CITY COUNCIL STUDY SESSION MINUTES

November 3, 2015

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 3rd day of November, 2015, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Allison, Castleberry, Heiple, Holman, Jungman, Lang, Williams, Mayor Rosenthal
ABSENT:	Councilmember Miller

Item 1, being:

PLANNING AND COMMUNITY DEVELOPMENT UPDATES:

- COMPREHENSIVE PLAN REVISIONS
- 5 YEAR CONSOLIDATED PLAN/HOUSING MARKETING ANALYSIS
- CENTER CITY FORM BASED CODE
- RECENT LEGAL RULING THAT MAY IMPACT NORMAN'S SIGN CODE

Mr. Steve Lewis, City Manager, said Council has been discussing the Comprehensive Plan for months and the City is ready to move forward with that project. He said part of that process was updating the housing market component of the housing strategy, which had to be done in order to receive Community Development Block Grant (CDBG) funding. He said the City has also been involved in the Center City Form Based Code Project as well as the Sign Code update. There has been a recent Supreme Court ruling that will require all communities to rethink their temporary sign regulations.

Comprehensive Plan

Ms. Susan Connors, Director of Planning and Community Development, said the Community Planning and Transportation Committee (CPTC) reviewed the Request for Proposal (RFP) for the Comprehensive Plan update on June 25th and August 27th, and based on their support, Staff released the RFP on September 23rd. The final proposals were due by October 30th and consultants can be interviewed in November with a contract proposed to be awarded by Council in December. She said the RFP included the elements of an Executive Summary; Community Profile Development; Development Goals, Objectives, and Policies; Future Land use Plan and Map; Transportation; Stormwater Plan; Infrastructure; Technology Infrastructure; Economic Development/Redevelopment; Parks, Trails, and Open Space; Housing; Neighborhood Revitalization; Sustainability; Healthy Community; Resiliency; Special Planning Areas; Community Character and Urban Design; and Implementation Plan.

Ms. Connors said public participation will be a huge part of the Comprehensive Plan process; therefore, the RFP required respondents to present a robust participation element and public engagement strategy. Participation by all sectors of the community will be required so the City will obtain a wide range of input. The strategy must include the latest technologies and be creative, inclusive, and reliable with the goal of channeling this input into realistic alternatives.

Ms. Connors said 13 consultant groups submitted proposals, which is an amazing outcome. The City needs to form a selection committee to review those proposals and interview the firms, which is proposed to take place in November. The RFP indicated there would be a Steering Committee of approximately 30 people appointed by the Mayor and Council.

Comprehensive Plan, continued:

Councilmember Castleberry asked how the Steering Committee will be structured and Mayor Rosenthal said the CTPC wanted a very broad, diverse committee similar to the Steering Committee for the Comprehensive Transportation Plan (CTP). She said that committee had approximately 30 members with four topic groups. Ms. Connors said the consultants are supposed to propose something and Council will get different ideas from the different proposals.

Housing Market Analysis

Ms. Connors said as part of the CDBG Program, Staff engaged RKG Associates, Inc., to prepare an assessment of the conditions and characteristics of the housing market in the City. Key objectives of the study includes assessing the current and projected demographic and economic characteristics of households in the community; assessing the nature and extent of short to mid-term housing demand with respect to various market segments; and assessing the affordability of housing in Norman based on the range of household incomes in the City.

The City performs a housing market analysis as part of the five year consolidated plan in order to receive CDBG funding, HOME Investment Program funding, and Continuum of Care funding from the Office of Housing and Urban Development (HUD). The five year consolidated plan must include a Housing Market Analysis, Housing and Homeless Needs Assessment, five year strategic plan, one year action plan, and consultation and citizen participation with accompanying documentation relating to public comment. The Consolidated Plan was approved by Council in April 2015, and submitted to HUD in May 2015. The full Housing Market Analysis was completed in September 2015.

Ms. Connors said the housing market analysis included a study of population, economics, and employment, housing market, housing affordability, and recommendations. She said recommendations included conducting a systematic reconnaissance and analysis of targeted neighborhoods as ascertain the degree of flight and the number of vacant, uninhabitable units on a street and block level; monitoring student housing development activity and it subsequent impact on older rental properties; preparing for the possibility that not all student-directed housing projects will be constructed as planned due to market saturation; and consider adopting an annual rental housing registration process to regulate and monitor the provision of rental housing in Norman.

