



# City Council Committee Meeting Notice

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CITY COUNCIL  
City Hall, 215 SE 7th Street, Suite 255  
Topeka, KS 66603-3914  
Tel: (785) 368-3710  
Fax: (785) 368-3958  
[www.topeka.org](http://www.topeka.org)

**Committee:** Public Health & Safety  
**Meeting Date:** May 20, 2016  
**Time:** 3:30 p.m.  
**Location:** Holliday Conference Room, 620 SE Madison St.

## *Agenda:*

- 1) Call to Order
- 2) Election of Chair
- 3) Approve minutes from November 18, 2014 meeting
- 4) Discussion and possible action on AN ORDINANCE introduced by City Manager Jim Colson, concerning bicycles, roller skates, skateboards, repealing Topeka Municipal Code Sections 10.20.020 and 10.60.410, amending City of Topeka Code Section 10.35.010 and repealing original section, and creating new Sections 10.35.020 and 10.35.030.
- 5) Any other items currently before the Committee

Legal and Police notified.

**STAFF REQUESTED:** (Legal) Mary Feighny, Luther Ganieany, and Chuck Kitt; (TPD Bike Unit) Jayme Green.

**COMMITTEE MEMBERS:** Jeff Coen, Sylvia Ortiz and Elaine Schwartz

Contact: Angela Horn, City Council Assistant  
785-368-1671

May 13, 2016



# CITY OF TOPEKA

CITY COUNCIL COMMITTEE  
MEETING MINUTES

## PUBLIC HEALTH AND SAFETY

**CITY COUNCIL**  
City Hall, 215 SE7th Street, Suite 255  
Topeka, KS 66603-3914  
Tel: 785-368-3710  
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[www.topeka.org](http://www.topeka.org)

Date: November 18, 2014

Time: 4:45 p.m.

Location: Council Chambers

Attendees: Denise Everhart (Council Member), TJ Brown (Council Member), Sylvia Ortiz (Council Member), Jim Colson (City Manager), Mary Feighny (Deputy City Attorney), James Brown (Chief of Police).

1. Meeting was called to order by Councilmember Everhart.
2. Councilmember Everhart nominated Councilmember Sylvia Ortiz as committee chairperson. Councilmember TJ Brown seconded the nomination. Motion to approve; passed 3-0.
3. Discussion and possible action on AN ORDINANCE introduced by Councilmember Michelle De La Isla concerning public nudity and creating new City of Topeka Code Section 9.45.110. Chairperson Sylvia Ortiz asked to go straight to public comments. Peg Dunlap and Ruth Schoonover asked to speak.

Peg Dunlap strongly urged Council to recommend no action on the proposed ordinance. Ms. Dunlap stated that it is unwise for public policy to be made based on an isolated incident. The way the ordinance is drafted sets the City up for many unintended consequences. The definition of public place is extremely broad and would put in jeopardy art studios that might use unclothed models and performing arts venues. Ms. Dunlap does not think Topeka needs this ordinance and stated that we have many issues in Topeka that are extremely important to address and this is not one of them. Ms. Dunlap has heard the objection that parents do not want to have to explain public nudity to their children, or have them exposed to it. Ms. Dunlap said there are a many number of things that parents do not feel comfortable explaining to their children; nonetheless, it is a parent's job to do so, and she does not think this is a reason to pass this ordinance. Councilmember Brown asked for Ms. Dunlap's response to how she thinks a parent should respond to their children if another public nudity incident occurs without this ordinance being passed. Ms. Dunlap reiterated that there are a number of things that parents have to address with their children, before they might be comfortable or ready to do so, and that we cannot possibly create ordinances to cover them all. Councilmember Brown reminded Ms. Dunlap that the issue at hand is public nudity and he would like her to respond only on that subject. Ms. Dunlap repeated that she does not feel that there is a public nudity issue in Topeka and that one instance should not warrant an ordinance being passed.

