

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES
September 15, 2011

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Conference Room on the 15th day of September, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Lockett, Quinn, Spaulding, and Chairman Ezzell

ABSENT: None

OTHERS PRESENT:

Ms. Carol Dillingham, Ward Four Councilmember
Mr. Roger Gallagher, Ward One Councilmember
Mr. Tom Kovach, Ward Two Councilmember
Ms. Cindy Rosenthal, Mayor
Mr. Jeff Bryant, City Attorney
Mr. Bob Christian, Permit Manager
Ms. Susan Connors, Director of Planning and
Community Development
Mr. Anthony Francisco, Director of Finance
Mr. James Fullingim, Fire Chief
Ms. Jane Hudson, Planner II
Mr. Doug Koscinski, Current Planning Manager
Mr. Steve Lewis, City Manager
Mr. Shawn O'Leary, Director of Public Works
Ms. Kathryn Walker, Assistant City Attorney
Ms. Syndi Runyon, Administrative Technician IV
Ms. Robin Allen, Norman Chamber of Commerce, Senior
Vice-President of Operations
Mr. Daryl Bodenhamer, Sooner Traditions
Mr. David Caddell, David Caddell Homes
Mr. Bob Kueny, Mr. Electric
Mr. Jeff Ridgeway, Doyle's Electric
Ms. Carolyn Ridgeway, Doyle's Electric
Mr. Jerry Ridgeway, Doyle's Electric
Mr. Sean Rieger, Norman Builders Association
Mr. Don Wood, Norman Economic Development Coalition
Mr. John Woods, Norman Chamber of Commerce President

Item 1, being:

REVIEW OF THE BUILDING PERMIT AND INSPECTION PROCESS.

Chairman Ezzell said the Norman Chamber of Commerce (NCC) has been gathering and recording information on specific complaints from various businesses regarding the City of Norman's building permit process. He said he invited representatives from the NCC to talk about the data they collected, which he felt would be helpful in streamlining the City's process to make it more user friendly.

Item 1, continued:

Ms. Robin Allen, Senior Vice-President of Operations for the NCC, said the three complaints consistent in all the business owners questioned are that customer service is lacking, lost time, and lost revenue. Mr. John Woods, NCC President, highlighted examples of specific complaints from businesses that have recently worked through the permitting process. He said there has consistently been confusion on the permitting process, but, for the most part, the businesses were satisfied with the service received and happy to be a part of Norman. As an example, he said most communities require ceiling tiles to be placed in position prior to requesting an inspection, but Norman requires the ceiling tiles be left off so the business had to redo the tiles and call for a re-inspection, causing delays. He said repeated inspection visits were a frequent complaint as well as not having scheduled times for the inspections. He said if the general contractor is not onsite at the time of inspection, the City leaves a "red tag" listing items that did not pass inspection, but the red tag does not give the contractor enough information to adequately fix the problem correctly. He said many of the businesses felt the process would go more smoothly if there was a scheduled time to meet the inspector to talk to him one on one and work out a solution at that time.

Mr. Woods said customer service complaints were mainly about the Staff mentality of "let me see anything and everything that I can find wrong and not give you solutions to fix those problems" instead of "lets look and see what we can do to help you get open." He said it is a fair and worthy debate to ask when that problem is best left to the business and at what point is it best left up to the City and felt it is a debate that should happen.

Mr. Woods said the lost revenue complaints came from a plumbing company that stated that Jones, Oklahoma, is the only other City that is as difficult to do business with as Norman in regards to the plumbing industry. He said the problem is Norman's requirement that all units be raised even though they are currently being manufactured to not necessitate that and that piping sizes are required to be twice the size of plumbing code standards, which raises the cost. He said with older homes the drainage requirements are sometimes next to impossible to meet and for a City that wants to see a stronger core of urbanized development, it becomes exceptionally cost prohibitive with these requirements. The plumbing company also complained the City inspectors were hard to work with in finding solutions because everything is very cut and dried with no give.

Another complaint was the time it takes to procure a building permit, averaging six to eight weeks. Mr. Woods said this can delay a business' opening by months as many national retailers have blocks of time or certain months they are willing to open stores so delay in obtaining a permit can cause loss of revenue for the business and sales tax the business would be generating during this time.