Mayor Rosenthal said in the population projections, Norman is projected to add just over 2,600 additional households from 2015 through 2019, at an average of 520 additional households per year; however, the marketing analysis is indicating the absorption of 714 units per year. She asked if a household unit is the same as average unit absorption and Ms. Connors said no, because people move within the community. Mayor Rosenthal said she understands that people move, but does the absorption of 714 units mean the occupying of 714 new units? Ms. Connor said no, that is referring to units being built. Mayor Rosenthal said there are an estimated 630 net, new beds in the pipeline, which seems low. She appreciates the figures being presented, but felt the City needed to dig deeper because these statistics are not connected in a way that gives her an understandable narrative as to the extent of where the oversupply is. She said there are two residential colleges being constructed with 1,200 beds and Ms. Connors said that is actually three residential colleges. Mayor Rosenthal would like the numbers connected a little bit better to understand how much oversupply of student housing Norman has and where. She would like to know where the City has vacancies as well. Mayor Rosenthal said she sees a lot of "for rent" signs on houses in the core area.

Councilmember Castleberry asked if dorm space is being lost by students shifting over to new units and Staff said no, it is in addition to new units. Ms. Connors said some of the new student housing is taking away from some of the older units with students moving to the new units.

Housing Market Analysis, continued:

Ms. Connors felt the Comprehensive Plan can answer the additional questions that remain unanswered. Mayor Rosenthal said the City Manager suggested Council meet with the consultant so the consultant will know what Council is looking for and be prepared to dig deeper into the data. She said Council has been concerned about these student housing projects and the impact that has on how Council looks at these projects. Councilmember Allison said there are places in Norman that need multi-family housing, not necessarily student housing. Ms. Connors said the Legacy Apartments on Rock Creek Road are multi-family units and a multi-family development is being constructed in the University North Park Tax Increment Finance (UNPTIF) District.

Councilmember Castleberry asked how uninhabitable houses are factored into these statistics and Ms. Connors said that is another question the consultant could get the answer to. She said there are people living in uninhabitable places in the City, but Staff has to know about them before it can act. Councilmember Allison said the Staff memo states the number of vacant houses are estimated over 5,650 and some of those may be uninhabitable, but does the City really have 5,600 units in Norman that are vacant? And if so, how many are uninhabitable?

Mayor Rosenthal said it is her understanding that state law will not allow cities to require an annual rental housing registration and asked if the consultant putting this data together is from Oklahoma and Mr. Lewis said they are Dallas based. Mr. Jeff Bryant, City Attorney, said state law prohibits mandatory registration, but cities could ask for voluntary registration.

Center City Form Based Code

Ms. Connors said Form Based Code is still under development for the Center City project. The Steering Committee met on September 23rd to focus discussion on the process for approvals based on the Form Based Code. Other topics included incentives, variances, and appeals. Staff is expecting to receive the final draft of the Form Based Code in a couple of weeks and once the draft is received Staff will schedule two public meetings to accept public comments on the Code. Once the public meetings are concluded, the Steering Committee will prepare the final draft for public hearings at the Planning Commission and City Council meetings. The consultant will return to Norman for a presentation at a joint City Council/Planning Commission Study Session prior to the public meetings.

Sign Code Update

Ms. Connors said in June 2015, the United States (U.S.) Supreme Court decided the case of Reed versus Town of Gilbert, Arizona, which ruled content-based regulation of speech on signs as unconstitutional. She said most municipal ordinances distinguish between locations (commercial property, residential property, public property, etc.), between types of signs (free-standing, wall signs, electronic signs, etc.), and between messages on the signs (commercial, safety, political, etc.). Reasonable distinctions concerning location and types of signs remain permissible. The Reed decision clearly invalidated some distinctions based on the message content of signs and will require adjustments of the City of Norman Sign Code.

