

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

December 7, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 7th day of December, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Dillingham, Spaulding and Chairman Griffith
ABSENT:	Councilmember Kovach
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Councilmember Linda Lockett, Ward Seven
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Director of Planning and Community Development Mr. Steve Lewis, City Manager Ms. Linda Price, Revitalization Manager Ms. Syndi Runyon, Administrative Assistant IV

DISCUSSION REGARDING PRO-ACTIVE CODE ENFORCEMENT.

Ms. Linda Price, Revitalization Manager, said in 2002, City Council appointed a Core Area Coalition to address code violation problems in the core area of Norman and the group recommended proactive or enhanced code enforcement. In September 2002, City Council unanimously approved a resolution to initiate an enhanced Code Enforcement Program in two targeted areas on a trial basis. In 2003, Staff recommended expanding the program to other areas and make the two previously trial based areas permanent. Council agreed; however, budget issues led to a reduction in staff and the expansion was not pursued. In October 2007, 12 new areas for proactive code enforcement were approved by Council and in July 2008, Staff recommended additional proactive areas which followed in January and September 2009, with a recommendation to expand the program further.

Ms. Price said proactive code enforcement allows inspectors to drive through all designated areas and initiate action on violations as well as respond to citizen complaints. Currently, if the area is not proactive, no action can be taken by inspectors when they see a violation unless there has been a citizen complaint.

Ms. Price said Code Enforcement has five Inspectors, one full-time Administrative Assistant, and one vacant part-time Administrative Assistant position. She said all inspectors are certified by State and national testing and are actively involved in associations related to their certification. Chairman Griffith asked what triggered the recommendation for proactive enforcement in the expanded areas and Ms. Price said the decision was based on recommendations from the inspectors do to the number of complaints received in those areas as well as inspectors finding additional problems when responding to complaints. Ms. Price said proactive areas tend to stay in compliance when proactively enforced and that is what Staff would like to accomplish citywide.

Ms. Price said principle complaints consist of the following:

- Weeds (must be twelve inches high)
- Health violations (couch on porch, refrigerator in front yard, etc.)
- Inoperable vehicles
- Property maintenance issues
- Off-street parking
- Unsecured structures
- Signs in rights-of-way
- Zoning violations (reference more to three unrelated people living at one residence)

The City of Norman conducted a survey of 20 peer cities regarding their code enforcement regulations. Ms. Price said six Oklahoma cities responded to the survey of which Broken Arrow was the only city that is not proactive in any way while cities in other states were proactive in residential areas. She said out of the seventeen cities that responded in Oklahoma, Texas, Colorado, Kansas, and Missouri, all were proactive.

Ms. Price said in 2009, the City of Norman conducted a citizen survey regarding citywide issues and code enforcement was addressed in the survey. She said the highest priorities were getting rid of junk and debris on private property, mowing and weeds, and exterior maintenance of residential property.

Ms. Price said Staff's proposal is to conduct citywide proactive code compliance. She said Staff will focus on urban residential areas opposed to rural areas. Staff will work in rural areas, but it would not be the primary focus. She said Staff will address residential subdivisions so if they received a complaint, inspector would work the entire subdivision proactively. She said Staff will address violations in non-urban areas when discovered and continue to work citizen complaints.

She said citywide proactive areas would encompass 60th Avenue on the west to 36th Avenue on the east and all of that area would be initially driven through within a month to six weeks of Council approval.

Ms. Price said if Council approves a resolution to expand the program, Staff would provide an education program for citizens. She said most citizens believe the City is already proactive and are unhappy when they find this is not the case. She said after the education process, the City would initiate the program.

Chairman Griffith asked if the City has to receive a complaint in non-proactive neighborhoods before enforcing and Ms. Price said yes, that was Council's policy. Chairman Griffith said he was under the impression inspectors worked violations if noticed and felt it was imperative to move forward with the program. Councilmember Dillingham said there have been issues with proactive area residents feeling harassed. Councilmember Gallagher asked why inspectors cannot work a violation without a complaint in non-proactive areas and Ms. Price said the resolution passed by Council limited proactive enforcement to specific areas. Councilmember Gallagher then asked why inspectors would drive around areas that are not proactive and Ms. Susan Connors, Director of Planning and Community Development, said they are usually responding to a complaint. Councilmember Gallagher asked what the cost would be for expansion of the program and Ms. Price said there would be no cost increase.

Councilmember Gallagher said Staff would be diluting proactive activity by not concentrating on specific areas and Ms. Price said inspectors would be able to work violations if seen instead of waiting for complaints. Ms. Connors said if the proactive areas are expanded citywide, there will not be as much inspection coverage in the current proactive areas so there will be some dilution in the amount of time spent in one area. Councilmember Gallagher felt citywide proactive enforcement is long overdue.

Mr. Steve Lewis, City Manager, asked Ms. Price to explain how dilution of current proactive areas such as Ward Four, which is a dense area, would occur. Ms. Price said current proactive areas are primarily in the core areas of Norman and believes that because those are smaller areas there will be less dilution than in larger areas. She said inspectors work smaller areas quickly and are very familiar with problem areas that are not currently being driven by complaints. She said there will be some dilution, but believes inspectors' knowledge of their areas help them plan routes to be more effective. Councilmember Gallagher said there has to be more balance and Ms. Price said once the program begins, Staff can adjust the inspectors' boundaries to make areas more equitable.