Chairman Ezzell asked if there had been any complaints regarding lack of technology on the part of the City and Mr. Woods yes, some sub-contractors said they have worked with other communities that have tracking software that allow contractors to check in on the progress of the construction. Chairman Ezzell said that is one of the parameters the City would be reviewing tonight.

Councilmember Gallagher asked if the red tags had any accompanying, clear explanation in writing, as to the reason for the red tag and Mr. Woods said, in many circumstances, it is not clear and there needs to be a one on one conversation between the City and contractors.

Mr. Woods said Robert Betts of the Fire Department only reviews permits once a week, which slows the permit process and felt this was due to staffing shortages.

Item 1, continued:

Ms. Susan Connors, Director of Planning and Community Development, said Staff had prepared and distributed Performance Measures (PM) for the building permit and inspection process with supplemental data. Chairman Ezzell asked if the PM are a description of what is currently being done or aspirational of what the City would like to do and Mr. Steve Lewis, City Manager, said a little of both. Ms. Connors said the four major performance categories and proposed resolutions of the PM are as follows:

Management System/Technology

- Ability to get messages to inspectors throughout the day
- Improve information regarding the application submittals and processing on web site
- Ability to apply and pay on-line
- Enable Permit Technicians to take credit card payments at point of sale
- Enable applicants to complete the most common steps in the permit process online including scheduling inspections and viewing inspection results

Customer Service

- Developing frequently asked questions, distributing to Staff, and placing online by November 1, 2011
- Acknowledge customers within one minute of walking into the office

Plan Review

- Create a manual of Building Code interpretations and policies as they are developed to ensure plan review and inspection functions are coordinated and that customer service is provided consistently by December 1, 2011, and update quarterly
- Offer a design review meeting with any design professional who requests the meeting (already available)
- Require a design review meeting with any design professional whose second submittal requires more than routine corrections
- Review non-residential applications within 14 days and re-submittals within one hour
- Review residential applications within one hour
- Create a Planning Review Checklist and an Engineering/Public Works/Utilities Plan Review Checklist so current employees in Development Services could perform some of the Planning and Engineering Reviews in the absence of those Staff
- Document the time City takes for plan reviews versus the time the applicant takes for re-submittals in order to determine efficiency and effectiveness of the City process

Inspections

- Require Permit Manger to meet at least once a month with inspectors to review code interpretations
- Perform inspections within 48 hours
- Consolidate the number of inspection stops per day to meet 90% of all stops assigned
- Improve average time per quality inspection (the amount of time an inspector spends on each inspection may influence daily workload, but quantity gains may be negated by quality losses if inspectors speed results in faulty inspections)
- Return phone messages within one business day of receipt of message
- Ensure inspection results are called into the Interactive Voice Messaging System (IRV) upon completion of the inspection or batched and called into the IVR within four hours of inspection completion
- Ensure that correction notice contains code citation and general location of concern observed and that handwriting for correction notice is neat, orderly, and legible

Item 1, continued:

Ms. Connors said items such as credit card payments are further out than what has been planned for the next two years and the biggest improvement would be for inspectors in the field to have ruggedized laptops and printers in their vehicles. Mayor Rosenthal asked how many vehicles needed to be equipped and Ms. Connors said seven inspectors and the Permit Manager. She said printers are needed in order to leave a printed report on site, and even though it will be available online, not everyone has access to a computer in the field. Mr. Lewis said he has asked Staff to prepare a budget for the purchases for immediate budget adjustments.

Councilmember Spaulding asked if the inspectors carry cell phones and if those numbers are given to applicants and Ms. Connors said inspectors do carry cell phones, but the numbers are not given to the public. She said inspectors return messages as soon as possible and if it is something critical, Staff can call the inspectors to have messages returned immediately. Councilmember Gallagher asked if inspectors carry notepads to write out more detailed instructions and Ms. Connors said examples of the inspection reports are included in the materials tonight and there are areas in the reports where written notes can be left onsite.

Ms. Connors said two Permit Technicians will begin employment on September 19th and as they are trained, Staff will incorporate the FAQ list so they will be more attuned to answering questions. Mayor Rosenthal asked how long the positions had been vacant and Ms. Connors said one has been vacant since last year and the other since July 1, 2011.

