

**MINUTES**  
**NEIGHBORHOOD ADVISORY COMMISSION**  
City of Carrollton

Thursday, February 9, 2017  
6:30 p.m.

Council Briefing Room  
Carrollton City Hall  
1945 E. Jackson Road

The Neighborhood Advisory Commission (NAC) of the City of Carrollton convened on Thursday, February 9, 2017 at 6:30p.m.

Members present:

Pam Mulligan  
Russell Tether  
Joseph Marquez  
Lora Cormier  
BJ Cadwalader  
Carl Reese  
Jeff Van Matre  
Cissy Sylo

Members absent:

Scott Windrow

Staff present:

Scott Hudson, Environment Services Director  
Brian Passwaters, Division Manager  
Community Services  
Tanya Ferencak, Sr. Community Development  
Program Specialist  
Meagan Tucker, Community Development  
Specialist

Guests Present:

Catherine Quaid  
Annette Reese

Chair Mulligan called the meeting to order at 6:30 p.m.

I. Introductions :

Introduction of new Community Development employee Cathy Quaid and New NAC Commissioner Carl Reese.

II. Review the Minutes of the November 10, 2016 Meeting:

Commissioner Cadwalader made a motion to approve the minutes, Commissioner Cormier seconded the motion. The motion passed unanimously.

III. NEMGP Grant and Match Discussion :

Ms. Ferencak stated this was a topic that was requested to go over by the NAC after the discussions about the grant applications received in 2016. At this point the NEMGP grant guidelines and possible changes are being reviewed by legal Staff and by City Administration, Staff is looking to the NAC for input and guidance on how to address these issues. The NAC input will be taken back to Carrollton legal and administration staff for review.

Ms. Ferencak went over the changes to the NEMGP program since 2014; that now the grant is 2 parts city 1 part neighborhood funds, what is allowable for a match (sweat equity, donations of materials, cash) and that the amount has increased to \$25,000. This has caused changes in the applications received because of the different areas that can be requested for improvement. For example, monument signs, irrigation, and repairs to walls. The NEMGP allows for \$60,000 annually, which would be for 3 to 6 projects a year.

During the NEMGP application selection by the NAC in 2016 there were several items that came up as a concern to NAC commissioners that were not adequately defined or are outdated in the guidelines.

- Should the NEMGP be allowed on private property?
- Should the “match” for a NEMGP grant be allowed on private HOA members only property?
- Should the “match” for a NEMGP grant be allowed on a separate piece of property that is non –contiguous to the grant application?
- Should the grants be allowed for maintenance items such as fence repair, wall repair, pond dredging, especially for areas that are considered private HOA members only property?

To clarify the points of discussion and how they were related to the grant and match discussion Ms. Ferencak went over the two types of neighborhoods, and added a third type of neighborhood that exist in Carrollton and why it is important to understand for the NEMGP guidelines.

1. The first one being a mandatory HOA that includes common areas that everyone pays into. The common areas are private property maintained by the mandatory dues each household pays. Some HOA’s are small and only have monument signs or entryway landscaping that they maintain in common, other HOA’s are larger and have club houses, pools, tennis courts, golf courses, ponds, walking trails or private parks, most of which are private and considered for HOA members only, and not open to the public. Currently the NEMGP grant does not allow for grants funds to be used on private property, including HOA private property; unless a technical variance is approved by the Carrollton legal department.
2. The second being a voluntary neighborhood that does not share common areas and does not collect mandatory fees, only voluntary membership in the Neighborhood association. In voluntary neighborhoods NEMGP grants are allowed on public R.O.W. or in a public park.
3. The third being a voluntary neighborhood built in the 1970s- 1990’s that does not collect mandatory fees but has common property to maintain as laid out in their

bylaws and site plan by the developer such as walls, monument signs and landscaping. In all cases the neighborhood maintains these items, but they exist on private property that is not commonly owned by the neighborhood. (Examples Stone Creek Estates, Cambridge Estates, Sumner Oaks)

