

PLANNING COMM.

TO RECORD:

CHANGE OF ZONE #3350

I used to work for City offices more than 30 years ago and I've tried to keep in touch with their problems and processes over those years – even occasionally taking an active part when I thought I might offer some positive influence.

In all those years I can't remember a single action that stank so completely of concession to the special interest of so few at the expense of the whole rapidly growing city and its future opportunities at improvements. Worse yet, this concession was achieved by a coordinated mass violation by auto dealers of existing city codes and statutes in the face of public well-being and safety. A concession that was orchestrated to take place just weeks before modern design standards could emerge from the pipeline of city agencies and have a positive effect on our major urban transportation corridors. The fact that an ex-city attorney with the skill to grease the wheels of the process in bringing the bagful of public concessions forward while dangling the carrot of ease of administrative enforcement does not make the stench any less.

In the beginning, the recurring plea was "visibility" at a single West "O" Street location. The fact that a block-long, 8' stockade fence went up there later proves that visibility was never the real issue. This isolated, below the radar action put up a smoke screen for the city-wide changes actually being sought.

Other dealers plea "level the field" so we can all survive – they want the minimum possible distance between their product and the face of any possible customer, using some MTV philosophy of sales practices. Later in the halls, these same dealers growl just within earshot of any opponents, "I make more in a year than you'll make in your lifetime," in some 1950s idea of intimidation. Make no mistake – a 6' set-back is a 1950s idea of adequate city planning.

So these few dozen auto dealers all got into a tight group and whined and grunted until they all filled their pants and grunted again until they all filled their business nest all the way to the property lines. Then they said, "You can only change one of us at a time, so that's not fair to the rest. What if we suck up 6' of this stench, call that real good and the City can leave us all alone? Thank you very much.

The dealers can't see the difference between a customer parking the 30' set-back and their sale display being there. Well, I can't see any difference between them being allowed to use 24' of the set-back and being given 24' of new lot depth.

The 30' set-back from the property line is space allowed for the public's safety of movement, aesthetic well-being of all and many yet unknown future needs. Its existence is a known given and a simple cost of doing business on high-speed, heavily traveled urban corridors within a city. I don't want some fool behind me at 45 mph shopping for a car instead of paying attention to driving. Frontage roads are for customers and traffic safety. I don't think endless rows of bumpers are a new form of urban beautification hulking at the edges of our boulevards. Once this public space is gone, it will be many times more difficult to get back.

So what is this space actually worth? Well, it just happens one of the dreaded 4 special permits properties was sold last month. 1301 West "O" – the west lot of Lincoln Dodge. It is nothing but blacktop and lots of good lighting placements. With only 85' of depth and 171' of frontage, this site's uses would have been severely restricted by a 30' set-back. This 14,535 square foot parcel sold for \$880,000. There's probably \$20,000 worth of controlled lighting in place, so let's just knock off \$80,000. At \$800,000, that's \$55 a square foot.

Now, let's multiply this \$55 a square foot times the 24' of set-back being pilfered from the public interest chest. That's over \$1300 per frontage foot in added market value to these H-3 zone auto lots. Increased value generated from nothing – now there's a 1990s idea! Thank you very much.

The site at 700 West "O" where all this started has 199' of frontage so that equals a quick \$260,000 of market value increase. But wait, there's also 107' of double frontage on West "P" Street for another \$140,000 and a grand total of over \$400,000 at this one site. So throwing a wrench into a

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good neighborhood plan that would have benefited everyone and defying city statutes while endangering the public pays a whole lot better than working. Thank you very, very much!

It's also worth noting the main areas affected here are "O" Street from 42nd East to Cotner, 48th Street north from "O" Street to Holdrege, all of Cornhusker Highway from Havelock to West Lincoln and West "O" Street from Salt Creek west to Emerald. This action dumps another layer of visual blight onto these older areas without directly damaging the south side of town, where most auto dealers' real "nests" exist. It makes it easier for those districts' government representatives to support these short-sighted desires of their constituents. It somehow makes concession in face of mass violation of city codes by this small group more acceptable to some south side entities.

What does the public get back for this concession worth \$1300 a frontage foot? Realistically, this minimal "parking lot" landscaping requirement can be nicely done for \$10 or less a frontage foot. Removing excess paving would also be a small cost.

