

JOINT PUBLIC AFFAIRS/EXTERIOR PROPERTY MAINTENANCE COMMISSION MINUTES

MAY 24, 2010

The meeting was called to order by Chairman Groat at 6:00 p.m.

MEMBERS PRESENT: Public Affairs Committee --- Deborah Groat, Tracy Richardson
EXCUSED: Henk Berbee

MEMBERS PRESENT: Exterior Property Maintenance Commission --- Tom Sawyer, John Cunningham, Deb Bingham, Eric Moulton, Peter Griffin

OTHERS PRESENT: Jillian Froment, Ryan Horns (Journal Tribune)

The second agenda item was moved to the first agenda item. Ms. Groat asked Ms. Froment to explain the Home Maintenance/Beautification Recognition Program.

Ms. Froment explained that over the last year and half, Administration did quite a few planning activities together with City Council and the Mayor involving the public. One of the largest was the Comprehensive Land Use Plan. During that process, staff engaged the citizens to ask them what was important to them about the city and how we wanted to evolve as a City in the future. Almost unanimously, advocates said that one of the things that was very important was property maintenance; that we had a great city but in some places, some neighbors were right next door to areas that weren't as well maintained as they should be. That reflects on the neighborhood, on property values and the city as a whole. Staff is cautious when it comes to property maintenance because people have very specific ideas about the buildings and land that they own. It was very clear to staff that as a City, we need to start looking at these property maintenance ideas. From a government organization point of view, we are looking around at those things that are most evident, that are "low-hanging fruit" and trying to begin a very friendly process with certain members of the public to encourage their participation in making sure their property meets property code. No new property codes are being implemented now. City is just asking people to start coming into compliance.

City has always looked at tall grass. That becomes a health risk at a certain point because of rodents, etc.

As a city organization, there is an actual Exterior Property Maintenance Code section of the law, which is enforced by the city. The Zoning Inspector, Barb McCoy, has the responsibility to go throughout the city and ensure that these sections of the code are being upheld. This process starts out with a friendly letter letting them know about the possible violation of code. A notice is then sent, and then ultimately an order has to be adhered to, to address their property.

This section of the code creates Exterior Property Maintenance Appeal Board and gives the Board the opportunity to work with property owners to find a mutually agreeable timeline and opportunities for them to correct their issues. This Appeal Board will bring that reasonable-person standard into play. If someone gets a letter from the city and they don't agree or don't have the funds or they don't have the time under the law to get that done, staff will make a suggestion that they appeal to this Board. With the Board's collective common sense and reading of the law, help staff to work with that individual and tell staff that they were wrong as a city to have cited them or help mediate and become that intermediary to find something that makes sense. The Commission has flexibility under this law that the staff does not have. It gives the Commission the right to extend their deadline and/or tell the staff they were wrong. It can be very rewarding because the Commission gets to help someone who otherwise would be in a tight spot, but it can be a very difficult job too because your neighbor could be in front of you. Ms. Froment gave some examples from the code that the inspector looks for, unlicensed or junk vehicles, storage of recreational vehicles, campers or boats stored long term in the driveway, front-yard parking, trimming of trees or shrubbery, especially when it comes to blocking vision on a street, tall grass and weeds, signs and billboards, maintenance of exterior structures, store fronts, awnings and marquis. This particular group will actually start coming into play as city starts going down this path. City needs to ramp up enforcement.

City wants to also recognize people for doing a good job and encourage others to want to be part of those who are recognized as doing a really great job. That's the Beautification Program. That's the extension of property maintenance enforcement, trying to create a program that also highlights people who are doing an outstanding job in two ways; either they always do a beautifully maintained area or the second category is property enhancement. They've taken an effort to go forth and improve their property. Staff felt this Commission would be the best group to be involved in this program because not only do you deal with the negative aspect of it, but you get to recognize people as well.

Mr. Sawyer commented that it's in the city's best interest to portray that image themselves on their properties as their responsibilities. He gave an example of Rt. 36 entryway. He considers that to be the gateway to the city. He doesn't feel the city does a very good job of keeping that up in terms of mowing, weed control, etc. "It behooves us maybe on certain places like that to spend a little more time and effort than we might on some other places if there has to be a choice made." He said all of this applies to the city as well as to the residents.

Ms. Froment said the city schedules their work, but it's balanced with things like the cemetery, ball fields, etc. The mowing is handled by Buildings and Grounds and some personnel from the Streets Department.

Mr. Sawyer suggested the head of that department prioritize those projects. Ms. Froment said they do that now.

