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#### LAWN CARE INDUSTRY

# You don't need a written contract, but you do need to keep clients informed

■ Before they begin service, some lawn care providers require the homeowner to sign a contract. Many do not. The customer's word is good enough.

This is not expected to change significantly anytime soon, lawn care providers tell LANDSCAPE MANAGEMENT. There is no rush by LCOs to get clients to sign written contracts, although some LCOs have made it a part of their standard business practice.

Many LCOs, however, operate under the so-called negative option principal lawn service continues indefinitely until someone calls a halt to it.

The practice is well established and accepted by consumers in most markets. Typically, lawn care companies, through their pre-season promotional and sales activities, let customers know that service is continuing. Homeowners shouldn't be (and rarely are) surprised when the lawn care vehicle shows up for the first application early in the spring.

Richard L. Lehr, legal advisor for the Professional Lawn Care Association of America, says even though there may not be a written contract between an LCO and a homeowner, there can be, and often is, an oral contract.

An oral contract is fine, says Lehr, as long as both the LCO and the client have a mutual understanding of what services are to be provided, when they're to be provided etc.

"One of the best things any lawn care operator can have going for him is a well informed consumer," says Lehr. "It's the uninformed consumer who hears something or reads a snippet in *USA Today* and thinks he's armed with the knowledge to take you on."

There are advantages to having a written contract, however, says Lehr, including a record of the responsibilities and obligations of both the lawn care company and the customer.

"I don't want a company to be in a situation where a customer says, 'wait a minute, your salesman said this,' or, 'your technician said that.' A contract establishes certainty," says Lehr.

Here are some suggestions about customer contracts Lehr offered during a presentation at the PLCAA Conference this past fall:

- Is your contract is consistent with your policies? If your contract makes guarantees (100 percent satisfaction etc.), be prepared to act them out.
- If you include disclaimers in your contract, make sure they're in easy-to-understand language, they're noticeable, and they limit your exposure to repairing or replacing anything you've damaged as the result of your service.
- Make sure that anyone in your company that talks to customers knows the difference between making statements that can be considered a warranty/guarantee, and those that are salesmanship/puffery.
- Consider having language in your contract that allows the introduction of a third party to arbitrate disputes concerning quality of service or damages arising from service.
- Make sure technicians complete their paperwork for each service stop.
- Consider incorporating a clause in your contract making the customer responsible for all attorneys' fees and court costs in actions arising from their breach of contract.

"Even if you don't go to a contract, make sure the customer understands the type of lawn care service that you provide and what it means," adds Lehr.

# Do you offer coupons? Read this

■ Some lawn and landscape business owners use coupons to boost service and product offerings, particularly during the spring selling season.

Their coupons are among the 2.63 billion issued by businesses each year. Consumers redeemed \$4.5 billion worth of them in 1989. Return rates are highest for direct mail coupons and lowest for those that appear in newspapers, says Kermit Meyers, director of Summary Scan, a division of the Advertising Checking Bureau.

Rate of return depends not only on the medium used, but also such elements as design and size.

Here are four rules to keep in mind:

1.) Make your special offer the

largest part of the design. There are three elements to a coupon design: the special offer; the business name, address and phone number; and the type of business. Readers spend less than two seconds scanning a coupon, so the offer has to stand out.

- **2.)** Don't skimp on the offer. The most effective coupon offers include messages like "two-for-one," sizeable discounts, money off, and free.
- **3.)** Don't crowd the message. The reader will notice the uncrowded coupon with the clean message. Remember, you just have to include the offer; the name, address and phone number of the business; and the service or product you offer. That's all.
- **4.) Devise a way to track redeemed coupons.** This allows the advertiser to gauge cost effectiveness and also highlights the localities (if you printed coupons for different areas on different colored paper, for instance) which should be targeted for future marketing efforts.

# '92 GIE in Indianapolis

■ Indianapolis is the location for the 1992 Green Industry Expo. The dates are Nov. 17-19 at the Indiana Convention Center.

This past November, 290 companies exhibited at the GIE in Tampa. Says Ann E. McClure, GIE show manager, "Our booth sales were up from 1991 and the show floor traffic was heavy over both days of the Expo."

In a related matter, the Professional Lawn Care Association of America (PLCAA) reported that nearly 1,000 people attended its educational conference held in conjunction with the GIE.



# The Missoula vote: How public opinion was changed

For a classic case of manipulating the public opinion, the industry needs look no further back than last November's election.

**WASHINGTON**—When the college town of Missoula, Mont. defeated a local lawn pesticide bill 57 to 43 percent last November, it became a classic case of how public opinion can be changed through an informational, educational campaign.