In order to be "equal" and police themselves, a major restraint system of staked down concrete bumpers, chains and poles or some other immovable hazards will be constructed by the dealers. I remember the days when they knew the rules and policed their own selves by word of mouth. Every complaint I've ever turned in to the city was addressed within one or two business days.

The 170 some dealers desire to be treated like the 4 special permits. Well, these special permit sites all have properly aimed, controlled and shielded 100% cutoff luminaries that shut down nightly from 2 AM to 6 AM. It's time all auto lots were lit in such a fashion. Reclaiming uncontrolled lighting "overspill" from their innocent, adjacent residential neighbors will only put more illumination from existing fixtures down within the display areas. This can be accomplished with simple adjustments and bolt-in hoods or shields at an expenditure of \$20 to \$100 per fixture. It is really no more complicated than a straight line and simple geometry calculations. Contractors won't ever do this without being required to do so (as they are with the existing "new only - parking lot" code).

It's time auto lots were no longer allowed to victimize those within the 300 yard range of their 1000 watt, metal halide, whitest of white, uncontrolled glaring luminaries. It denies residents peaceful use of their property, decreases their security being unable to see out any windows "painted" by this glare, and sets up dangerous shadow conditions.

The streets affected I mentioned before amount to about 10 miles of directly adjacent residential properties. That's about 130 square blocks of residents and given the rampant degree of unnecessary overspill commonly occurring, you can double that to 260 square blocks of residences that could be positively affected by the long overdue relief of properly controlled lighting within auto lots.

So, in conclusion, I understand the city may feel somehow legally compelled to relax the 30' set-back because laws are not yet in place to face down this orchestrated challenge. A 15' set-back with 270 degrees of 6' landscape plus 100% cutoff lighting controls and a nightly shutdown – all that would be an equal compromise. Even 15' is still a mistake for Lincoln's future, but not the foolish giveaway that a measly 6' set-back strip is. Give the public who must co-exist with these sites something of value back for such a \$1300 per frontage foot special interest concession. Landscaping is nice if well done and maintained, but effective lighting controls for those living in these areas has more immediate positive impact, is more easily accomplished and certainly long overdue.

This action does not deserve any support except return to Planning Staff for the drafting of lighting controls as the special permit sites employ. In those few weeks, a new Planning Director can have some input, the new urban corridor standards can be functionally in place and reasonably equal compromises can be made in the public's long-term interest, especially those residents adjacent to all these sites throughout the city.

cc COMMISSIONERS
FRAN WIL

Sincerely,
Ron Suil
1010 W. P St
475-8543

SUBMITTED AT PUBLIC HEARING BEFORE
PLANNING COMMISSION BY CRAIG GROAT:
2/20/02

ITEM NO. 4.1 and 4.2: CHANGE OF ZONE 3350
CHANGE OF ZONE 3352
(P.33-Cont'd Public Hearing-3/06/02)

WILSON F. LITKA
BUSINESS TRAW

The Evolution of Law

Chapter One

Law is basically a regulatory device. It is a formalized code of behavior to which all the members of a particular society are urged to conform. Law is created, interpreted, and enforced at the direction of a society's government. It is the government's responsibility to keep the device pertinent to the needs of the people, on-going with respect to change, and strongly enforced. The right to enforce the law includes the right to levy penalties on those who break it.

The purpose of a legal system is to preserve the welfare of a society by introducing an element of control into the daily activities of its citizens. If man were to live in complete isolation, recognizing no superior or authority to which he was responsible, laws would not exist, nor would they be necessary. Citizens living within a society and sharing a common government, however, inevitably come in contact with one another. These social contacts give rise to controversies because each individual has different needs and desires. Some needs and desires are more urgent than others, and some are more crucial to the welfare of the society. The legal regulatory device is a means of prioritizing the needs and desires of individuals in relation to the needs, desires, purposes, and responsibilities of the society as a whole. (Thus, when citizens pay taxes, their own financial needs are prioritized with respect to the financial needs of the society as a whole.)

A society cannot hope to be peaceful and prosperous unless and until each member realizes that he must respect the needs and desires of the others if he would have his own respected. By acting in accordance with this idea, each member contributes to the order and harmony of his society. The family, churches, schools, and an individual's own desire for order and peace all exert their respective influences on the orderly interaction of people in daily activities. Practically speaking, however, these means of control are not forceful enough to induce the desired degree of restraint and cooperation. It is the job of the legal system, therefore, to define specifically the rights of individuals, the duties of

individuals to one another and to society, and, likewise, the rights of society and its duties to its citizens. Having made these distinctions, it is then the responsibility of the system to see that they are upheld. For these reasons, law plays a vital role in establishing and maintaining the desired social order.