Ms. Ferencak went over the 3 major points of what is being proposed to change and further develop in the NEMGP grant application guidelines

- First, allowing the grant on private property as long as the private property is already being maintained by the neighborhood. It could be a voluntary neighborhood, or it can be a mandatory neighborhood. For example, Villages of Greenway Park, all along Rosemeade is private property but it is maintained by the neighborhood of mandatory HOA common property. Cambridge Estates entryway sign on Old Denton and Cambridge is an example of Neighborhood common property that is outlined in the bylaws for the voluntary neighborhood to maintain, but is located on private property.
- Second, the grant would be allowed on private property as long as it is contiguous to an arterial roadway or a collector street, and it is in plain view of the public, for public use and beautification
- A match is allowed on private property if it is contiguous to the street or is contiguous to the project itself. The match is not allowed on private HOA common property, especially if it is private members only property, and located in a separate location from the grant itself.

Ms. Ferencak asked for comments, input and guidance from the NAC on what should be allowed with the grant and the match.

Mr. Hudson let the NAC know that this would be part A of a two part discussion on the constraints of how the money is spent and how we spend city funds. Mr. Hudson did go over a small part of how Economic Development uses their funds to help shopping centers remodel the outside of their businesses. Mr. Hudson asked the NAC to look at these as guidelines, and not laws, to give guidance to the applicants when they are going through the application process.

Commissioner Marquez wanted clarification on the eligibility of the grants and how they would work on the private properties. Ms. Ferencak clarified that the current proposal is to expand the NEMGP program to include private property, but the match or grant would only be able to be done in private property if it is contiguous to the street and/or it is for public use. Commissioner Marquez stated that he did not think anyone would like to kill the golden goose, in fact, they were the group that pushed it up to what it is now as far as dollars.

On an issue that was not on the agenda, Commissioner Sylo had questions on how Economic Development decides what retail areas they approach for improvement. Council member Sutter did clarify that Economic Development is a big part of the decision making of where to spend the funds, a lot of the time it is the appearance and aesthetics of the area that determines if its needs improvement. Commissioner Sylo recommended the NEMGP program be driven towards improving the areas in the empowerment zone, and drive money downwards instead of upwards. Commissioner Sylo also suggests NAC members get involved with helping the landscaping in these areas to motivate the neighborhoods for

further improvements. Commissioner Sylo stated she is just providing a different way of thinking.

Commissioner Marquez stated that if the city begins to focus and push down on the groups that are in the low income or listed areas who are already receiving special care, we would be eliminating the north and certain parts of the city. That would state that those areas would not be eligible for any grants and that is not the approach the NAC should take.

Commissioner Reese wanted clarification on what would happen if there was grant work done on a sign on private property and the owner decided to sell, would the new owner be able to get rid of the signage if he decided he did not want to deal with the liability? Ms. Ferencak clarified that the owner is allowed to get rid of the sign if he wishes. Ms. Ferencak also clarified, that if the voluntary neighborhood dissolved, and the sign became a liability, the neighborhood would still be required to maintain it entirely because they signed the NEMGP agreement.

Commissioner Cadwalader expressed how she believed leaving one part of the city out of the grants would be discrimination. Commissioner Cadwalader stated that when she goes out to the different neighborhoods, she educates them on the grants available to apply for. Commissioner Cadwalader also stated that a lot of the time neighborhoods don't communicate well with NAC members, mostly because they are busy or do not have current issues to discuss; therefore it becomes difficult to get the information to them.

Commissioner Reese wanted to know if the guidelines were going to be codified. Mr. Hudson let him know that they still have some modifications to take care of but he does not think this needs council action. Commissioner Reese mentioned his only concern with the grants would be if the neighborhoods, especially HOA's knew about the grants, they would let certain areas go, even mandatory HOA's that have the funding mechanism already set up to pay for the areas themselves, expecting the city to do repairs. Commissioner Reese believes there should be a balance, and recommends that a mandated, agreed upon percentage of work done in private property for maintenance issues be allowed versus public areas.