Initial pre-vote research indicated that the townspeople were inclined to pass the measure, which would have made the homeowner responsible for posting after pesticide applications. The odds favored the ordinance 58 to 37 percent, with 5 percent undecided.

Prior to the election, a public education program was instituted by a coalition that consisted of the Coalition for a Sensible Pesticide Policy (CSPP), Responsible Industry for a Sound Environment (RISE) and a local yard and garden group.

**The campaign**—Here are the components of that campaign:

✓ Television spots: A 30-second television commercial featured an elderly neighbor-type receiving a citation from a police officer. It brought home the "Big Brother is watching" concept used in other campaign components.

✓ Radio spots: Three radio spots were aired. One called the measure unnecessary and expensive; another said that neighbors don't have to be forced to communicate; and the third said that Missoulians "need a greener, friendlier Missoula, not more Big Brother."

## Missoula voters polled:

What was the main reason for your vote against the local pesticide law?

too much govt. control.......23% unnecessary............16%

Were you aware of the ad/publicity campaign against the local pesticide law?

yes81%	0
no17%	6
not sure	6

What type of advertising do you remember?

television	63%
newspaper	9%
direct mail	7%
radio	3%

- Newspaper: An advertising insert featured a quote from former Surgeon General C. Everett Koop, explaining that pesticides are heavily tested and are of low risk when used as labels direct.
- ✓ Direct mail: Lawn care customers, who are generally aware of the benefits of lawn care pesticides, received a flyer discussing the ordinance's various defects.
- ✓ Tele-solicitation: A phone bank placed calls to voters for the two days prior to the election, reminding them of the information they had seen and heard, and urging them to get out and vote the measure down.

Corporate: Washington Corporations, one of the area's largest employers, routed a memo to its employees informing them of the ordinance's shortcomings and urging them to vote against it.

industria

**Final results**—The ordinance's defeat reflected a nearly 20 percent turnaround in voters' views.

A post-election survey (see chart) indicated that many voters were confused by the ordinance. Although ordinance supporters complained that advertising led people to believe the measure would ban pesticide use, the survey found that most were aware this was not the case.

#### INSIDE

A damper on golf building, page 86

Eight new bent varieties, page 88 Landscaping for value, page 88 HOT TOPICS

# Environmental restrictions put damper on golf

**CHICAGO**, **III.**—The president of the American Society of Golf Course Architects blames "excessive environmental restrictions" for delays in the opening of new golf courses.

"Myriad federal, state and local agencies all intertwine to make today's application for the construction of a golf course an endless quagmire of delays and revisions." according to Tom Clark.

"Architects have been able to meet these challenges, but it's getting more difficult every day," says Clark, who suggests the delays might dissuade potential developers from entering the golf market.

Clark has no quarrel with environmental awareness, but says the duplication of government restrictions is not productive.

"We've shown that golf courses can coexist with nature, serve the needs of a growing population and preserve open, green space," says Clark. "Furthermore, architects have shown the utmost respect for the environment and that we can govern ourselves in this area."

Clark compares a Georgia golf course built in 1985-86 with a mere five permits, to a current project in the Washington, D.C. area, which has so far required 52 permits and engineering expenditures of more than \$300,000.

But Clark tempers his complaints with a solution: an upcoming ASGCA publication which will address key environmental issues. "The book will be distributed to state, federal and local agencies so questions concerning key issues are addressed prior to submitting for environmental permits," says Clark.

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# Builder has environmental commitment

**WASHINGTON**—Winchester Homes, Inc. recently planted 100 trees near a Washington, D.C., highway intersection in an effort to emphasize the company's commitment to environmental responsibility.

"Our commitment to create and ensure a quality lifestyle for Winchester homeowners and prospective home buyers extends beyond the design and construction of quality homes," says Christopher Zell, Winchester vice president of marketing. Winchester's goals, according to Zell, is to encourage and protect the environment and natural resources through afforestation—the establishment of new forest lands— and reforestation activities.

Fifty volunteers—including company employees and their families, homeowners and other community members—showed up for the tree planting. Volunteers were assisted by the Forestry Division of the Maryland Department of Natural Resources.

The Cloverleaf Planting is part of Maryland's "TreeMendous" program, begun in 1989 by Gov. William Schaefer, to assist in the reforestation of state highways and major intersections.

"The cloverleaf planting at this intersection will help to achieve good air quality, increase water filtration in the soil and increase the aesthetic value of the highway by providing a view of mature, green forests," says Zell.

