachelle Mathews, Utilities Director Sylvia Davis

1) Call to Order

Chairwoman Hiller called the meeting to order at 1:00pm. Committee members and staff introduced themselves.

2) Approval of November 15, 2023 Meeting Minutes

Committee member Valdivia-Alcalá made a motion to approve the minutes. Committee member Duncan seconded. Approved 4-0-0.

3) Changing Our Culture of Property Maintenance

Chairwoman Hiller introduced that staff would be presenting some updates and two action items as they relate to the Changing Our Culture of Property Maintenance (CoCPM) initiative.

Property Maintenance Division Updates:

Property Maintenance Division Director John Schardine provided a copy of the consent form, notice of violation, and hardship form to review with the Committee.

Consent to Inspection or Abatement Form

Division Director Schardine stated this form has remain unchanged, however policy now indicates that consent forms are not required for interior inspections. They are suggested. If the occupant does not want to fill one out, or sign one, Property Maintenance will not require them to do so. Chairwoman Hiller noted that was a huge improvement. She stated these changes have been on the

checklist for the initiative, and being able to move them over to the accomplishment list was exciting.

Notice of Violation Form - This had received some requests by Committee members to update some of the language to make it a bit more inviting and friendlier, while also encouraging people to voluntarily comply with regulations. Division Director Schardine noted the addition of contact information to include the Housing Navigator, to the form.

Hardship Form and Process - The Housing Navigator, Irma Faudoa, completes this form, if it is needed. These cases are looking for property owners who might suffer from an illness or financial setback that would allow them to qualify for assistance from the City. Housing Services Division Director Carrie Higgins assisted in developing this form, and works closely with Ms. Faudoa. This form is the starting process for interested parties. If they meet the qualifications, and fill out the hardship form. The form provides the owner with additional time, and also helps connect them with the Housing Navigator to seek additional resources that they can connect with.

LMI Supplemental Funds Recommendation:

Chairwoman Hiller introduced that the Low-moderate income (LMI) supplemental funds recommendation emerged from the CoCPM Leadership team. One of the top priorities in Property Maintenance was to address those who had resources and responsibilities in a different way than the LMI residents that may not have the skills or money to adequately correct an issue. She noted that the Housing Services division has been able to secure a grant of \$750K from the Federal Home Loan Bank (FHLB). This grant is to be spread out over three (3) years, so is essentially \$250K a year. One of the issues with this grant is that the FHLB has stipulations on how and where those funds can be spent. One such stipulation is that they cannot be spent West of Washburn, South of 21st Street, East of California, and other areas to the North and in Central Topeka as well. There are big holes within these outside areas, and the ask to staff was to identify how much money it might take to cover the areas that the FHLB does not cover. The goal is to request some additional funding that would be overseen by the Housing Services Division to help in the low-moderate income (LMI) areas that the FHLB grant does not cover; distressed areas within or outside of Neighborhood Improvement Associations.

Chairwoman Hiller asked Division Director Schardine to expand on the need for the request and on the creative ways the Property Maintenance Division has been able to assist people, particularly seniors. He stated that, in the past, he had asked Inspectors to make contact with the properties that suffer, code violations that may not have been written up, or elderly occupants who would not have the funding available by themselves to make repairs. One of the requirements is to open a case, and then bring the Housing Services staff in to help get in contact with the property owner. The property owner can file for the application for the grant. This has helped out in the past, especially when Property Maintenance was working in the Hi-Crest neighborhood. Chairwoman Hiller noted that one reason for asking about both grants was in anticipation of completing more interior inspections in 2024. Cases will include more than painting and cleaning up the yard, but rather health and safety issues for occupants.

Chairwoman Hiller clarified that these dollars would only be for property owner-occupants, and are not available for landlords or renters.

Housing Services Director Carrie Higgins provided information about the proposal. When looking at the FHLB grant, there is a requirement that the sort area of 50% of applications have to come from SORT, which means if the 50% mark is not achieved, and an application comes in that is outside, staff has to hold onto it until that 50% mark and make sure the City is maintaining it throughout the year. Some of the applicants who are not in the SORT area are having to wait a very long time to receive assistance. Having a separate pot of money that does not have to adhere to those same restrictions would allow the City to help those individuals receive services quicker.