Commissioner Cormier wanted clarification on how the grant was used when it was first given to the city in 1999. Mr. Hudson clarified that it was open for all neighborhoods regardless if they were private or public. Mr. Hudson did state that it became entirely for public property in 2003.

On an item that was not on the agenda, Commissioner Sylo stated that the way the guidelines are written is very confusing. She stated it took her a day to go through the guidelines and it required her to go back and forth because the text contradicts itself constantly. Commissioner Sylo suggested that the NAC create a way to make the application process simple. Commissioner Sylo stated she understands that these guidelines were created in 1998 and she is sure that a lot of people have been able to fill out the application since then with a lot of help, but she believes that the requirements are complicated and a lot of the neighborhoods don't understand what they need to submit. Commissioner Sylo stated the definition of a DRC site plan is very different from a person that is a lay person from an HOA. If an application is kicked back by the DRC it could add a year to the application process for the neighborhood. Commissioner Sylo stated she thinks it is really hard for

neighborhoods to grasp what they are fixing to go through. Even after they go through the process the guidelines state that the city has the power to deny the grant if it does not meet city standards. Commissioner Sylo thinks the guidelines need to be simplified and they need to be laid out in a clear manner with pictures and less acronyms.

Commissioner Marquez, offered to work with Commissioner Sylo on coming up with improvements on the guidelines.

Ms. Ferencak stated that she knows the guide book needs to be updated since the grant requirements have changed. The focus of this meeting is to receive comments, input and guidance on what should be allowed with the grant and the match regarding public vs. private property and maintenance.

NAC Chair Mulligan proposed adding a NAC meeting in May to discuss revamping the NEMGP guidelines. No one responded to her question and no action was taken to add a May NAC meeting to discuss the NEMGP guidelines or to overhaul the NEMGP guidelines.

Ms. Ferencak went over again the focus of the agenda item which was to discuss the match and the NEMGP grant changes.

Ms. Ferencak went over the three main issues the NAC needs to discuss, the first one being, should the match be allowed on private property. The second one being, should the match be allowed on a property that is not contiguous to where the match is taking place. The third one being if, what kind, and how much maintenance should be allowed in a NEMGP grant application. Ms. Ferencak stated the direction she is getting from leadership is that the city is open to allowing the grant on private property, if it is not for members only use and if it is contiguous to an arterial or a collector. The question tonight is for the NAC to provide input on is if the grant should be allowed again on private property.

Vice-Chair Van Matre stated he does not believe the grant should be available on strictly private property, he believes that there should be some public property involved. Vice-Chair Van Matre stated they should look into eliminating the walls as part of the grant since it is part of the mandatory upkeep of the HOA. This would eliminate grant money going towards the areas the HOA is responsible for. Vice Chair Van Matre believes that the neighborhoods should approach the city regarding the grants. It shows that the neighborhood is working together and will continue to work together if they receive the funds. Vice-Chair Van Matre believes the NAC is doing a good job of contacting the HOAs regarding the grants available which should bring the community together. Vice-Chair Van Matre stated that they would have to make sure that the grant is not twisted to be used on private property.

Chair Mulligan stated that she understood both sides, she believes it may benefit neighborhoods if the grants would be allowed right up against private or public property.

Mr. Hudson did state that a total overhaul of the guidelines was not what was on the agenda, and that the purpose of tonight meeting was to discuss the private vs. public property issue, match and amount of maintenance allowed in the grant.

Commissioner Tether wanted clarification on the legal liabilities with public and private property, and who would end up being liable. Ms. Ferencak did explain, that if it is the City's property, the neighborhood is responsible, the Neighborhood is required to fill out a NEMGP agreement and a Maintenance agreements that gives the neighborhood permission to use City property, but that the neighborhood will take the responsibility to maintain the improvements in the area in perpetuity, not the City. If it is on private property, the owner or the neighborhood would be responsible, and we would have to refer to the Neighborhood bylaws in cases where the projects is located on private property a NEMGP agreement would be signed outlining the neighborhood would be responsible for the grant in perpetuity, not the property owner (if it is other than the HOA/neighborhood).