Ruth Schoonover stated that she and many other citizens in the community are in favor of this ordinance. They feel that one incident is more than enough to warrant passing this ordinance. She wants the police to be able to take the person off of the street to be transported to a mental or drug

facility. Ms. Schoonover pointed out that Wichita and Hutchinson have addressed this issue by passing a Public Nudity Ordinance, and she doesn't understand why Topeka would not do the same. She feels that one incident is one too many, and you don't forget seeing something like this. She does not want to be forced to explain to her grandchildren why public nudity is allowed in Topeka.

Chairperson Ortiz opened the discussion to the committee members and other attendees.

Councilmember Everhart stated that she believes we probably have adequate ordinances and laws in place to allow Police to address the issues, and therefore, she does not support this ordinance.

Councilmember Brown asked Deputy City Attorney Mary Feighny to discuss public nudity in other places and how the ordinance would affect that? Ms. Feighny stated that it would depend on the nature; art studios, etc. do not qualify as a public place. Ms. Feighny stated that a public place is somewhere that anyone can walk into at any time and not by invitation only. She believes that the current definition of public places would encompass many of the places that Ms. Dunlap mentioned.

Councilmember Brown stated that it is his understanding that legal counsel reviewed the ordinance carefully when it was drafted, and asked Ms. Feighny if she is still confident that there are no unintended consequences in the ordinance as it stands. Ms. Feighny declined to answer due to lack of clarification on what unintended consequences are defined as.

Chairperson Ortiz asked Ms. Feighny if this ordinance would prohibit women from breastfeeding in public. Ms. Feighny confirmed that it would not.

Chairperson Ortiz asked if incidents of public nudity mostly occur with the mentally ill. She wants to sort out what kinds of problems we really have. Is it a public nudity problem, or a mental illness problem? Councilmember Ortiz stated that she feels confident that the Police Department can stop anyone for probable cause and that public nudity would already fall under that.

Chairperson Ortiz also asked if the ordinance is passed, would it prohibit a nude person from being near a school. Ms. Feighny indicated that this ordinance would not address that specifically, but that schools are considered a public place which is covered in this ordinance.

Chairperson Ortiz asked for clarification on the age restrictions for a person to be allowed to be nude in public. Ms. Feighny responded that anyone ten years of age and younger are not affected by this ordinance.

Chairperson Ortiz asked Chief Brown to speak on his opinions of the ordinance. Chief Brown stated that he feels there are already adequate laws in place that address public nudity. In the past 60 days he is not aware of any calls on public nudity issues that are specific to this ordinance, but will poll his officers and report back to the City Council with his findings.

Motion of no recommendation was made by Deputy Mayor Everhart. Vote passed 3-0.

Meeting adjourned at 5:05 p.m.

50



City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
www.topeka.org  
May 10, 2016

DATE: May 10, 2016  
CONTACT PERSON: Bill Fiander, Planning Director DOCUMENT #:  
SECOND PARTY/SUBJECT: PROJECT #:  
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 130 Streets, Sidewalks, Public Places, and Other  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #: 2016  
PAGE #:   
*referred to PHS Committee 5/10/16*

**DOCUMENT DESCRIPTION:**

AN ORDINANCE introduced by City Manager Jim Colson, concerning bicycles, roller skates, skateboards, repealing Topeka Municipal Code Sections 10.20.020 and 10.60.410, amending City of Topeka Code Section 10.35.010 and repealing original section, and creating new Sections 10.35.020 and 10.35.030.

*(Approval would clarify areas reserved exclusively for bicyclists, roller skaters, skateboards and pedestrians as well as prohibit bicycles, roller skates, and skateboards on sidewalks, public parking lots/garages and pocket parks in certain areas downtown.)*

**POLICY ISSUE:**

Whether to prohibit bicycles, roller skates, and skateboards on sidewalks, and pocket parks in the area bounded by 4th Street, 11th Street, SW Jackson and SE Quincy Streets.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to adopt the ordinance.

