

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

June 6, 2012

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 6th day of June, 2012, 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, Kovach, Spaulding and Chairman Griffith

ABSENT: None

OTHERS PRESENT: Councilmember Roger Gallagher, Ward One
Councilmember Linda Lockett, Ward Seven
Mr. Mark Campbell, Post Office Box 3053
Ms. Jeanette Coker, 620 East Main Street
Ms. Jane Crumpley, 423 Elm Drive
Ms. Ann Gallagher, 1522 East Boyd Avenue

STAFF PRESENT: Ms. Susan Connors, Director of Planning and Community Development
Mr. Keith Humphrey, Police Chief
Mr. Steve Lewis, City Manager
Ms. Linda Price, Revitalization Manager
Ms. Jeanne Snider, Assistant City Attorney
Mr. David Teuscher, Police Department
Mr. Charlie Thomas, Capital Projects Engineer
Mr. Teddy Wilson, Police Department
Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

DISCUSSION REGARDING THE CRIME FREE MULTI-HOUSING PROGRAM – MAINTAINING AND ENHANCING THE QUALITY OF LIFE IN THE CITY OF NORMAN BY PROTECTING LIFE, LIBERTY, PROPERTY, AND KEEPING THE PEACE.

Mr. Keith Humphrey, Police Chief, said there had been concerns among Council and citizens regarding multi-family housing quality of life issues that occur inside apartment complexes. He said, in a typical neighborhood, there would be 200 to 300 homes spread out over a large parcel of land and an apartment complex is simply a condensed version of a neighborhood. He said there are apartment owners that really care about their facilities and quality of life of their renters. He said most complexes have managers on site who represent the owners while a majority of the owners live out of state and do not keep a close eye on the day to day functions of the complex. He said the Crime Free Multi-Housing Program is a successful program that has been around for years, unfortunately there are no concrete statistics to show that the program works. He said Staff reviewed four cities that have the program in place, which are Midwest City, Oklahoma; Wichita Falls, Kansas; Dallas, Texas; and Ft. Worth, Texas. He said there are two concepts to the program, voluntary and mandatory with the mandatory concept being ordinance based. He said the problem with a voluntary program is that there is no "teeth" to ensure the program is maintained and the owners not go through the initial process and let it lapse after time. He said Officer Teddy Wilson, Norman Police Department, researched the program and has found three to five willing program participants in Norman. He said Staff's goal is to design a program that specifically benefits the City of Norman and if Council decides to go forward with the program, the Police Department wants it to be successful.

Officer Wilson said apartment crime issues consist of drug activity- selling and abusing; residential and auto burglaries; loud parties; vandalism; and high volume of calls for service. He said the high volume of calls is due to the high volume of people concentrated in a small area.

Officer Wilson said the Crime Free Multi-Housing Program was started in 1992 by Mr. Tim Zehring of the Mesa, Arizona Police Department who was tasked to design a safety program that would work for rental property. Mr. Zehring found that Neighborhood Watch and Block Watch Programs work well for established housing neighborhoods, but not for rental properties because of a lack of ownership and sense of pride by renters and some owners. Renters with criminal intent were moving into properties and bringing their trades with them resulting in expensive repairs to the property and constant police calls for service. Renters did not care about the property and owners are unable to maintain safe and secure apartments so the program was developed using a basic crime prevention basis.

Officer Wilson said benefits of the program include a stable, more satisfied tenant base; increased demand for rental units with a reputation for active management; lower maintenance and repair costs; increased property values; improved personal safety for tenants, landlords, and managers; and reduction in call volume and criminal activity.