The use of law as a regulatory device is given different interpretations in different societies. Law is sometimes used simply as a means of subjugation. The person or group in power regulates the activities of those not in power by enforcing a code of behavior that allows the subjugated to carry on their activities only within narrowly defined limits. In other societies, like our own, the law serves quite a different purpose. It does prescribe what the citizens can *not* do (murder, for example, is prohibited); but, in addition, the law of a free society informs the citizens of their rights and of their obligations as responsible citizens—it tells them both what they *can* do and what they *must* do. An individual may own property, and he must pay his share of taxes.

In addition to being a regulatory or controlling factor, the law of a free society guarantees individual freedoms, ensures against both their infringement and their abuse, and provides a means of bringing controversies that arise to a peaceful solution.

The Origins of Modern Legal Concepts

A society's legal system reflects its inherent characteristics. Laws tell us a great deal about the customs, habits, traditions, and moral standards of the people in a particular society. Moreover, because all human societies are intended to satisfy the needs of, and provide protection for, human life, they share fundamental similarities in the sense that there are certain situations every society finds it desirable to regulate. Legal systems, then, reflect social characteristics and reveal the methods different societies have devised or adopted to cope with fundamental human problems.

A society's laws are only as effective as they are relevant to the conditions of life among its people. Thus, as social, political, and economic changes occur, governments must modify and append the laws of their societies to keep the legal regulatory device strong and meaningful. To study the evolution of law is to study the manner in which laws have been created, interpreted, enforced, and modified in relation to the progress of human civilization.

One of the most significant aspects of the legal evolutionary process is the fact that certain legal concepts have endured for long periods of time without significant alterations and despite a wide variety of sociological changes. Such laws have taken on something of a universal character because of their effectiveness in bringing order to many different types of societies. One might include in this category, for example, the principles of the Ten Commandments. The influence of these guidelines for civil, religious, and administrative activities is evident in one form or another in a number of legal systems throughout the world.

diploma earned \$16,400, while those with bachelor's degrees earned \$25,500, or 56 percent more. In 1995, the respective pay levels were \$18,200 and \$34,000, or a pay difference of 87 percent.

1995 EARNINGS AND EMPLOYMENT OF PRIME-AGE WORKERS

<u>Job Characterization</u>	<u>Earnings</u>		<u>Employment (in millions)</u>		<u>Total Jobs</u>
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>	
Elite	\$58,600	\$33,700	14.2	13.2	27.4
Good	\$35,800	\$21,400	15.9	14.7	30.6
Less-Skilled	\$24,000	\$13,000	12.8	11	23.8
All Jobs	\$39,800	\$23,200	42.9	38.9	81.8

Some highlights of this report:

1. **Office work dominates the U.S. economy.** This sector has become the dominant feature of our economy, employing 41 percent of all workers, paying the highest salaries, growing the fastest, employing over one-half of all college graduates, and capturing 50 percent of all earnings. Office workers now earn 47 percent more than non-office workers.
2. **Office professionals outnumber clerical workers.** The traditional view of an office is a workplace dominated numerically by secretaries and other support personnel. But in today's Office Economy, business professionals—accountants, managers, sales representatives, and brokers—are the largest component, accounting for 44 percent of office jobs.
3. **As the Office Economy has risen, the industrial economy has fallen.** In 1959, one-third of workers were employed in industrial production, and they accounted for 37 percent of all earnings. By 1995, both of these ratios had fallen to 19 percent. This