Division Director Higgins stated staff had reviewed the number of cases that are moved over from year to year, that the City has not been able to help because of the SORT area, and they looked at the potential for an increase in code violations over the next year, and that is how they came to the estimated \$200K. This would be used through the next year and a half, to finish off the three-year cycle with the FHLB grant. There are frequently code violations where the house and unattached garage both need to be fixed. The current FHLB grant does not allow for repairs on the structure that is not attached to the house. The additional funds would provide another major benefit to helping address these types of issues, so that the garage could also be fixed in addition to the home.

If Interim Finance Director Rachelle Mathews stated that this one-time pot of money would come from the 2023 Surplus funds that are used for capital expenditure-type projects. It would be transferred out of the General Fund into a specified project, much like an operational CIP project that the Governing Body received in a notebook annually. Staff's suggestion for this funding is based on accounting guidance and to time it with the nature of the remainder of the FHLB grant.

Chairwoman Hiller inquired about the timing of the considerations of the entire list of year-end funding balances? Interim Director Mathews stated Finance is still closing the 2023 year-end balances. There are two months still missing of sales tax, to retro-back into 2023, and this has a material impact on where the surplus is going to be. It is Finance's intent to provide a Q4 report to the Governing Body at the March 5th meeting that would include the list of potential uses of the 2023 Surplus. If it is the will of the Committee, this item would be included within the list of things to choose from and appropriate the Surplus to.

Committee member Valdivia-Alcalá referenced that this specific request is to request dollars from the 2023 Surplus that will cover the final year and a half that the City has left on the FHLB grant. She inquired if, depending on how well that works out, there may be an interest to make a consideration to continue with this funding in the future, and possibly become part of the CIP eventually?

Chairwoman Hiller stated that, at this point, it is a one-time ask, but suggested that everyone keep a reminder for the potential of working it into future year budgets for the Consolidated Plan, and there could be a possibility of returning in three years to make it a permanent and annual request. At this time, Chairwoman Hiller would like to make the one-time request. Committee member Valdivia-Alcalá referenced the importance of documenting and tracking how those dollars are spent, in order to show the Governing Body, the results of what was accomplished with the \$200K.

Committee member Valdivia-Alcala inquired if there was a projection as to how many households might be helped with this additional funding? Division Director Higgins responded there was an average of \$20K applied toward the cost of each applicant's property. This would help roughly ten (10) additional households. There may be an opportunity to stretch that \$200K further by providing assistance, in conjunction with the FHLB grant, to help fix a garage or other unattached structure. In those types of situations, the full \$20K would not need to be allocated for the garage, and could be put toward an additional application.

Committee member Valdivia-Alcalá clarified that once the 50% of FHLB funding has been utilized for houses within the zone group, funding could then be used to help those residing outside of the zone group. Division Director Higgins confirmed, and stated the percentages stay pretty consistent with that 50/50.

Chairwoman Hiller added that, with the City's Grant Writer, there may be additional opportunities to find matching grants and other sources for funding.

Committee member Duncan inquired about the City's Grant Writer. Interim Finance Director Mathews confirmed that April Hazen-Shaffer had been hired in late 2023, and had been working to get integrated and on-boarded with the City. She has managed a \$4M Federal Medicare Grant in previous life experience, and has experience in both writing grants as well as being on the back-end of compliance and maintenance.

MOTION: Recommend that \$200,000 from the 2023 Revenue Surplus be allocated to the Housing Department and dedicated for use in funding home repairs for LMI families who have property maintenance code violations, and do not otherwise have the means to address them. Committee member Kell made a motion to approve. Committee member Valdivia-Alcala seconded. Approved 4-0-0.

Chairwoman Hiller requested this item would be placed on the January 16th Governing Body agenda for introduction and discussion. It would then be voted on by the Governing Body at a meeting in March.

Vegetation Ordinance:

Division Director Schardine suggested a two-year educational campaign to include literature and public meetings, to educate property owners and tenants about these proposed changes.

Changes include:

- Added Section 1 (c): "Vegetation means, but is not limited to, weeds, woody vines, volunteer saplings under four to six inches in diameter, shrubs, brush, grass and uncultivated plants; however, this term shall not include cultivated trees, shrubs and vines and gardens, which are defined as areas cultivated for growth of vegetables, fruits, herbs, flowers, ornamental grasses and native plants. A native plant is any plant indigenous to the local ecosystem".
- The word "vegetation" was substituted for "weeds" throughout the ordinance.