**BACKGROUND:**

This ordinance would update sections of the Code related to the safe use of sidewalk facilities for downtown and on multi-use paths. Currently, the areas reserved exclusively for bicycles and pedestrians include the top of the Oakland Unit levee and the Shunga Trail. This ordinance would expand the area to include all multi-use paths identified in the Topeka Bikeways Master Plan and clarify that motor vehicles are prohibited, except for governmental purposes. The Bikeways Advisory Committee (BAC) supports this recommendation.

Bicycling is allowed on sidewalks throughout the city, except for the downtown central business district which

includes the area bounded by Tyler Street, Madison Street, Second Street and Huntoon Street.

The proposed ordinance would substantially reduce the prohibited area downtown to 4th, 11th, SW Jackson and SE Quincy. The prohibition would include roller skating and skateboarding on sidewalks, public parking facilities and pocket parks. City staff has been advised that skateboarding has damaged some of the amenities in at least one pocket park. Violation would be a criminal misdemeanor punishable by a fine determined by the municipal court. The BAC support reduction of the bicycle prohibition area but recommends a smaller 'dismount zone' along Kansas Avenue between 4th and 11th Streets.

**BUDGETARY IMPACT:**

There is no budgetary impact the City.

**SOURCE OF FUNDING:**

Not applicable

**ATTACHMENTS:**

**Description**

Ordinance

Summary of Current Ordinance

Summary of Changes

Bike Zone Downtown

Bikeways Advisory Committee Meeting

1 Published in the Topeka Metro News \_\_\_\_\_ )

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 AN ORDINANCE introduced by City Manager Jim Colson, concerning bicycles, roller  
6 skates, skateboards, repealing § 10.20.020 and §10.60.410,  
7 amending City of Topeka Code § 10.35.010 and repealing original  
8 section, and creating new § 10.35.020 and § 10.35.030.

9  
10 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

11 Section 1. That section 10.20.020, Bicycle Trail, of The Code of the City of  
12 Topeka, Kansas, is hereby repealed.

13 **Bicycle trail.**

14 ~~(a) The areas described in this section shall be reserved for exclusive use by~~  
15 ~~bicycles and/or pedestrians:~~

16 ~~(1) The top of the levee system known as the Oakland Unit of the~~  
17 ~~Topeka flood protection project, in such areas specifically designated and~~  
18 ~~marked by appropriate signs, such signs to be installed by the city.~~

19 ~~(2) The Shunga Bicycle/Pedestrian Trail, in such areas specifically~~  
20 ~~designated and marked by appropriate signs at the trail entrances, such signs to~~  
21 ~~be installed by the city.~~

22 ~~(b) No motor vehicles shall be driven in the area designated by this section~~  
23 ~~except authorized maintenance vehicles of the city. Bicycles shall be ridden only upon~~  
24 ~~the top of the levee system and on designated areas of the Shunga Bicycle/Pedestrian~~  
25 ~~Trail. Bicycles shall not be ridden on the face of the levee.~~

26 Section 2. That section 10.35.010, Riding on sidewalks regulated, of The  
27 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

28 **Riding on sidewalks regulated**Definitions.

29           ~~(a) No person shall ride a bicycle upon a sidewalk within the central business~~  
30 ~~district.~~

31           ~~(b) The traffic engineer is authorized to erect signs on any sidewalk or roadway~~  
32 ~~prohibiting the riding of bicycles thereon by any person, and when such signs are in~~  
33 ~~place, it shall be unlawful for any person to disobey such sign.~~

34           ~~(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall~~  
35 ~~yield the right-of-way to any pedestrian, and shall give audible signal before overtaking~~  
36 ~~and passing such pedestrian.~~

37           ~~(d) No person riding a bicycle on a sidewalk shall travel at a speed greater than~~  
38 ~~is reasonable and prudent under existing conditions.~~

39           ~~(e) This section shall not apply to a law enforcement officer engaged in the~~  
40 ~~performance of his official duties.~~

41           As used in this chapter, the following definitions shall apply:

42           (a) "Bicycle" means every device propelled by human power upon which a  
43 person may ride, having two or three tandem wheels.