SUBMITTED IN
OPPOSITION AT
CONT'D PUBLIC
HEARING BEFORE
PLANNING
COMMISSION
3/06/02 BY
CRAIG GROAT

Black's
Law
Dictionary

pubic tubercle *n* : the latter rigid articulation of the two pubic bones in the midline of the lower anterior part of the abdomen

pubic tubercle *also* **pubic spine** *n* : a rounded eminence on the upper margin of each pubic bone near the symphysis

publo- *comb form* [NL, fr. *pubis*] : pubis

pu-bi-ot-o-my \pylbt'äd-amë\ *n* -ES [ISV *pubto-* + *-tomy*] : surgical division of the pubic bone esp. to facilitate delivery

pu-bis \pyübäs\ *n*, *pl* pu-bës \-bëz\ [NL (*os*) *pubis*, fr. *L os bone* + *pubis* of the groin, gen. of *pubes pubes*, groin — more at **PUBES**] : the ventral and anterior of the three principal bones composing either half of the pelvis, in man consisting of two branches or rami diverging posteriorly, the superior branch extending to the acetabulum, of which it forms a part, and uniting there with the ilium and ischium, and the inferior branch uniting with the ischium below the obturator foramen — compare **PREPUBIS**, **POSTPUBIS**

publ abbr 1 public 2 publication 3 published; publisher; publishing

pub-lic \pəblik, -lëk\ *adj* [ME *publique*, fr. MF *public*, *publique*, fr. *L publicus*, prob. alter. (influenced by *puber*, *pubes* grown up, adult) of *poplicus*, fr. *populus* people + *-icus* -ic — more at **PUBERTY**, **PEOPLE**] 1 *a* : of, relating to, or affecting the people as an organized community : CIVIC, NATIONAL (<~ affairs> (<~ holiday> (<~ authority exists primarily to regulate . . . social and economic life — M.S. Kendrick) — compare **PUBLIC LAW** *b* : of or relating to the international community or to mankind in general : COMMON, UNIVERSAL (<~ philosophy has . . . always been a political ideology — H.J. Morgenthau) *c* : authorized or administered by or acting for the people as a political entity : GOVERNMENT (<~ expenditures> (<~ subsidy> (<~ agency> (<~ prosecutor) *d* : provided for, used by, or containing the records of a government agency (the post office and other ~ buildings) (<~ documents) 2 *Brit* : of, relating to, or representing a university as a whole rather than one of its colleges or departments (the office of . . . ~ Orator — *Cambridge Univ. Cal.*) 3 *a* : of or relating to business or community interests as opposed to private affairs : SOCIAL, IMPERSONAL (<~ morality) (leading from these private confessions of his poetry . . . toward a more ~ form of expression — Hans Meyerhoff) *b* : of, relating to, or in the service of the community or nation (an eminent figure in ~ life) (housewives volunteering for ~ work in charitable institutions); *specif* : holding political office (<~ official) *c* : devoted to the general or national welfare : PATRIOTIC, HUMANITARIAN (debt the legal profession . . . owe to the publishers for their ~ spirit in producing these records — Norman Birkett) (all Greek thinkers were ~ men — C.P. Rodocanachi) 4 *a* : accessible to or shared by all members of the community (<~ hearing> (<~ park> (<~ water supply> (tourist passengers enjoy 16 ~ rooms aboard the magnificent new . . . flagship — *N.Y. Times*) *b* : supported by or for the benefit of the people as a whole (<~ education> (<~ welfare agencies) *c* : COMMON 2d *d* : of, by, for, or directed to the people : GENERAL, POPULAR (<~ sentiment> (<~ spokesman> (<~ address> (a book which increases ~ awareness — E.S. Furniss b. 1918) (effective use of the property in the ~ interest — C.V. Shields) (philanthropic activities keep him in the ~ eye) *e* : providing services to the people on a business basis under some degree of civic or state control (wrote with force on . . . railroads as ~ agents — W.C. Ford) (right of women to smoke in restaurants and other ~ places — Frances Perkins) 5 *a* : exposed to general view : CONSPICUOUS, OPEN (a rather too ~ affair with another woman — William Sansom) *b* : WELL-KNOWN, PROMINENT (stage stars and ~ figures — James Dowdall) *c* : of an observable or perceptible nature : EXTERNAL, MATERIAL (belief in tables and chairs existing as ~ . . . objects independently of his sense impressions of them — F.S.C. Northrop) (the conventional or ~ aspect of language can encroach upon the . . . symbolical aspect — R.M. Weaver)