Officer Wilson said there are three phases to the program as follows:

▪ PHASE ONE

- Apartment management training taught by police – an 8 hour course provided free of charge
- Crime Prevention Through Environmental Design (CPTED) Survey – police survey property and make suggestions on doors, windows, locks, and exterior lighting minimum standards (this step will incur costs)
- Community Awareness Training taught by management and police - led by management

PHASE TWO

- CPTED Survey by police – security survey of property
- Minimum door, window, and lock standards compliance inspection – verify proper minimum standard materials are used (three inch screws, deadbolts, etc.)
- Minimum exterior lighting standards evaluation – any new lighting will need to meet Norman's Lighting Ordinance requirements
- Key control procedures evaluation
- Landscape maintenance standards compliance – maximum three feet tall bushes and trees trimmed up to seven feet
- 100 point security survey of the property – 30 of the points will be required minimum standard points

PHASE THREE

- Crime Prevention Social taught by property management and police
- Last step to receive full certification
- Required annual survey inspection to retain certification

Officer Wilson said the apartment complex receives a certificate stating the it has followed through on requirements of each phase and Crime Free Multi-Housing Program standards have been met. He said they will also have a Crime Free logo that can be used as free advertising on their website and on any literature given to renters. He said the police will provide a list of certified Crime Free Multi-Housing Program apartment communities on the City's website, which will assist parents in locating a safe environment for college students as well as help apartment complexes attract tenants.

Officer Wilson said the program will educate managers on the crime prevention theory; physical security techniques; benefits of resident screening (background checks); lease agreement and eviction issues; benefits of a Crime Free Lease Addendum; key control and master key use; ongoing security, management monitoring, and response to criminal activity (never confront the perpetrator); gangs, drug activity, and crime prevention; legal warnings, notices, and evictions; working smarter with police/fire; Life Safety Training; and community awareness. He said a resource manual of approximately 200 pages will be supplied to each certified complex with additional handouts.

Officer Wilson said the Crime Free Lease Addendum is the backbone of the program as it is a binding contract between the lessee and leaser and any violation is grounds for termination of the lease. He said the tenant would not have to be convicted of a crime in order to be evicted, the leaser would just have to have preponderance of evidence that a crime occurred. He said renters will be required to initial each portion of the addendum as well as sign it so if they were to go to court there would be no question that the tenant read the addendum in full and understood what they were signing. The addendum will also require information on all other people living in each unit, if any, as they will be held to the same standards.

Officer Wilson said minimum standard requirements will include more exterior lighting; landscape maximum height requirements; deadbolts for all doors; three inch screws for door strike plates and hinges; sliding door locks; sliding window locks; door viewers; and building numbers that are visible from the parking lot. He said most apartment complexes meet some of these standards and building number visible from the parking lot will help police and fire department to locate an apartment quickly. He researched costs at local businesses and, based on a 120 unit apartment that is ready to come on board with the program, total costs to meet minimum requirements would be approximately \$4,437, but it is less expensive to buy in bulk. He said that may seem high, but they will only have to be installed one time for the life of the apartment. He showed an example of a sign that would be required to be posted in least at two locations, preferably at each entrance, once an apartment complex has met all minimum standards.

Officer Wilson said in order to make the program successful the Police Department will partner with apartment management and communities; City Council; Code Compliance; Fire Department; Cleveland County; Apartment Community Watch (a Neighborhood Watch for apartment communities); Planning Department; local businesses; and International Crime Free Association, which is the parent company of the Crime Free Multi-Housing Program.

Councilmember Spaulding asked if the Fire Department had been consulted about the window locks since they only allow the window to be opened to a certain extent and Officer Wilson said yes, the Fire Department said it would be acceptable as long as people are able to unscrew them. He said the program will require thumb screws that can be removed fairly quickly in case of emergency.

Councilmember Kovach asked what part of the program would be backed up by ordinance and Officer Wilson said Phase One is mandatory in communities that have a successful program. He said managers, owners, and renters will be required to attend the eight hour education course. Councilmember Kovach said with all the out-of-state owners, he would like to move in the direction of some type of enforcement. He said Ms. Susan Connors, Director of Planning and Community Development, had provided him with information on multi-family housing and research on crime statistics show that crime occurs in low income areas as well as higher end housing. He said the key is keeping the property maintained, whether it is houses or apartments. Chief Humphrey said apartment complexes are like small cities and, in most cases, only 5% of the population are causing problems. Councilmember Kovach said some owners let the apartment complexes become so run down that it becomes a "broken window syndrome."