44           (b) "Electric personal assistive mobility device" means a self-balancing two  
45 non-tandem wheeled device, designed to transport only one person, with an electric  
46 propulsion system that limits the maximum speed of the device to 15 miles per hour.

47           (c) "Pedestrian" means:

48                 (1) any person afoot;

49                 (2) any person in a wheelchair, either manually or mechanically  
50 propelled, or other low powered, mechanically propelled vehicle designed  
51 specifically for use by a physically disabled person; or

52                   (3)    any person using an electric personal assistive mobility device.

53                   (d)    "Pocket park" means an area for public leisure that may include green  
54 space, educational displays, public art, medallions, sculptures, benches, fountains,  
55 miniature trains, pavilions and statues.

56                   (e)    "Public parking facilities" means parking lots and garages owned or  
57 operated by the city.

58                   Section 3.    That The Code of the City of Topeka, Kansas, is hereby amended  
59 by adding a section, to be numbered 10.35.020, which said section reads as follows:

60                   **Areas reserved for bicycles and pedestrians.**

61                   (a)    The areas described in this section shall be reserved for exclusive use by  
62 pedestrians and any person who rides a bicycle, skates or uses roller skates,  
63 skateboards, roller blades or other similar devices :

64                   (1)    The top of the levee system known as the Oakland Unit of the  
65 Topeka flood protection project and in such areas specifically designated and  
66 marked by appropriate signage.

67                   (2)    Regional multi-use trail segments located within the city and  
68 identified in the Topeka Bikeways Master Plan and amendments thereto.

69                   (b)    No motor vehicles shall be operated in the area designated by this section  
70 except vehicles used for governmental purposes.

71                   Section 4.    That The Code of the City of Topeka, Kansas, is hereby amended  
72 by adding a section, to be numbered 10.35.030, which said section reads as follows:

73                   **Bicycles, roller skates and skateboards; prohibited areas.**

74           (a) It shall be unlawful for any person to ride a bicycle, skate or use roller  
75 skates, skateboards, roller blades, or other similar devices in the following areas:

76           (1) public sidewalks and pocket parks in an area bounded by 4<sup>th</sup> Street,  
77 11<sup>th</sup> Street, Southwest Jackson Avenue and Southeast Quincy Avenue; and

78           (2) public parking facilities.

79           (b) Any person who rides a bicycle or uses roller skates, skateboards, roller  
80 blades, or other similar devices on a public sidewalk shall:

81           (1) yield the right-of-way to pedestrians and give an audible signal  
82 before overtaking and passing pedestrians; and

83           (2) travel at a speed that is reasonable and prudent under existing  
84 conditions.

85           (c) This section shall not apply to a law enforcement officer engaged in the  
86 performance of official duties.

87           Section 5. That section 10.60.410, Use of skateboards, roller skates, or  
88 bicycles prohibited, of The Code of the City of Topeka, Kansas, is hereby repealed.

89           **Use of skateboards, roller skates or bicycles prohibited.**

90           ~~It shall be unlawful for any person other than a law enforcement officer in the~~  
91 ~~performance of his official duties to use or operate any skateboard, roller skates or~~  
92 ~~bicycle at any time within any municipal parking stations owned and/or operated by the~~  
93 ~~city. A person convicted of violating this section shall be deemed guilty of a~~  
94 ~~misdemeanor and punished in accordance with city ordinances.~~

95           Section 6. That original § 10.35.010 of The Code of the City of Topeka,  
96 Kansas, is hereby specifically repealed.