#### College requesting sites for training

**LAKE CITY, Fla.**—Lake City Community College is looking for co-op training sites for its summer landscape program.

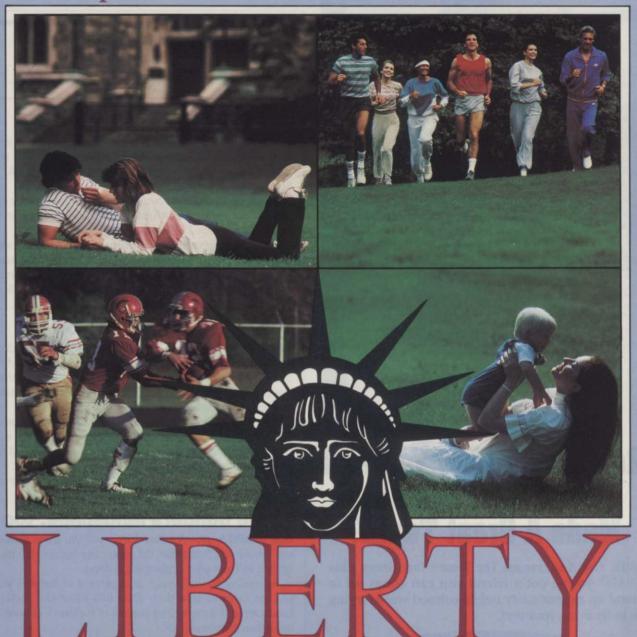
All of the college's courses in golf course operations, landscape technology and turf equipment management require co-op sponsorship.

John Piersol, chairman of the golf course operations at the college, says quality sites that will provide meaningful training for the students are needed.

Piersol also notes that the school will graduate more than 20 golf course mechanics in May of 1992.

Contact Piersol at Lake City Community College, Landscape Operations, Rt. 3, Box 7, Lake City, FL 32055.

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### **HOT** STUFF

#### **ALCA now manages exams**

**FALLS CHURCH, Va.**—ALCA is now managing the National Council for Interior Horticultural Certification. It took over that certification from the Ohio Florist Association (OFA) on Sept. 1, 1991.

ALCA says interior landscape contractors can now be recognized through its Certified LandscapeTechnician and a Certified Landscape Professional designations.

ALCA interior certification exams: the OFA short course July 11-15, 1992 in Cincinnati, the ALCA Interior Plantscape Division Conference Oct. 2-5, 1991, in Columbus. For more information, contact: Elise Lindsey, ALCA, 405 N. Washington St., Falls Church, VA 22046; (703) 241-4004.

#### 8 bentgrass varieties on tap

**STATE COLLEGE, Pa.**—Penn State University researchers are developing eight advanced varieties of bentgrass which could "set new standards for density, quality and performance," according to Dr. Joe Duich, director of Penn State's turf research program.

"The increased use and extraordinary agronomic demands on creeping bent have led to the development of new varieties," says Duich, who was to retire from Penn State at the end of 1991.

Duich says "more and more golf courses" are using creeping bent for tees, fairways and greens.

#### Home builders landscape, too

**DES PLAINES, III.**—A recent survey of 1500 home builders and remodelers found that the bigger the builder, the more likely it will also offer landscaping services.

According to the survey, 20.3 percent of builders with annual sales of less than \$500,000 offer the service. Landscaping is done by 36.4 percent of builders with sales of more than \$5 million.

The builder/remodeler survey was conducted by Professional Builder & Remodeler magazine.

#### **Landscaping for value**

**SACRAMENTO**, **Calif.**—A well-developed and well-maintained landscape improves home property values in California by an average of 7-1/2 percent, according to a survey of real estate agents, brokers and landscape appraisers.

The California Association of Nurserymen (CAN) surveyed 184 professionals. According to the respondents, quality landscaping can speed a home's rate of sale by five to six weeks. Thus, two-thirds of the real estate agents recommend improving their client's landscape to help sell the home.

"First impressions can sell a home," says Tom Carnahan, past president of the San Fernando Valley Board of Realtors. "Landscaping is an integral part of that first impression."

Adds CAN president Ralph Klages: "According to *Money* magazine report, a new landscape has a recovery value of 100 to 200 percent."

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## EVENTS

#### **FEBRUARY**

10-17: International Golf Course Conference and Show, New Orleans Convention Center. Contact: Linda Fortunato, GCSAA, 1421 Research Park Dr., Lawrence, KS 66049-3859; (913) 841-2240.

11-13: Woody Ornamentals IPM, Waltham, Mass. Contact: Kathleen Carroll, Univ. of Mass. Cooperative Extension, French Hall, Amherst, MA 01003; (413) 545-0895.