Ms. Ferencak did clarify that the NAC needed to provide input on if they would like to allow the match on private property which is members only, or if they would allow the match on property that is NOT contiguous of where the grant is taking place.

Mr. Hudson stated that if there are any changes of the grant, and match process, they would have to check how it would affect approval and agreements for funding, and if there is any Voluntary Neighborhood Association obligation on private property. Mr. Hudson also stated that the match and grant are an application process that comes for review. Therefore if they meet all the requirements, but it does not look good, it may still be unapproved.

On a topic that was off the agenda, Commissioner Sylo wanted clarification from the attorney on whether the NAC had the power to approve these grants in accordance with the power given to them by City Council. Commissioner Sylo stated that she would not like to approve items that could possibly have her called to federal court.

Mr. Hudson stated that they will bring back this agenda item in June for further input and guidance by the NAC about the grant and the match.

#### IV. Citizen's Evening :

Mr. Hudson went over citizens evening, which will continue taking place in the fall. They will incorporate the Public Works, Development Services, and Parks departments to answer citizen's questions.

#### V. Neighborhood Networking Workshops:

Ms. Ferencak went over the workshops coming up. Environmental Quality has changed the date and it will now take place on February 15. Preparedness Starts at Home will be held on March 8 and will be presented by Elliott Reep. In April, Barbara Thomas who works in association with CAI (Community Associations Institute) will be giving a presentation for mandatory HOA's and how to sign contracts with property managers and how to contract with landscapers.

#### VI. CDBG Week 2017:

Ms. Tucker went over the People Helping People project that will take place on April 22<sup>nd</sup> from 9am to 3pm. The NAC member are required to attend and their families are invited. The event will be open to the public to come and volunteer.

VII. Neighborhood Mentoring Program:

Commissioner Marquez presented his mentoring report. He is in charge of the northern end of Old Denton to Hebron. All but one of the HOAs is mandatory and 2 of them are inactive. The Estates of Indian creek are currently working with Mr. Passwaters and Ms. Ferencak on some drainage issues and they are trying to find their own improvements to fix the issues. The city has offered to give them some ideas and concepts to try to help them resolve the issues.

Vice-Chair Van Matre presented his mentoring report. Most of the HOAs in his area are mandatory with a few unresponsive. Austin Waters and Mustang Park are managed by management companies and have been great to work with. The Creekside neighborhood is interested in the side walk program, they have a couple of areas where the side walk has dropped 2 to 5 inches. They felt like it was the homeowner's responsibility to fix the damaged areas and the homeowners felt like it was the HOAs responsibility. Ms. Ferencak did explain that it is the homeowner's responsibility to contact the city, if the city approves the city will pay 90% of the replacement of the sidewalk and the owner would be responsible for 10%. They will be able to apply online, they will need to go to [www.cityofcarrollton.com/impact](http://www.cityofcarrollton.com/impact). Mr. Hudson did clear up that the process can take 6 months because of the amount of applicants Public Works has received. The Mustang Park neighborhood will go over the Sign Topper application in their upcoming meeting, and will decide if it is something they would like to apply for.

VIII. HOA Brush Removal:

Mr. Hudson went over some feedback he received from Waste Management regarding HOA properties that are generating a significant amount of brush waste that is not in the scope of the contract. The HOA should be making arrangements to dispose of the waste through a commercial provider of their choice. Mr. Hudson stated that one of the HOAs had so much waste piled up so close to a major arterial, in order to collect it with the truck they had to stop traffic and assign a squad car out there to reroute traffic. Mr. Hudson suggested that this be one of the topics the NAC members go over with their HOAs as they are meeting with them throughout the year.

IX. Program Updates:

Ms. Tucker went over the Santa Rosa N.O.T.I.C.E. project that should be completed at the end of August. Carrollton Downs Phase 2 should be completed in May, they have used all of the CDBG funds.