**SUMMARY OF CURRENT CITY ORDINANCES THAT ADDRESS/CAN BE USED  
TO CURTAIL HARASSMENT OF PEDESTRIANS AND BICYCLISTS**

If someone:

- (1) Throws an object at or in the direction of a pedestrian or bicyclist for the purpose of frightening, disturbing or injuring that person.....

UPOC 3.1 Battery (B misdemeanor)

- (a) Knowingly or recklessly causing bodily harm to another person;
- (b) Knowingly causing physical contact with another person when done in a rude, insulting or angry manner

UPOC 3.3 Assault (C misdemeanor)

- (a) Knowingly placing another person in reasonable apprehension of immediate bodily harm.

If someone:

- (2) Threatens any pedestrian or bicyclist for the purpose of frightening or disturbing that person.....

KSA 21-5415 Criminal Threat (Level 9 felony)

- (a) A criminal threat is any threat to:
  - (1) Commit violence communicated with intent to place another in fear or ... in reckless disregard of the risk of causing such fear...

If someone:

- (3) Sounds a horn, shouts or otherwise directs sound toward a pedestrian or bicyclist for the purpose of frightening or disturbing that person.....

UPOC 9.1 Disorderly Conduct (C misdemeanor)

Disorderly conduct is one or more of the following acts that the person knows or should know will alarm, anger, or disturb others or provoke an assault or other breach of the peace:

...

- (c) Using fighting words or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

STO 174 – Horns and warning devices (infraction)

- (a) The driver of a motor vehicle shall when reasonably necessary to insure safe operation shall give audible warning with his horn, **but shall not otherwise use such horn** when upon a highway.

If someone:

- (4) Knowingly places a pedestrian or bicyclist in apprehension of immediate bodily harm.....

UPOC 3.3 Assault (C misdemeanor)

- (a) Knowingly placing another person in reasonable apprehension of immediate bodily harm.

STO 29 Reckless Driving (C misdemeanor)

- Any person who drives any vehicle in willful or wanton disregard for the safety of person or property is guilty of reckless driving.

If someone:

- (5) Knowingly engages in conduct that creates a risk of death or serious physical injury to a pedestrian or bicyclist.....

UPOC 10.10 Endangerment (A misdemeanor)

- Endangerment is recklessly exposing another person to a danger of great bodily harm or death.

STO 29 Reckless Driving (C misdemeanor)

- (a) Any person who drives any vehicle in willful or wanton disregard for the safety of person or property is guilty of reckless driving.

TMC 10.20.100 Inattentive, negligent or unsafe driving (infraction)

- (c) Unsafe driving. No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or safety of others, or in such a manner as to endanger, or be likely to endanger, any person or property.

# Summary of Changes to Ordinances Addressing Bicycles, Skateboards, Roller Skates and Pedestrians

	<i>Bicycles</i>		<i>Skateboards and Roller Skates</i>		<i>Pedestrians</i>		<i>Motor Vehicles</i>	
	CURRENT	PROPOSED	CURRENT	PROPOSED	CURRENT	PROPOSED	CURRENT	PROPOSED
 <i>Sidewalks</i>	Allowed on sidewalks, except for central business district (see yellow lines on Bicycle Dismount Zone Map)	Allowed on sidewalks, except on sidewalks and pocket parks in certain downtown areas marked in red on the Bicycle Dismount Zone Map	No prohibition	Prohibited on sidewalks and pocket parks in certain downtown areas marked in red on the Bicycle Dismount Zone Map				
<i>Oakland Levee Unit</i>	Allowed on top of Oakland Levee Unit and in any other levee areas marked by signs	Allowed on top of Oakland Levee Unit and in any other levee areas marked by signs	Not addressed	Allowed on top of Oakland Levee Unit and in any other levee areas marked by signs	Allowed on top of Oakland Levee Unit and in any other levee areas marked by signs	NO CHANGE	Prohibited on top of Oakland Levee Unit unless city maintenance vehicle	Prohibited unless vehicle used for governmental purposes (e.g. police, fire, maintenance)
<i>Trails</i>	Allowed on Shunga Bicycle/Pedestrian Trail.	Allowed on trail segments identified in the Topeka Bikeways Master Plan	Not addressed	Allowed on trail segments identified in the Topeka Bikeways Master Plan	Allowed on Shunga Bicycle/Pedestrian Trail.	Allowed on trail segments identified in the Topeka Bikeways Master Plan	Prohibited on Shunga Bicycle/Pedestrian Trail unless city maintenance vehicle	Prohibited unless vehicle used for governmental purposes (e.g. police, fire, maintenance)
<i>City parking lots and garages</i>	Prohibited in city parking lots and garages	NO CHANGE	Prohibited in city parking lots and garages	NO CHANGE				