Ms. Connors said the primary takeaways of the Reed case are that local sign regulations must be content-neutral and a sign code will be subject to "strict scrutiny" judicial review if it applies different standards based on the following:

1. A sign's content (i.e., what is written or portrayed on the sign)
2. The purpose of the sign or who is putting up the sign

Sign Code Update, continued:

Ms. Connors said with the Reed decision, a city can still regulate non-commercial signs in a content-neutral "time, place, or manner" approach using factors such as:

1. Location - commercial versus residential locations or zoning districts (for example, highway commercial, downtown commercial, and single-family residential)
2. Size and height
3. Type of structure (for example, free-standing signs, monument signs, permanent façade signs, and banner signs)
4. Use of materials
5. Maximum number
6. Lighted versus unlighted
7. Fixed message signs versus signs with changing messages
8. Moving parts
9. Portability

Ms. Connors said cities and towns may be able to deal with specific sign situations such as signs on public property, public safety signs, A-frame/sandwich board signs on public sidewalks, political signs, and attention getting devices/inflatable signs.

Mayor Rosenthal said the City will need to be consistent so if the City allows signs in the right-of-way, the City has to allow all signs in the right-of-way or decide that no signs can be posted in the right-of-way. Councilmember Allison said if the City denies a sign, the applicant could accuse the City of denying the sign based on content. Mr. Bryant said the City does not currently allow signs in the right-of-way unless a temporary permit is issued for events such as United Way, Christmas Dinner, Friends of the Library Book Sale, etc. He said the Reed case makes municipalities question what the Supreme Court means by "content" because the Reed case was a church group that moved from house-to-house-to house with their meetings. Prior to their meetings they would post signs at different locations on a temporary basis and citizens did not like that and believed the church was not following the temporary sign regulations. He said that went to the Supreme Court and the Supreme Court ruled the signs were temporary, but the town was treating the sign differently because they were for the church. He said it is rare for municipal rules and regulations to be upheld under scrutiny. He said cities across the nation have paused to make sure their sign regulations are not regulating signs on a content basis. He said Staff has reviewed Norman's sign code and will be bringing recommendations to Council soon.

Councilmember Castleberry asked about signs with obscenities, graphic nudity, etc. Mr. Bryant said the City could prohibit that based on what the sense of the community may be. Councilmember Castleberry said there have been graphic pictures of aborted fetuses on signs paraded in front of the Norman public schools and Mr. Bryant said that example has been litigated in Federal Court and it has been determined those signs are not obscenity based, they are content based speech. Councilmember Castleberry said if someone put those types of pictures on a billboard would the City be able to do anything about it and Mr. Bryant said it would be a tough argument for a City.

Mayor Rosenthal said this is clearly something Council will have to delve into and the Business and Community Affairs Committee (BACA) is currently discussing sign regulations for "feather" signs. Councilmember Allison said BACA is reviewing regulations for a certain type of sign, not content of signs. Mayor Rosenthal said the City's distinction on political signs is about content and changes may be in order.

Parking Issues

Councilmember Jungman said the City needs to discuss a parking maximum instead of parking minimum. He said there has been an explosion of small parking lots in R-3, Multi-Family Dwelling District, zoning districts. He does not believe people density is the problem, but automobile density is causing issues. He would be happy to take up that topic in a CPTC meeting. Mayor Rosenthal asked if discussion would only encompass R-3 zoning districts and Councilmember Jungman said R-3 zoning districts are a great example because there is such fluidity in working with the uses in the established zoning. He said person can change a driveway into a parking lot without Council review so a parking maximum may only make sense in R-3 zoning districts.

Councilmember Heiple said the University of Oklahoma just completed a study on the Bike Share Program and 94% of those surveyed wanted to utilize the program and would be happy not owning a car.

Mayor Rosenthal felt Councilmember Jungman's idea had merit to explore and should be discussed and since R-3 zoning districts are so prevalent in the Center City that might be something to discuss as well.

Councilmember Castleberry said on-street parking should require a permit for residents and Mayor Rosenthal was disappointed the Parking Study did not address that even though Council has specifically asked that permit parking be addressed. She said the City cannot look at parking facilities and other parking issues without looking at the permit issue in the core area.

Items submitted for the record

1. Memorandum dated October 30, 2015, from Susan F. Connors, AICP, Director of Planning and Community Development, thru Steve Lewis, City Manager, to Mayor and City Councilmembers
2. Comprehensive Plan Proposals
3. PowerPoint presentation entitled, "Planning and Community Development Update," City Council, dated November 3, 2015

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The meeting adjourned at 6:14 p.m.

ATTEST:

Brenda Hall
City Clerk

Cindy Rosenthal
Mayor

CITY OF NORMAN CORPORATE SEAL OKLAHOMA