Councilmember Spaulding said the free market will dictate whether owners reinvest into properties and he has a problem with enforcement. He said an owner should be able to run their property as they see fit

without adhering to all these standards. He said he also had a problem with forcing owners to attend an eight hour course and asked what the City would do if the owner is a corporation or limited partnership with several investors. He said he would not mind having the program, but on a voluntary basis only.

Chairman Griffith asked what enforcement tools would be used for Phase One if the program were implemented and Ms. Jeanne Snider, Assistant City Attorney, said she has not seen a proposed ordinance, but penalty ranges regarding dollar value and detention time are limited by State statute. She said violations would be considered Code Enforcement violations so they would be prosecuted similar to other zoning violations such as inoperable vehicles, property maintenance, standard minimum housing standards, etc.

Councilmember Kovach asked Ms. Snider how she would respond to Councilmember Spaulding's question regarding corporate owners and Ms. Snider said "owners" would have to be defined and constructed into the ordinance, but it might be difficult to get out of state owners to come to court. She said it could be structured to fit Norman's needs, but it is not unique for property owners to be corporations and she would have to review other cities ordinances. Officer Wilson said other cities use the term "manager," not owner and training is required for management only. Councilmember Spaulding said if owners allow properties to become rat holes, nobody will want to live there. Councilmember Kovach said that might be true, but neighbors to that community are also suffering. Chief Humphrey said some apartments run smoothly for years then when it comes time to make repairs and paint, the owners do not want to do that. He said a lot of tenants will then move out, but apartments have to be occupied to make money so rent and standards are lowered. He said when complexes start lowering standards by not doing background checks and allowing multiple people to live in one apartment money is not being made to do repairs and rental properties are all about money.

Councilmember Spaulding said the free market will determine how owners take care of properties and City Council and City Staff are not qualified to get into the mind of an investor. He said the City is trying to run an investor's business for them by requiring them to maintain a property up to a certain level over and above what the City already has in place through Code Enforcement. He said requiring three inch screws does not fall under crime prevention and is overreaching big government.

Councilmember Kovach asked how the program was working in Wichita Falls and the other cities researched and Officer Wilson said it has worked out well. He said Fort Worth goes above and beyond the City ordinance as they require Phase One and Phase Two including the three inch screws. Councilmember Spaulding asked if that all fell under the Crime Free Program and Officer Wilson said it falls under the Police Department's purview. Councilmember Spaulding was concerned that a Police Officer did not have the expertise to tell an investor the length of the screw needed on his structure. Chief Humphrey said he understands Councilmember Spaulding's concerns, but the program is a joint effort between multiple agencies and multiple departments that work together. He said three inch screws do make a difference when someone is trying to kick in a door. Councilmember Spaulding said the program is a great idea, but only on a voluntary basis. He said investors need to know their properties would be better if they use three inch screws. Councilmember Kovach said the other cities programs began on a voluntary basis, but were unsuccessful. He said these properties provide unsafe living conditions where people are getting hurt, people are frightened, and sometimes cannot afford to move and need something as simple as a light to make their lives safer. Councilmember Spaulding asked if Councilmember Kovach was saying City Codes, as written, promote unsafe living conditions and Councilmember Dillingham responded, yes. She said especially with respect to lighting in apartment complexes. She said City Code does not mandate adequate lighting to allow safe transit from the parking space, up the dark stairways, to the door, which can easily be kicked in. She agrees the program should be voluntary except the part where the owner is not reinvesting in the property

and the properties fall into horrible disrepair. She said some Section 8 properties are not safe and at some point the City is going to have people in Norman who are struggling, who have recently gotten out of a homeless situation and living at these properties is the best they can do. She said the City has to be able, with the least amount of government intervention, to make them safe in their homes, particularly as they are trying to get back into the workplace. Councilmember Spaulding said if that has been a problem, why has it not been addressed prior to this program? Councilmember Dillingham said the Committee is trying to recognize where there are problems and look at options to solving the problems.