Minutes of the  
Topeka Bikeways Advisory Committee



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**Minutes from May 14, 2015**

**Item: Biking on Sidewalks Downtown**

Mr. Scroggins explained that in meetings with Public Works and others, Mr. Bill Fiander noted that bike racks are being installed as part of the re-development of Kansas Avenue. It was pointed out that bicycling is not allowed on sidewalks in the Business Improvement District and there should perhaps be signs posted stating as much. It was then suggested that the disallowance of bicycling on sidewalks be re-addressed.

Mr. Vince Frye stated that from a safety standpoint, he has seen people exit a business and someone rides by, or when pulling out of a parking lot a bicyclist nearly hit or was nearly hit by a vehicle.

He pointed out that the street is being narrowed, allowing for more walkability, more outside dining, etc. There will be a 5' buffer between where cars back out and get into the lane of traffic. It's not a bicycle lane but it is a buffer so there is some safety for cyclists. The desire of downtown business owners is to not have cyclists on the sidewalks. He realizes the definition of downtown is broad, but at least on Kansas Avenue it would be the preference.

Ms. Hiller explained that the 2013 discussions included changing the speed limit to read "reasonable and prudent" but they did not address changing the rule against riding on sidewalks in the downtown business district.

It was suggested that the no-bikes on sidewalks area be changed to just Kansas Avenue from 10<sup>th</sup> or 12<sup>th</sup> to 6<sup>th</sup>.

Mr. Kris Tilford stated he knows many cyclists who ride on the sidewalks downtown and bring business to the district. He believes the law should be changed.

Mr. Fry stated that we need to protect the businesses and Ms. Hiller stated we need to make it clear whether people can ride their bike to the bike racks or whether people need to dismount and walk their bikes to the racks. Bike racks will go in this fall. The question from Public Works was whether to put up signs; previous discussions were reviewed and Mr. Fry pointed out that there are positive ways to address it rather than "no bikes".

Ms. Hiller stated that what she was hearing from the group was that there shouldn't be bikes allowed on the sidewalks on Kansas Avenue and either side of Kansas Avenue. Mr. Fry stated that sounded reasonable. Mr. Krummins stated that cyclists would bring a lot of business downtown and the "reasonable and prudent" speed limit rule takes care of people speeding along too fast.

Ms. Hiller suggested that the ban be dropped altogether while educating that it's better and safer to ride in the street.

It was asked whether skateboards would continue to be banned. Consensus was that skateboards are addressed outside of the bike ban and should remain banned.

Ms. Hiller confirmed that if a change is desired, she would introduce it to City Council. She stated it's important to know what Chief Brown's thoughts are on the subject. If bikes are allowed on the sidewalk, safety and etiquette could be addressed in the PSA videos, reminding riders of the 5' buffer and that it's safer to ride on the street than the sidewalk and safer to ride two abreast.

Some possible catchphrases: Ride the Road / When in Doubt, Walk It. Idea for PSA have police riding two abreast in street saying it's safer to ride two abreast and on the street.

Mr. Fry stated that we want to be sensitive to businesses, but at the same time simplicity is important.