18-23: National Arborist Association annual meeting, The Registry Resort, Scottsdale, Ariz. Contact: NAA, P.O. Box 1094, Amherst, NH 03031; (603) 673-3311.

**18-21:** International Erosion Control Association conference and trade show, Reno, Nev. Contact: Ben Northcutt, P. O. Box 774904, Steamboat Springs, CO 80477; (303) 879-3010.

**20-21:** "Investing in Your Future," Rockville, Md. Contact: Landscape Contractors Association of Md, D.C., Va., 9053 Shady Grove Court, Gaithersburg, MD 20877: (301) 948-0810.

**21-22:** National Lawn Equipment Expo, Orlando, Fla. Contact: Thomas J.

Ganz, 2126-A Hollywood Blvd., Hollywood, FL 33020; (800) 992-2562.

22: Women in Horticulture annual conference, Seattle (Wash.) Airport Hilton. Contact: Tory Galloway, (206) 784-6449 or Gina McCauley, (206) 567-4941.

22-24: Conference on Insect and Disease Management on Ornamentals, Orlando (Fla.) Peabody Hotel. Contact: Nancy Lawler, Society of American Florists, 1601 Duke St., Alexandria, VA 22314-3406; (800) 336-4743 or (703) 836-8700.

**24-26:** Beginning in the Nursery Business, Virginia Tech, Blacksburg, Va. Contact: Continuing Education Center, Virginia Tech, Blacksburg, VA 24061-0104; (703) 231-8000.

25-27: Illinois Landscape Contractors Association Winter Seminar, Chicago Holiday Inn O'Hare. Contact: Julie Newill, ILCA, 2200 S. Main, Suite 304, Lombard, IL 60148; (708) 932-8443.

**26:** New Jersey Landscape '92, Meadowlands Convention Center, Secaucus, N.J. Contact: Skip Powers, 630 Valley Ct., Westwood, NJ 07675; (201) 664-6310.

27-28: Landscape Industry

Conference and Trade Show, Denver. Contract: Associated Landscape Contractors of Colorado, 5290 E. Yale Circle, Suite 100, Denver, CO 80222; (303) 757-5611.

29-March 1: Tampa Bay Horticultural Trade Show, Florida State Fairgrounds, Tampa. Contact: Tampa Bay Wholesale Growers, 6804 Gunn Hwy. #C, Tampa, FL 33625; (813) 920-4393.

#### MARCH

2-5: Vertebrate Pest Conference, Newport (Beach, Calif.) Inn. Contact: Dr. Terrell Salmon, DANR-North Region, Research Park Facility, University of Calif., Davis, CA 95616; (916) 757-8623.

**3-4:** Golf Course Design Principles, Cincinnati, Ohio. Contact: GCSAA, (913) 832-4444.

**9-10:** Landscape Design & Plant Materials, Bloomington, Ill. Contact: GCSAA, (913) 832-4444.

10: Turfgrass Stress Management, West Chester, Pa. Contact: GCSAA, (913) 832-4444.

# TIPS

#### **Brainstorm for service ideas**

by Ed Wandtke

- Bringing personnel together to work on a specific objective has long been used by companies as a method of increasing creativity. Apply the brainstorming concept to your customer service program in order to improve its effectiveness. This is more effective than telling your technicians or office personnel how they should handle customers.
- **1.** Two days before the meeting, provide a list of topics to be discussed. Some employees need time to think about a topic before they can contribute effectively.
- **2.** The first step on the day of the meeting is to narrow the topic down into a spe-

cific problem which all of the attendees agree upon.

- **3.** Provide some quiet time for reflection on the topic. Ten to 15 minutes seem to work best. Encourage active participation from all of your employees. Ideas, no matter how off-the-wall, need to be presented because they may identify a different opportunity for solutions.
- **4.** Use a flip chart. Write all suggestions down and hang the chart papers with them across the front of the room. Visualization of suggestions and seeing alternatives often will lead to additional input or clarification of potential solutions. Do not rush this process.
- **5.** Have participants eliminate the least attractive suggestions. This allows them the opportunity to reinforce the better recommendations but avoid comment on poor or discarded ideas.
- **6.** Then have employees rank the balance of their suggestions as "practicable," "possible," or "least unlikely."

Brainstorming is most effective when a problem is defined and then recommendations are directed toward solutions of only that problem. It will take patience and practice for the leader of the session to keep the participants on the specific problem. Future sessions will benefit from the time spent in initiating this method of improvement in your company. Employees will also feel their ideas are being considered by the owner.