2 **public** \ˈpʌblik\ *n* -s [ME *publique*, fr. *publique*, *adj.*] 1 : a place accessible or visible to all members of the community — usu. used in the phrase *in public* (resent the . . . attempt to usurp in private the authority she could never assert in ~ — Edith Wharton) 2 *a* : an organized body of people : COMMUNITY, NATION (the western European statesmen and ~s alike seem equally agreed that the slightest infringement of their national sovereignty is . . . abhorrent — Patrick McMahon) *b* : the people as a whole : POPULACE, MASSES (the ~ . . . in many cities have become anathema to hit-and-run accidents — Ray Ash-

community (as a nation a *public bill* . . . is usu compare **PRIVATE BILL**)

public bond *n* : a bond (state) or by a subsidiary or by a municipality

public charge *n* : one

public corporation *n* : government-owned co particular government: hess principles by an a tent financially indepe

government corporation

public day *n* 1 : a day the public or when an c

public business 2 : H

public debt *n* : NATION

public defender *n* : a l duty is to defend accus

assistance

public domain *n* 1 : government (on this pu proprietor, can lease 2 : the realm embracin munity at large, subje

status unprotected b

public enemy *n* : one *specif* : a criminal who public as to result in with the aid of wide p

public funds *n pl* : FU

public health *n* : the ar and improvement of munity effort and incl and social sciences

public highway *n* : III

public house *n* 1 : IN: saloon or bar

public housing *n* : low ministered by a gover

pu-bli-ci ju-ris \pəbl

the public : subject to

pub-li-cist \pəbləsɪst\ 1 *a* : an expert in inte most highly qualified about the U.N.) *b* : e fairs : political pundit owners, ~s, and prof Constitution — S.E.M materialist at whom . their dialectical brick publicizes (effective ~ of the scientist as ~ t not magic, to the publi

AGENT (something mo figure or a persuasive

pub-lic-i-ty \ˌ(,)pəˈbli: publicitè, fr. *public* + - obvious or exposed to public (wide open ran by mere ~ — Christo

— *Saturday Rev.*) 2 : public interest (regard : information with ne public attention or su welfare organizations) terial that now overlo business — Elmer Davi or promotional mater media (felt that the rec her professionally — T all commercial ~ is to for what the advertise attention or acclaim (< attracted attention — because of their refus: poses — *Amer. Guide S* of producing promot: public relations, a two

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SUBMITTED IN OPPOSITION BY
CRAIG GROAT AT CONTINUED
PUBLIC HEARING BEFORE

PLANNING COMMISSION: 3/06/02
BY CRAIG GROAT

AICP/APA ETHICAL PRINCIPLES IN PLANNING

nity to have a meaningful role in the development of plans and programs;

3. strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;

4. assist in the clarification of community goals, objectives, and policies in planning;

5. ensure that reports, records, and any other non-confidential information

which is or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;

6. strive to protect the integrity of the natural environment and the heritage of the built environment;

7. pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.

B. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. exercise fair, honest and independent judgment in their roles as decision makers and advisors;

2. make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker (see also Advisory Ruling Number 2, "Conflicts of Interest When a Public Planner Has a Stake in Private Development" under Section D);

3. define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;

4. abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

5. seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community. Section A presents what we hold to be necessary elements in such a view.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants. Section B presents specific standards.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism. These are presented in Section C.

Section D is the translation of the principles above into the AICP Code of Ethics and Professional Conduct. The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

A. The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. recognize the rights of citizens to participate in planning decisions;

2. strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportu-

This Code is a guide to the ethical conduct required of members of the American Institute of Certified Planners. The Code also aims at informing the public of the principles to which professional planners are committed. Systematic discussion of the application of these principles, among planners and with the public, is itself essential behavior to bring the Code into daily use.

The Code's standards of behavior provide a basis for adjudicating any charge that a member has acted unethically. However, the Code also provides more than the minimum threshold of enforceable acceptability. It sets aspirational standards that require conscious striving to attain.

The principles of the Code derive both from the general values of society and from the planning profession's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so also do the principles of this Code sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code. Formal procedures for filing of complaints, investigation and resolution of alleged violations and the issuance of advisory rulings are part of the Code.

The Planner's Responsibility to the Public

A. A planner's primary obligation is to serve the public interest. While the definition of the public interest is formulated through continuous debate, a planner owes allegiance to a conscientiously attained concept of the public interest, which requires these special obligations:

- 1) A planner must have special concern for the long range consequences of present actions.
- 2) A planner must pay special attention to the inter-relatedness of decisions.
- 3) A planner must strive to provide full, clear and accurate information on planning issues to citizens and governmental decision makers.
- 4) A planner must strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs. Participation should be broad enough to include people who lack formal organization or influence.
- 5) A planner must strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons, and must urge the alteration of policies, institutions and decisions which oppose such needs.