Mr. Vince Frye stated something to consider is that with Bike Share, there will be more bikes downtown and more inexperienced riders. There will also be pocket-parks, pavilions, fountains, and more pedestrians and things to maneuver around. It's not necessarily experienced cyclists that are the problem, but rather those that are inexperienced. Sean Blake commented that he recently took out a Bike Share bike and, as someone not accustomed to riding, was nervous about what to do.

The ability to ride around the capital was discussed and Mr. Fry stated the he feels that if the ban is not eliminated entirely, it would be prudent to perhaps isolate it to several blocks of downtown proper / Kansas Avenue.

Ms. Hiller reminded the group that if the ban remains, it would be illegal to ride your bike to the bike rack. She stated that the issue is two-sided for the police: what is legal and then what are they going to ticket? Mr. Tilford stated that if you start ticketing bikeriders, it will discourage riding and cyclists who have negative experiences downtown won't shop there. Ms. Hiller stated the rules need to be meaningful and enforced or removed.

The group concurred that "reasonable and prudent" combined with "when it doubt, walk it" helps assure people can use their best judgment depending on pedestrian traffic. Topeka Metro busses could also be used to share the catchphrases.

### **Minutes from July 9, 2015**

#### **Item: Biking on Sidewalks Follow-up**

Discussion was had and it was agreed that bikes should not be allowed on the sidewalks in the Downtown area, to be defined as Kansas Avenue from 6th – 10th, perhaps going 4th or 5th – 10th, or 11th. Planning staff will contact Vince Frye and Jamie Green (PD) for their input.

Planning staff will continue to look at positive etiquette signage. Something in-laid would be the preference of the BAC.

### **Minutes from August 13, 2015**

#### **Item: Biking on Sidewalks Downtown Follow-up**

Ms. Ricketts addresses that the city's Municipal Code states that there is no riding on sidewalks within the Central Business District. The city has proposed to condense this area and prohibit riding on sidewalks along Kansas Avenue, between 4<sup>th</sup> and 11<sup>th</sup> street.

General consensus from the group on the designated area

Won't move on the project until a package with signage and ordinance is available for the council to vote on. Discuss at next month's BAC meeting.

## **Minutes from October 8, 2015**

### **Action Item**

Bicyclists and pedestrians on the levees ordinance were suggested to add the Trails and Greenways Plan in section b2.

Riding on sidewalks ordinance was approved by the BAC. Motioned by Karl Fundenberger and seconded by Ralph Krumins to approve Riding on Sidewalks, September 22 version as amended. No discussion.

## **Minutes from November 12, 2015:**

### **Action Item**

Bicyclists and pedestrians on the levees ordinance was said to be an update. It was passed by the BAC moved by Andy Fry and seconded by Bill Riphahn to advance the ordinance. It was agreed that Mr. Fiander would ask the ADA advisory board and legal to review prior to presenting at City Council and possibly county.

## **Minutes from January 14, 2016**

### **Item: Legislation/ADS Follow-up**

Carlton stated that he had shared the verbiage in the [bicyclists and pedestrians on levees] legislation that describes ADA definitions with Mike Oxford, director of Topeka Independent Living Resource Center (TILRC), and that Mike was comfortable with the language as written. Mr. Fiander stated that the legislation would go to the Policy Board on January 21st.. He also stated that the legislation would also be reviewed by Rich Eckert at the County, as suggested by Bill Riphahn.

## **Minutes from March 10, 2016:**

### **Item: Legislation Update**

DTI has suggested addressing skateboarders on sidewalks within the riding on sidewalks legislation item. Also, the issue of police riding on the sidewalk was brought into question. Will be on council agenda for discussion at the beginning of May.