Chief Humphrey said currently there are three complexes with possibly two more willing to volunteer for the program. He said the Police Department recommends the program begin on a voluntary basis with those three complexes. He said six months to one year would be an adequate amount of time to see if the program will work. Officer Wilson said the three complexes are problem complexes for the Police Department with high volume of calls for service. He said they are all under new ownership or management and ready to start the program today. He said after one year the Police will have feedback for Council and the management or owners can give input to Council as well. Chairman Griffith said the bottom line is investors will see a return on their investment that is only going to increase if people want to be there. He said he did not want to see blighted property in Norman and properties can be reinvigorated with new investment. He felt the program is an imperative move that needs to be made.

Chief Humphrey said the trial period will give the Police Department an opportunity to see what resources and staffing is needed. He said there are 164 complexes and it would take at least ten full time officers for a mandatory program. He said one property will especially benefit from the program as well as benefit the City. He said he would like a voluntary program, but there might be some portions of the program that would need to be mandatory and a one year trial pilot program would give the City a better idea of what that would be.

Councilmember Kovach said he would like a report on some of the other problem complexes, not just the ones volunteering, for comparisons and Chief Humphrey said that could be done. Officer Wilson said numbers will vary based on the number of units per complex. Chief Humphrey said there is a perception that apartment complexes cause problems and he would like to be able to prove that of all the calls of service, 10% were to apartment complexes. He said these are things the City needs to know in order to have a successful program.

Councilmember Lockett said she has owned low end apartments that had huge problems and she would have loved to have had this program, on a voluntary basis, when she was having those issues. She said Food and Shelter for Friends had gotten involved when one of her renters was evicted because they were causing problems and went to the agency for help. She said the agency offered to pay his rent and told her she could not just turn the person out on the street, but allowing him to stay was not an option. She said as long as social service agencies are supporting these types of people, the problems remain so it is not just a landlord problem or a management problem or a Police Department problem, it is a community problem. Chairman Griffith said part of the protocol and the training will be educating managers how to interview potential renters and discern whether or not they can be a possible problem. He said problems Councilmember Lockett encountered could be eliminated up front. Councilmember Lockett was concerned if the City starts talking about mandatory requirements a of complexes will not be receptive. Chairman Griffith said if all the apartment complexes are made aware of those that are volunteering, they will watch and if they see success in terms of increased rentals and reduced calls for service the volunteer rate will escalate.

Councilmember Spaulding asked if Officer Wilson had stated the three properties wanting to volunteer have new owners and Officer Wilson said two have new owners and one has new management. He said the new owners/management began evicting people on their own and asked the Police Department to help them be more involved with their renters. Councilmember Spaulding said that proves the nature of the free market will generate change when necessary. He said problem hot spots evolve into lower returns for investors so they either sell them or bring in new management to fix the problems. He said the very idea that the new owners/managers are willing to look at this particular program shows that free market has dictated they make changes on their own. Chairman Griffith said that was true, but how many generations does the City have to wait for the free market to decide that it is going to work? He said neighborhoods object to apartment complexes coming in whether they are proposed to be high quality or not because they fear the complex will become blighted over time putting their neighborhoods in danger. He said this program is a way to prevent that kind of blight and maintain the high standards to improve quality of life in these communities.

Councilmember Dillingham said she would like to review statistics for the three volunteer properties compared to other problem properties, but the most important thing is to find what is not working in other problem properties and what, hopefully, minor things the City needs to legislate in terms of public safety.

Chairman Griffith asked if any of the cities that have the program have tracked reduction in service calls and Officer Wilson said Fort Worth has. Chief Humphrey said he would submit that information to the Committee. He said Fort Worth puts the responsibility back on the property owners and that is why it works.