Mrs. Richardson noticed in general, maintenance has gone down hill and part of the reason for that has been the limitations with funding. She said she has seen something really manifest in the last month or two and she wonders if what Mr. Sawyer is suggesting has been a trend or something just noticed particularly this spring. Personally, Mr. Sawyer feels it's been that way since day one in that area.

Ms. Froment said the city is cautious about what they do in that area because of anticipated improvements to that area within the next five years, which will potentially tear down trees, etc. She noted Mr. Sawyer's concern.

Ms. Groat introduced Connie Patterson as administrative support for the Exterior Property Maintenance Commission. If the Commission wants to recommend any code changes, they should bring them to Public Affairs Committee for review, and if they agree with the code changes, Public Affairs will sponsor the legislation.

Ms. Groat added that for the first year, Council has some Public Relations funds available for awards within reason, but they are limited. Funds will have to be approved. Future funds will have to be budgeted through Engineering.

A staff person will always be at the Appeal meetings to represent the City.

Ms. Groat passed on a couple of suggestions from a Councilman for the Commission to consider. One was to consider more awards throughout the year. Another suggestion was to stagger the term expirations of the Commission. The code states that appointments are for three years and does not spell out staggering

the terms when appointed. It will take a code change to get the terms staggered. Public Affairs would be glad to sponsor the legislation for that amendment.

Mrs. Richardson shared some of her thoughts on the Beautification Program. There was a suggestion for a garden stone versus a sign. The Commission must make that decision, but she recommends that the stone is a great idea, but it must be elevated so that it can be seen. When you think of a garden stone, you think of it flat on the ground. That's not letting the public who drive by aware of the recognition. A sign is not her preference but believes it would be more visible to the public.

Also, after reviewing information from other cities, there was a picture of the property on the award certificate. That may be something the Commission may want to consider.

The judging criteria should be something that the Commission takes a closer look at to make sure it's a functioning tool for them.

Ms. Groat cautioned to keep an eye to appropriate use of city funds when it comes to this program. Ms. Froment said when the City does enforcement, there are fines associated with that. Those fines go into the General Fund and that's where this money would be coming from, not income tax dollars. Those fines also help reimburse the zoning enforcement person's work. Ms. Froment added that the City has a sign production area, which may mean very limited costs associated with that.

Public Affairs turned the meeting over to the Exterior Property Maintenance Commission and adjourned at 6:30 p.m.

Ms. Froment called the Exterior Property Maintenance Commission to order and opened up the floor for nominations for Chairman for the Exterior Property Maintenance Commission. Mr. Griffin nominated Mr. Cunningham as Chairman. Nominations closed. Affirmative voice vote was unanimous for Mr. Cunningham as Chairman.

Mr. Cunningham opened nominations for Vice Chair. Mr. Sawyer nominated Mr. Griffin. Nominations closed. Affirmative voice vote was unanimous for Mr. Griffin as Vice Chairman.

Mr. Cunningham asked for an update on what information has been dispersed on this Beautification Program and how it was dispersed.

Ms. Froment explained that the tri-fold brochure has been sent out. It's also posted on the City's website. It has been dispersed to the various media outlets and to 411. She noted what is in the packet has been published, so to change anything at this point would cause some confusion if we were to add additional awards.

Three items of information were handed out to Commission members, a brochure, a flyer, which served as a press release, which is an overview of the program and an application/nomination form. What hasn't been distributed is the judging sheet. Categories have been nailed down, Property Enhancement and Beautifully Maintained and the nomination criteria is in place.

The judging sheet is an internal document put together based on what other cities have done. The Commission has the ability to modify this form. When looking at programs from other cities, the same criteria was used from category to category. Staff talked about the criteria being interpreted differently, depending on what you were working on and in what area. For example, Originality of Design. In the Uptown area, you're not afforded a lot of originality of design, so the Commission might want to think about, did it align with the design requirements of the Uptown. Depending on that area, you might want to flush some of these categories out a little more before the packages are distributed. The Commission can expand without contradicting without an issue. It'd be making a change that would contradict the information that might cause confusion, but not insurmountable confusion.

Mr. Cunningham asked if there is a distinction between the application and the nomination process. Response was no. People can self-nominate. Mr. Cunningham asked what happens if someone turns in a nomination form and someone turns in an application form for the same property. Ms. Froment said you would want to clarify the first one that comes in.

Mr. Moulton asked if every ward has a business? Response was yes. Some have more than others.

Ms. Froment said there is also the opportunity to create "Honorable Mention" to recognize other properties.

Mr. Cunningham asked what services from the city are available to this Commission. Ms. Froment said the city has the ability to create signs. She'll have to find out if they can make the type of sign that would be sufficient for this program.