(ADOPTED OCTOBER
1978--AS AMENDED
OCTOBER 1991)

- 6) A planner must strive to protect the integrity of the natural environment.
- 7) A planner must strive for excellence of environmental design and endeavor to conserve the heritage of the built environment.

The Planner's Responsibility to Clients and Employers

B. A planner owes diligent, creative, independent and competent performance of work in pursuit of the client's or

employer's interest. Such performance should be consistent with the planner's faithful service to the public interest.

- 1) A planner must exercise independent professional judgment on behalf of clients and employers.
- 2) A planner must accept the decisions of a client or employer concerning the objectives and nature of the professional services to be performed unless the course of action to be pursued involves conduct which is illegal or inconsistent with the planner's primary obligation to the public interest.
- 3) A planner shall not perform work if there is an actual, apparent, or reasonably foreseeable conflict of interest, direct or indirect, or an appearance of impropriety, without full written disclosure concerning work for current or past clients and subsequent written consent by the current client or employer. A planner shall remove himself or herself from a project if there is any direct personal or financial gain including gains to family members. A planner shall not disclose information gained in the course of public activity for a private benefit unless the information would be offered impartially to any person.
- 4) A planner who has previously worked for a public planning body should not represent a private client, for one year after the planner's last date of employment with the planning body, in connection with any matter before that body that the planner may have influenced before leaving public employment.
- 5) A planner must not solicit prospective clients or employment through use of false or misleading claims, harassment or duress.
- 6) A planner must not sell or offer to sell services by stating or implying an ability to influence decisions by improper means.
- 7) A planner must not use the power of any office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.

§ 30.134

MUNICIPAL ORDINANCES

§ 30.134. Downtown advisory committee.

Section 1. COMMITTEE ESTABLISHED. There is hereby established a downtown advisory committee, to consist of eleven members appointed by the mayor with approval of the city council to three-year terms, with the exception that when the first appointments are made, four members shall be appointed to three-year terms, four members shall be appointed to two-year terms, and three members shall be appointed to one-year terms.

Section 2. MEMBERSHIP. In selecting members, the mayor shall consider but not be bound by recommendations of civic groups, neighborhood associations and business groups. Before making appointments the mayor may contact such groups for suggestions.

Section 3. DUTIES. The committee is charged with the responsibility of advising the mayor and council on all matters affecting the downtown area, including, but not limited to, transportation, parking, housing, business and development, and in particular it is to advise how and when to implement or revise the parts of the city plan relating to downtown.

Section 4. EXPENSES. Members of the downtown advisory committee shall serve without pay, provided that the city shall reimburse committee members for out-of-pocket expenses, not including costs of travel to meetings of the committee. No expense shall be reimbursed unless, before incurring the expense, the member obtained authorization from the city manager or a designee.

§ 30.134.50. Community beautification advisory commission.¹

Section 1. PURPOSE. The purpose of this Chapter is to develop, promote, and coordinate voluntary efforts to improve the appearance of the commercial, industrial, public and residential areas of the Town. To that end, there is established a Community Beautification Commission to act as the focal point for such efforts, and to advise the Town Council and appropriate Town departments on matters relating to community appearance and beautification.

Section 2. MEMBERSHIP, APPOINTMENT, NUMBERS, QUALIFICATION, TERMS, REMOVAL. The commission shall consist of nine (9) members, all of whom shall be appointed by the Town Council. In addition, the Director of Parks & Recreation

ADMINISTRATIVE ORDINANCES

shall serve as an ex-officio member of the Commission. Except for the Director of Parks & Recreation, all appointees shall be either residents of the Town or representatives of businesses or professions located in and licensed by the Town.

(1) Two members shall be selected from a list of nominees submitted by the Chamber of Commerce. Should the Chamber of Commerce fail to submit a list of nominees from which the Council may choose, these two members shall be chosen from the business and professional community at large.

(2) Two members shall be selected from among businesses and professional practitioners licensed by the Town; other than those represented by members selected pursuant to Paragraph 1 above.

(3) Four members shall be selected from among the residents of the Town.

A. None of the four shall have any affiliation with any of the business or professional organizations represented by the selections made in paragraphs 1 and 2 above.