Officer Wilson said his focus is more on the people in the complex that are not causing problems. He said this program will teach them crime prevention techniques such as not leaving vehicles unlocked, not leaving laptops in the front seats, locking their front doors, etc. Councilmember Dillingham said she is concerned about people with no means to live any other place that are not the problem tenants. She said the City needs to balance the rights of the citizens who are entitled to a decent quality of life without too much governmental interference.

Councilmember Kovach said he would like to review statistics from Fort Worth when they went from a voluntary program to an ordinance. He said he would also like to incorporate fire safety into the program and have the Fire Department check smoke detectors. Officer Wilson said the Fire Department will be involved in the survey inspection process. He said apartment maintenance employees are suppose to check smoke detectors to ensure they are working, but they do not always do that or if they do, it is not very often. He said fire extinguishers need to be available in breezeways, but that could add to costs. Councilmember Lockett said the City has to keep added costs in mind because owners/managers are not going to make improvements that are not going to give them a decent profit.

Councilmember Gallagher asked if any of the cities that use the program have officers living in an apartment and, if so, has there been any improvement? Officer Wilson said it is not part of the program, but the complex could want an officer to live on property. Chief Humphrey said courtesy officers could live on site for a discounted rent, but the officer has to provide a service. He said there are certain conflicts that even officers will not become involved in and some complexes where officers will absolutely not want to reside.

Councilmember Gallagher said Code Enforcement is supposedly pro-active, but he has not seen an appreciable change and code violations are not being routinely addressed. He said there is a similar problem with parking where he has witnessed Parking Officers driving by obvious parking violations and do nothing. He said the City should mandate a landlord registration process for rental properties and Chairman Griffith said that could be discussed in a future meeting.

Councilmember Spaulding said no one is entitled to a high quality of life, but has the right to pursue a high quality of life. Councilmember Gallagher said the program is not only about quality of life, but crime and quality of life is a spinoff of reduction in crime.

Chief Humphrey said he would provide updates to Council during the one year trial period. Councilmember Dillingham suggested a resolution be drafted stating the Council is enacting the program to promote public safety. Councilmember Lockett said she did not believe a resolution was necessary; just advertise the program by contacting apartment owners/managers and place information on the City's website and in local newspapers. Chairman Griffith asked whether Staff saw any value in drafting a resolution recognizing the program and Ms. Snider said it could be difficult to put all the goals of the program in a resolution, but Staff could draft a resolution if that is Council's desire. Councilmember Dillingham suggested making a presentation about the program at a Council meeting. Mr. Steve Lewis, City Manager, suggested a Study Session instead and the Committee agreed. Councilmember Dillingham said she would like the public to be aware of the program as it moves forward.

Councilmember Spaulding asked if other complexes wanted to join the program could they do so and Chief Humphrey said yes, but it could create a staffing problem. Councilmember Spaulding said if that happened and in a year everything looked great for the program there would be no need for legislation of the program. He said he is afraid if everything does go well, the City would then mandate the program and he does not want that. Chairman Griffith said if things go well there would be no need to legislate as he believes other complexes will be jumping on board.

Councilmember Kovach said he would like statistics to be included in the monthly reports. Chairman Griffith agreed and said he would like to know how long the process takes, how long the learning curve is, how long the transition for improvement is, how many Staff hours are involved, etc.

Chief Humphrey said the program would be initiated August 1, 2012.

Items submitted for the record

1. PowerPoint presentation entitled, "Crime Free Multi-Housing Program," presented by the Norman Police Department

Item 2, being:

MISCELLANEOUS DISCUSSION.

The Committee discussed scheduling the next Committee meeting for July 11, 2012, as there regularly scheduled meeting would be July 4, 2012, and City offices would be closed.

ADJOURNMENT.

The meeting adjourned at 7:13 p.m.

ATTEST:

City Clerk

Mayor