Councilmember Dillingham said, in the past five years, Council has worked hard to be responsive to citizens so they are not unfairly targeted, but at the same time expand in a limited way given the City's resources. She said her biggest concern is having enough resources to keep up with violations if there were to be a particularly rainy summer. Councilmember Spaulding asked if the City is satisfied with current staffing to perform citywide proactive enforcement and Ms. Price said inspectors feel they can do the job. Councilmember Spaulding said he knows first hand, as a previous contractor for municipalities, that Norman Code Enforcement Staff is fair and works with citizens that are in violation. He said he has contracted with other cities that do not work with citizens and enforce violations stringently.

Mr. Lewis asked what reactions Staff anticipates from Ward Five and Ms. Price said because Ward Five is rural, she felt there would be less impact. She said the City has received more negative responses to enforcement by citizens in Ward Five because they feel like they are not "in town" so the rules should not apply to them. She said most complaints are received from rural subdivisions and properties further east are zoned agriculturally and the City is limited by State Statutes on what can be enforced. She said in agriculturally zoned areas the City is only able to enforce zoning violations, building codes, inoperable vehicles, and health violations. She said the City cannot condemn property even if the buildings are falling down. She said the state was trying to protect farmers and ranchers who had buildings that did not get painted regularly.

Councilmember Spaulding asked if the proactive area stops at 36th Avenue on the east and Ms. Price said yes, but Staff will do proactive enforcement in the rural areas as they are discovered or by complaint in a subdivision, but the City will not be able to drive the rural area on a frequent basis.

Councilmember Dillingham said she had received complaints about citizens temporarily placing couches on their front porch during the extreme heat because they have no air conditioning, which could be a health issue due to animals, insects, and rodents. She asked the Committee for their thoughts on the issue and Ms. Price said Staff gives leeway in those instances. She said the City works with citizens as Staff does not want violations or citations issued and the City's overall goal is compliance.

Mr. Lewis said principle complaints he encourages Staff to integrate into their proactive inspections are zoning violations. He said these violations can be contentious and hard to prove. Councilmember Gallagher asked for an example. Mr. Lewis said there is property on 24th Avenue where the property owner is using the property as a parking place for construction vehicles, sort of a "contractor's yard." He said those types of violations require a lot of work to resolve. He said home owners that run businesses out of their homes such as welding at all hours of the night disrupt neighborhoods. Councilmember Gallagher said the violation he notices the most is that many college students rent houses and pack as many students in as possible. He said there are also a lot of issues with property maintenance, off-street parking, inoperable vehicles, and health concerns.

Councilmember Spaulding asked Staff to paraphrase Jeanette Coker's issues as she voices her concerns frequently at Council meetings. Councilmember Dillingham said her issue is the City has "too much code enforcement in her area." She said Ms. Coker has a great deal of rental properties in the core area and feels targeted. She said Ms. Coker will be pleased with the dilution of enforcement in her area and Councilmember Dillingham will be interested to see if there is an increase in complaints for the core area once the citywide proactive enforcement begins

Mr. Lewis asked if there is an association of investor owned properties in the community that have come to the City over the years echoing their concerns and Ms. Price said there is not an association, but when the City has initiated changes the Board of Realtors and property owners are notified of the changes.

Chairman Griffith said the consensus of the Committee is to move forward with a resolution for citywide proactive enforcement and asked Staff to prepare a draft resolution to be presented to Council at a Study Session. He asked about the proposed citizen education program and Ms. Price said information can be placed on the City's website, on Channel 20, as inserts in utility bills, public meetings, etc.

Councilmember Spaulding asked how long a period passed between when the first notification of a violation to when the contractor works the violation and Ms. Price said generally, property owners are given ten days from receipt notification by mail to comply and, after that, a work order is given to the contractor to bring the property into compliance. Councilmember Spaulding said education is necessary to a certain extent; however, once a resident receives notification, they are educated so he would not advocate spending much time or money on an education program. Councilmember Dillingham agreed and said there would be a presentation at the Council meeting when Council is asked to adopt the resolution and portions of that presentation could be placed on Channel 20. Councilmember Gallagher suggested asking the editor of the Norman Transcript to write an article for a Sunday edition. Councilmember Lockett suggested including information on bulk pickup as many citizens are not aware that for \$20 the City will pick up bulk items.

Chairman Griffith asked when the resolution could be scheduled for a Study Session and placed on a Council agenda. Mr. Lewis said approximately 30 days. Chairman Griffith asked if it would go into effect 30 days from adoption and Ms. Price said that would depend on how much time is spent on the education program. Councilmember Gallagher said the issue does not need long term study or education as common sense would be to place a resolution on the agenda for approval and begin enforcement.

Items submitted for the record

1. Memorandum dated November 29, 2011, from Linda Price, to Chairman Griffith and Councilmembers
2. PowerPoint presentation on Proactive Code Enforcement

MISCELLANEOUS DISCUSSION. None

The meeting adjourned at 6:16 p.m.

ATTEST:

City Clerk

Mayor