B. One resident member shall be selected from each of the four quadrants of the Town.

C. In appointing the four citizen members, the Town Council shall give consideration to nominations received from civic associations and to persons expressing a willingness to serve.

(4) One member shall be a student resident of the Town attending High School.

On the initial Commission members, two (2) members shall be appointed for a period of one (1) year, two (2) members for a period of two (2) years, two (2) members for a period of three (3) years, two (2) members for a period of four (4) years, and a student member for a period of one (1) year. Thereafter, the term of all members, except the student member shall be for four years. The term of the student member shall be for one year.

Vacancies occurring on the Commission for reasons other than the expiration of terms shall be filled by the Town Council for the unexpired term. Members shall be eligible for reappointment.

Members of the Commission shall serve without compensation, but may be reimbursed for actual expenses incident to the performance of their duties.

Members may be removed from the Commission by a majority vote of the Town Council.

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MUNICIPAL ORDINANCES

Section 3. ORGANIZATION, RULES, MEETINGS, RECORDS. Within thirty (30) days after initial appointment of the commission by the Town Council, the Commission shall meet for the purpose of organization, and shall at that meeting elect from their number a Chair and a Vice Chair. Thereafter, the Commission shall, at a meeting to be held each year in the month of September, elect from their number a Chair and a Vice Chair to serve for the ensuing year.

The Commission shall adopt rules for the transaction of business, and shall keep records of its discussions, findings and recommendations, all of which shall be open to public inspection. Meetings of the Commission shall be held monthly and as called by the Chair or at the request of a majority of the Commission. Meetings of the Commission shall be open to the public.

Section 4. POWERS AND DUTIES. The Commission shall have the following powers and duties:

1. To initiate, promote and assist in the implementation of general community beautification.
2. To promote, cooperate with and coordinate the activities of individuals, agencies, organization and groups, public or private, whose plans, activities and programs bear on the appearance of the Town.
3. To prepare both general and specific proposals for improving the appearance of the Town. Such proposals may include suggested goals and standards for the aesthetic enhancement of the Town or any part thereof, including public ways and areas, open spaces, and public and private buildings and projects.
4. To participate in appropriate ways in the implementation of such proposals. This participation may include:
 - A. Making studies of the visual assets and liabilities of the community, including surveys and inventories of an appropriate nature, with particular attention to the appearance of properties along the major streets and thoroughfares of the Town.
 - B. Developing and supervision programs of Town and citizen cooperation to protect and upgrade such properties, consisting of but not limited to:
 - (1) Contacts and discussion with citizen groups, business groups and individuals to encourage cooperative improvement of the Town's appearance.
 - (2) Sponsorship of one All-city Beautification Day each year in coordination with local organizations, schools and civic groups.

ADMINISTRATIVE ORDINANCES

§ 30.134.55

(3) Promotions and competitions to recognize and reward those business establishments and citizens that make noteworthy improvements in the appearance of their properties.

(4) Provision of appropriate awards to owners of both residential and commercial properties in each of the four quadrants of the Town who show noteworthy improvement to the appearance of their properties or consistently maintain their property at exceptional levels. To accomplish that end, nominations for awards shall be accepted and solicited from individuals, businesses and associations within the Town and judged by an independent judging committee composed of representatives of architectural firms, landscape organizations, business organizations, civic groups, garden clubs, and other local governments pursuant to judging standards adopted by the Commission.

¹ Based, with some changes in wording, on an ordinance furnished by courtesy of John F. Giofriddo, Attorney for Vienna, Virginia.

§ 30.134.55. Alley safety task force.

WHEREAS, Recently a high percentage of violent and destructive crime has occurred in residential alleys; and

WHEREAS, There is a growing trend among new housing developments to provide limited access to garages and alleys and more security surrounding one's vehicle and residence; and

WHEREAS, Attention must be given to the development of new and innovative crime fighting measures that will better protect the health and safety of our citizens; now, therefore,

Be it Resolved, That we, the Mayor and members of the City Council of the City of _____ do hereby establish a safety in alleys task force; and

Be It Further Resolved, That the task force shall consist of representatives from the City Departments of Budget and Management, Fire, Law, Police, Streets and Sanitation, and Transportation; and

Be It Further Resolved, That the task force shall study issues and legislative proposals concerning public safety in alleys, including but not limited to, proposals to restrict public access to alleys and to establish lighting standards for alleys.