

STAFF REPORT

To: Mayor and City Council Date: September 23, 2014
From: Greg Shuler, Public Works Director
Via: Gary Jackson, City Manager
Subject: Graffiti Update and Alternatives

Summary Statement: Staff is requesting guidance from Council on how to best proceed with the Graffiti Removal Initiative.

Review: On April 22, 2014, City Council approved Ordinance 4306. This ordinance allowed the City to remove graffiti from private property with execution of an approved waiver signed by the property owner. Prior to approval, staff presented Council with a three step process that would aid in the long term removal of graffiti in Asheville.

The **first step** was to impose escalating civil penalties on perpetrators. This initiative has been enacted and application will occur as violations are enforced.

The **second step** included a 90 day period that would have the City pay to remove up to \$500 per site, per occurrence to remove graffiti from private property. That period began on July 1, 2014, and is scheduled to end on October 1, 2014. At this time, a small percentage of the allocated funds have been used. Despite a concentrated media effort that included distribution of brochures (see attached), presentations at community groups and commissions, social media, radio, television, print and a dedicated hot line for citizens to call, many still claim to be unaware of this initiative. As we near the end of the 90 day period, more property owners are becoming aware of the opportunity, and our participation has increased each month. The presentation that accompanies this staff report offers different alternatives to improve participation in the program.

The alternatives are varied in nature, including the following options:

- Alternate #1 Keep the program as is
- Alternate #2 No max full clean up
- Alternate #3 Percentage split
- Alternate #4 Bracket split

- Alternate #1 Keep the program as is.

This would have the City assisted clean up cease on October 1, 2014. Property owners would then be required to remove the graffiti within 7 business days.

Another variation of this option would be to simply extend the initiative to allow additional time to reach more citizens. This could be for an additional 90 days, the remainder of the fiscal year, or until the funds are gone.

Why was this alternate recommended?

This was the original plan. It gave willing citizens an opportunity to receive City assistance to remove graffiti from their property, yet required minimal accountability from the property owner, if the costs exceeded \$500. With the trends of greater participation each month, it may warrant extending the program to achieve a higher success rate.

- Alternate #2 No max full clean up

The goal of this alternative would be to do a short duration effort to remove all graffiti from willing owners at no cost to them. Many property owners aren't willing to pay to remove graffiti from their property due to the cost. Most have already paid a great deal of money to repaint/wash their buildings only to have it vandalized again. Many of these large areas have taken a long period of time to complete the tags. If the graffiti were to be removed, and then monitored, they shouldn't be able to get to such an unruly size again. Presumably, the owners could better deal with a smaller tag.

Why was this alternate recommended?

The goal if this ordinance/initiative was to remove graffiti. This alternative would most likely best accomplish this. The major drawback of this option is the absence of accountability from the property owner. This effort would likely remove the most expansive graffiti areas. Based on dialogue with many of the citizens impacted by graffiti, staff feels like the removal of some of the large and very visible areas would send a clear message of our intent to eradicate graffiti.

- Alternate #3 Percentage Split

This alternate would put much more accountability on property owners, yet reduce the financial responsibilities of those same owners, as well as the City on larger jobs. It could be said that it is a more equitable scenario since it would be an even partnership between the City and the property owner. This option may allow more owners to participate, therefore removing more graffiti.

Why was this alternate recommended?

As mentioned before, our staff has heard repeatedly that owners with large areas vandalized can't afford to pay their share. This isn't nearly as big of a problem with smaller tags. Our staff feels strongly that once some of the larger sites have been cleaned, other folks will be more receptive to participating in the program.

- Alternate #4 Bracket Split

This alternate would set minimum and maximum amounts that each partner would be responsible for, depending on the size of the job. The City would pay a minimum of \$500 on jobs valued at \$1,000 or less. On sites that range from \$1,000 to \$10,000, the owner pays a maximum of \$500, with the City paying the rest. On projects that exceed \$10,000, the owner would pay \$1,000, with the City paying the rest.

Why is this alternate recommended?

As with other alternates, this would allow for opportunities to deal with large sites, yet keep accountability of property owners in play. This alternate may provide a better balance, and produce more incentive for owners to participate. So far, very few sites would exceed the \$10,000 threshold. The ones that do would be pivotal in accomplishing the goals of the program.

Unless otherwise stated, these alternates would require the program to be extended at least an additional 90 days. Other timeframes options would be the remainder of the current fiscal year. In all cases the initiative would end upon all funds being spent.

Staff is seeking guidance from Council on how they wish to proceed.

The **third step** is the ideal long term goal of the ordinance that would require the property owner to promptly remove any graffiti from their property. This is where we need to end up long term.

Staff is providing an update on the progress of the Graffiti Clean-up Initiative, and requesting guidance on potential changes to the program. As we have progressed with the Clean-up Initiative, it has been discussed that we may be able to eradicate more graffiti if the initiative were revised.

The attached presentation outlines some options that may be helpful in the removal of graffiti in Asheville.

This action complies with City Council's Strategic Operating Plan in that this initiative complies with the Strategic Operating Plan with Focus Area #3, High Quality of Life, and Goal 1. The applicable action item states that the City will develop strategies to address nuisance behaviors including, among others graffiti.

Pros:

- Potential increase in the removal of more graffiti in Asheville.
- A more vibrant, safer feeling community.
- Higher Quality of Life for our citizens

Con:

- City resources utilized on private property

Fiscal Impact: \$300,000 was already included in the FY 2014-15 general fund budget for contracts associated with the City's graffiti removal initiative. The FY 2014-15 adopted budget also includes \$200,000 for administrative costs associated with this program.

Recommendation: Staff will report to the Public Safety Committee on September 22 and City Council on September 23. City staff requests that Council consider the alternatives and offer direction on how to proceed with the graffiti removal initiative.

Attachment:
(1) Copy of Brochure