Commissioner Reese went over updates on the Villages of Greenway Park grant. They still have some money left from the previous grant and they would like to add some color and trees around the neighborhood. Commissioner Reese would like to get together with the

other members and see what the goal is within the HOA since it's a different group from the first grant they had applied for. The first grant went well with plenty of volunteers.

Ms. Ferencak stated that over the winter things slowed down with the Neighborhood Enhancement Matching grant. The Villages of Greenway Park and Stone Creek Estates are 90% completed. Hidden Island is just about to sign the agreement to install the street signs that will be installed and will be up anywhere from 6 weeks to 3 months. Cambridge Estates have hit a snag, there is a couple of bids from contractors which are having differences of what can be done, they have been working with engineers. Sumner Oaks was contracted out with a repairman and they are working on repairing the wall, they hope to start planting in the spring. Carrollton Heights was supposed to apply in September but were not ready. They brought in a sample of the monument sign they wanted to use, they have offered an alternative foam/plastic sign that would be a little cheaper than a stone monument sign. The sign was denied by Building Inspections because it would not last. The Sign Toppers are up at the Bel Air of Josey Ranch and the Estates of Indian Creek neighborhood.

Ms. Tucker went over a Minor Home Repair project completed on Russell through the Neighborhood Empowerment zone program. Brick was pulling away from the siding and they were able to seal it to prevent animals from getting in. They were able to repaint the soffit, as well as help them repair the back section of their fence.

Ms. Tucker went over the Minor Home Repair project on Nolan which was a code violation. The siding was popping off all the way around the house with holes. They were able to replace the siding on both sides of the home as well as paint the home. They were able to work with Code Enforcement who recommended her to apply for the Minor Home Repair program.

Ms. Tucker stated 3 more projects have been completed. A hot water heater has been replaced with the Emergency Repair Program. People Helping People will start back up in March and April.

Mr. Passwaters went over the code officer position that was vacant, they have decided to make it a program position. They will rotate staff on a two year basis, which will allow coverage at all times to avoid any gaps in the program. A rental code officer has volunteered to fill the position and has started in January. The code officers have been notified that when they move to this position they will be working with low to moderate income areas. They will only be taking their own cases, they will not be taking complaints. They may get city staff referrals but no outside complaints.

Mr. Hudson went over the events going on in Animal Services. The parks department has organized the Run for Rover event which will take place on March 18. Animal Services will receive all the profit from the event which has already raised \$3, 500, that is about 31% of last year's total donations.

The free registration and vaccination event will take place on March 18, 2017 at the animal shelter. We usually get about 200 to 300 animals registered and vaccinated. The vet that will come out will describe other services and answer questions.

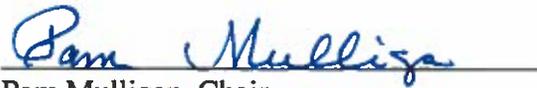
Commissioner Marquez donated \$100 to the Animal shelter.

Council member Sutter went over CDBG funds, which a citizen was critical about how the funds were being used. The CDBG funds have been audited as part of the annual city audit. Typically it is an item that is on the audit list every year.

Council member Sutter mentioned the sales tax has been running well above what was projected the last several years. This has allowed for several million dollars to be relocated and allow street, alley, and bridge projects along with projects in the Parks department.

Council member Sutter went over the Crosby Road area. They are waiting for the RFP to come back for the area where the apartment used to be. The city purchased the area near the Crosby rec center except for the complex in the front half. The city has acquired some land on the other side of the road and that will all be bundled together. They are waiting on the RFP developer to come in and present how they would develop the area. You can see some of the results from prior activity in the downtown area with Cane Rosso, and now with Monkey King Noodle. The Creamery food truck has been added, this will be a good test to see if food trucks will be able to be brought to the downtown area.

Chair Mulligan adjourned the meeting at 8:38 p.m.



Pam Mulligan, Chair  
Neighborhood Advisory Commission



Scott Hudson  
Director, Environmental Services