As far as money, the city is shying away from asking people to donate, such as gift certificates. The city typically does not do that because of endorsing one business over another. We also are not looking at giving cash awards.

Knowing that this Commission must deal with appeals, agendas and packets will be involved. Mr. Cunningham asked how often should this group meet? Ms. Froment said a hearing date must be set within 30 days of receipt of the request for a hearing and be given at least five days notice of the meeting date. She's thinking you schedule a meeting when you receive an appeal. It's done this way for the Utility Appeals Board. One other option because this Commission does have some things coming up, is setting a monthly date. If there are agenda items, you hold the meeting, if not, then you cancel it.

Mr. Sawyer said some of the costs may be driven by the winners. It's his opinion that the three different types of awards should be decided upon and the winner should be able to choose the award. We should not force it upon them to stick a sign in their yard. He personally would not want that. He'd rather have a certificate of recognition.

Mr. Cunningham commented that one of the goals of this program is that there be a branding or an awareness by other people in the city that somebody got that award. An individual could decline the award, but in terms of the city's goal of having publicity surrounding this and you want people to know that this person did a good job and the city recognized them. Recognition is important for this program.

Mr. Sawyer doesn't think an individual should decline because they don't like the award. The city is going to get some publicity from the newspaper and that's how the public is going to be informed.

Mr. Cunningham said, with all due respect to Ryan Horns (Journal Tribune), sometimes you don't always get that.

Mr. Griffin asked if this program was going to be held only once this year, not multiple times. Ms. Froment confirmed that there would be only one program this year, see how the program goes, then revisit at a later date. There are potentially

10 awards with this program, two in each ward and two for businesses, because there are two categories.

Mr. Griffin and Mr. Sawyer agree to start small and see what happens with the first program.

Mr. Eric Moulton said for continuity sake about this award, if you have a brand, such as a logo, and each year you somehow change, not the brand, but what its delivered on, you can differentiate from year to year a little bit of whose in what area. You might even look for some local artists that make certain things, such as a bird house, a weathered piece of barn siding, a stone. You need some consistency as to what you are putting on that to build that brand recognition year to year, but change it year to year in terms of what you're delivering it on.

The Commission needs the following information from the staff: types of awards that can be done in-house; maintenance of city property. The Commission should think about the judging sheet.

Mr. Cunningham asked about the timeline they need to work with.

Press items are done for the program. A flyer was sent with the water bill. Some Commission members said it was not included in their water bill. The city has a weekly article in the Journal Tribune that will explain the program. Also plan to get some of the brochures to places around town. Take some to the Chamber and Rotary meetings and other organizations around town. Also get in touch with some of the Homeowner Associations. This information was also put on 411.

Future meetings of this Commission will be held on the 4th Monday of each month at 7:00 p.m. or as needed. The next meeting will be held on June 28th at 7:00 p.m. in Council Chambers. Judging criteria will be discussed.

Mr. Sawyer has an issue with the Code relating to decisions rendered by the Commission and the number of votes it takes to make a decision. The Code states "Any decision rendered by the Commission must be made by affirmative vote of majority of quorum. A quorum of the Commission represents at least three of the five members." That means that if there is a quorum (3 members), two people could make a decision. That means that possibly on a regular basis two of the members out of the five could make binding decisions. He finds that very objectionable. Mr. Cunningham stated that the converse of that is that other one

person is also making a decision and then you are empowering that one person to make a decision for the group, which is not applicable either.

Mr. Griffin suggested that we leave it as is and if we see it's a major problem, we can readjust it at that time. Mr. Sawyer agreed.

Clerk Patterson informed the Commission that this is a public body and all meetings must be advertised and are open to the public. She will assist this commission with meeting preparation. Packets containing the agenda and any additional information relative to the meeting will be mailed a week in advance of the meeting. Clerk Patterson will get each member a contact list for this Commission. She requested members' email addresses in order to communicate via email from time to time. Clerk Patterson offered her assistance in doing research for any of the members.

Mr. Moulton asked if the city has any events planned between now and when the Commission would be voting on some of these beautification projects? Mr. Cunningham said there is an Uptown BBQ. Mr. Moulton suggested having the Beautification flyers available at the event. Mr. Cunningham said the Uptown Renewal Team is going to have a booth at this event, so they'd be glad to display the Beautification Program material.

Mr. Cunningham cautioned the members of this Commission that when you do get an email, you cannot have conversations via email, no round-robin discussions on issues pertaining to the business of the Commission. You can put out a comment, but you cannot go back and forth in conversation.

Get any ideas to Clerk Patterson.

Meeting adjourned at 7:00 p.m.