## **Minutes from April 14, 2016:**

### **Item: Bicycle/Skateboarding Ordinance**

Ralph asked if DTI wanted to exclude skateboards from the entire downtown or just from the pocket parks, and if it was because of the damage being done by skateboarders. Vince expressed that the DTI body felt that it was a safety issue as well as damage to property done by skateboarders, and that it was not just in pocket parks. Vince went on to describe specific damage. Bill R. asked who owned the properties in front of buildings downtown, and who was liable for any injury suffered on the property. Mary stated that it is public property and basically owned by the city, and that persons cannot be banned from public property.

Karen suggested that dismount signs may be appropriate to discourage skateboarding on sidewalks downtown. A discussion ensued about possible measures that could be taken to discourage skate boarders from being downtown, including lighting vs. no lighting, and signs.

Karen asked the Committee if they were okay with the zone remaining as previously suggested by the committee, which was 4th to 11th on Kansas Ave. only, or if there was any desire to change the zone. Vince Frye discussed DTI's desire and reflected on a conversation that he had with Bill Fiander regarding the zone's boundaries. 6th to 10th streets on Kansas Ave was the

initial boundaries they discussed, however, Vince relayed that the desire of the DTI body was 6th to 10th streets from west side of Quincy to the East side of Jackson, as those are the boundaries of the Historic District. Karen reminded everyone that the BAC's desire was from 4th to 11th street along Kansas Ave. only.

Karen stated that we should remember that skateboarders also use their skateboards for transportation, and that it may not be practical for them to dismount so far from their destinations. She also stated that state law defines skateboarders as pedestrians.

Andy asked if there were existing ordinances that prohibit skateboarders from riding on sidewalks downtown aside from changing the legislation at hand. Mary replied that there were not. He also asked if one could be viewed as loitering downtown. Mary said that there were no "loitering" laws. Andy reminded that skateboarders damaging property was not the focus of this ordinance two months ago when the BAC began make changes to it.

Vince stated that though it was not the focus, the damage to the Westar Energy park brought attention to the problem and other owners began to tell their stories of damaged property due to skateboarders. Vince began to describe damage done by skateboarders.

Karen reminded that the issue in the beginning was for this group not to have to deal with skateboarders, but in order to avoid separate ordinances we agreed to look into combining them into one. A discussion ensued about stories of people using the downtown responsibly as well as not so responsibly. It was stressed by BAC members that it would probably not be a good idea to ban anyone from downtown, skateboarders included, especially at a time when we are trying to promote downtown as a place to come and enjoy.

Vince stated that we should think about the future, with a burgeoning downtown with more restaurants and a hotel and more people walking. He suggested that the skateboard issues may only get worse.

Karl suggested, when asked by Karen what he would do, that we not rewrite the ordinance to expand the boundaries and that we should cut the skateboard portion out of the ordinance. Supporting his position with the assertion that we already have property damage laws and cops can already stop people that look suspicious, or who are doing bad things. Therefore he did not feel that we need to discourage anyone from coming downtown by changing this ordinance.

Vince responded by stating that the police chief is very adamant that there are certain individuals that do a lot of skate boarding that are an element that he does not feel we want downtown. He went on to say that the chief has suggested that we have an ordinance that bans skateboarding downtown.

Bill asked if we should separate the ordinance so that it goes back to what originally came from the BAC, and have a separate ordinance that deals with skateboarding. He reminded that this is the bike committee and our focus was on bicycles on sidewalks. He reiterated that the original BAC recommendation was no bikes between 4th to 11th streets on Kansas Ave. only.

Karen opened the floor for a motion to change the BAC's original recommendation of banning bicycles on Kansas Ave. between 4th and 11th streets. No motion for change was made. Discussion was closed. Karen stated that this meant that this body did not want to add verbiage to this ordinance that relates to skateboards.

Vince asked if there was another ordinance on the council agenda regarding skateboarders downtown. Mary said that there was not. Karen reminded that it was only going as part of the BAC's recommended changes, and now it will not be a part of the BAC's recommendations; however someone else may bring it forward separately.