- It replaces the word “vegetation” beyond just grasses and weeds over twelve inches tall, to be more inclusive of things the property shall be maintained free from.
- Added Section 1 (b)(b): “Notwithstanding subsection (a), an owner of undeveloped property that exceeds two acres is responsible for removing or destroying vegetation, except for grass or ground cover, within fifteen feet of any sidewalks, streets, or adjacent property lines”.

Division Director Schardine stated this addition came into play when Property Maintenance sends out notices to large parcels of property, the property owners were intimidated and thought they had to maintain the complete piece of property. When, in reality, it is the health and safety concerns of the neighbors that Property Maintenance is interested in. Requesting the fifteen feet away from any property line, sidewalks, walkways and roadways also varies if the property is totally wooded.

There is a level of discretion the Property Maintenance Inspectors are able to exercise with these cases. Owners are encouraged to contact the Inspector to find out how the Inspector is determining what needs to be cut and how often it needs to be cut, and what the responsibility is on the owner’s behalf. There is also discretion on how much of the property must be cut. If it is a health and safety concern because there is an occupied home nearby the overgrown parcel, the owner may be requested to cut the full parcel, whereas if the parcel is near farm property that is not occupied, the request will be to cut back fifteen feet to allow for safe passage for pedestrians and vehicles.

Committee member Kell voiced concern about grass fires in areas where longer grass is allowed to be left. He provided an example of the trailer park on the north side of 37th street, near the walking trail and railroad. Division Director Schardine provided some additional information about that specific property, noting his staff is working with the owner to address some of the issues pertaining to the securement and safety of the property. Committee member Kell was concerned about the toll on the Fire Department these types of grass fires cause. Division Director Schardine took note of the concerns.

Chairwoman Hiller stated the issue of discretion was an important piece of the language of the ordinance, rather than simply adding it into the SOP.

Chairwoman Hiller referenced the types of vegetation that will be allowed under the ordinance, such as ornamental grass or native plants, and inquired if Division Director Schardine had been aware of people strictly using these types of vegetation as their full yard?

Moving the overgrowth to fifteen feet. Division Director Schardine noted that the main concern they were hoping to address was pedestrian traffic, or overgrowth blocking vehicle traffic and obstructing the view. Property Maintenance has been testing the fifteen-foot request for a couple of years, and has received generally positive feedback from both the owners who are required to mow as well as from neighbors who live nearby.

The Vegetation Ordinance will be a phased-in approach, with the first two years focusing on educating the public on expectations. Courtesy letters to owners will be exchanged to let them know about the City of Topeka's adoption of the new vegetation ordinance, and that by (whatever date), these items will be in violation of the ordinance. Additional public information communication will be pushed out on the various social media platforms, the City's website, and other printed resources. Public feedback and education year one and two. Year three will see full enforcement. Division Director Schardine expects the majority of owners to voluntarily comply with the requested changes within those first two years, and noted it would likely be a small percentage of people who will wait until enforcement to address the matters.

Year two will expand on year one, from simply being public information to explaining the health and safety concerns that overgrown properties pose. If doors or windows that the Fire Department might need to access during an emergency is being blocked by overgrowth, that will be something that will begin to be addressed in year-two and the expectation will be that the property owners will abide by the request. The term "Public Access" refers to doors and windows on a structure, or any point of entry that emergency services would need to have access to in order to get inside of a structure.

Committee member Duncan inquired when the timeline begins. Chairwoman Hiller noted the idea would be that the ordinance would be passed in 2024, which would begin the clock on year one. If the ordinance was voted on by the Governing Body in February, would begin year one, and it would be fully in place by 2026.

MOTION: To recommend the Vegetation updates to the International Property Maintenance Code (IMPC), and the stage implementation to the Governing Body for adoption. Committee member Kell made a motion to approve. Committee member Valdivia-Alcala seconded.

Chairwoman Hiller added that the recommendation that is being sent to the January 16th Governing Body agenda comes with an understanding that there may be some additional conversation from Division Director Schardine and City Legal about the fifteen-foot mowing requirement.

4) Other Items

No additional items.

5) Adjourn

Chairwoman Hiller adjourned the meeting at 1:48pm.

Meeting video can be viewed at: <https://youtu.be/SpdMpTBfRLY>