Ms. Connors said the Planning Department intends to create a manual of Building Code interpretations and policies to ensure better customer service, inspection coordination, and consistency in the permit process. Chairman Ezzell asked if the manual would be available to the public and Ms. Connors said it is intended to be an internal document, but, if appropriate, it could be offered to the public. Mayor Rosenthal suggested offering training to the building community about the interpretations and Ms. Connors agreed. Councilmember Spaulding asked who would be interpreting the codes and if would the City be contacting other municipalities about interpretation of their codes. He suggested getting contractors input as well. Ms. Connors said she, Mr. Bob Christian, Permit Manager, and the inspectors would be creating a common understanding of the Building Code interpretation. Councilmember Spaulding felt that would be a bit isolationist and said that statewide contractors might be willing to address some of the common issues. Mayor Rosenthal said she did not disagree, but said every municipality does not adopt the same codes. Chairman Ezzell felt the goal of the work plan was to develop internal consistency and Ms. Connors agreed. Mr. Lewis said it is important to begin within the City then have dialogue with builders. Councilmember Dillingham said once the City has internal consistency they could then compile industry standards to be more consistent with other communities so builders working on similar projects in Norman will see more consistency.

Mayor Rosenthal said adopting building codes is a long process with meetings that include plumbers, electricians, etc., and she felt it would be helpful to have a timeline of when the International Codes were last adopted and when the City will be reviewing those in the future. Chairman Ezzell said there has been movement at the State level regarding the State superseding all local building codes with State codes and asked Mr. Sean Rieger, Norman Builders Association, if that was still ongoing. Mr. Rieger said yes, he definitely expects that to happen. He said the builders in Norman are ready and willing to talk with the City about the permit process. Councilmember Quinn asked if the State codes would be minimum codes or set codes and Mr. Rieger said it would probably be minimum codes. Ms. Connors said on July 1, 2011, the State adopted and put into place the 2009 International Residential Code that every City in Oklahoma must follow, but cities can make local amendments that have to be accepted by the State. Chairman Ezzell said he wanted the City to be cognizant of the States actions so Norman does not spend time on something that will be superseded by the State.

Item 1, continued:

Ms. Connors said Staff is looking at requiring design review meetings for those builders that do not seem to understand how to make the plan corrections to help them through that process. She said the City currently completes the initial plan review within 14 days and re-submittals within one week if they are turned in on Tuesday for the Wednesday review period. She said Wednesday reviews have streamlined the plan review process because everyone focuses on plan reviews on Wednesday, which is an improvement over previous process. She said Mr. Christian is the only commercial plans reviewer. Chairman Ezzell asked if Staff has collected any data on peer cities and their time frames and Ms. Connors said Staff has reviewed two cities and intends to review three more. Ms. Connors said the Planning and Public Works Departments have plan review checklists, but they need to be updated and consolidated. She said Staff also wants to track the time documents are in the City's hands versus time they are in applicant's hands.

Ms. Connors said the Permit Manager will meet inspectors in the field once a month to review code interpretations, which goes hand in hand with the Manual of Building Code Interpretations and Policies. She said it is helpful for all of them to meet onsite and be on the same page. She said tracking average time for quality inspections is something the City wants to do, but some inspections take 20 minutes while others take two hours longer and that is why it is hard to schedule an inspection for a time certain. She said that is something Staff will have to work through more thoroughly.

Ms. Connors said correction notices would contain the code citation and general location of the concern observed and the handwriting would need to be legible until Staff has better technology. Councilmember Quinn asked if the correction notice points out the issue only or if it provides a possible solution to the problem as well. Ms. Connors said it does not provide a solution, but Mr. Christian spends a lot of his time resolving the "not quite there and how do we get there issues." Chairman Ezzell said the City can always instruct builders to read the Code, but they need to have access to a person that can interpret that Code.

Ms. Connors highlighted the Best Management Practices (BMP), which is divided into the same four categories as the PM and the goals are basically the same. Chairman Ezzell asked Mr. Lewis if Staff is reviewing the budget for equipping the inspectors with laptops as well as the total budget for implementation of the whole technology package and Mr. Lewis said Staff is looking at the entire technology package. Mr. Lewis said it has become clear through builder surveys that technology is a value added and can have a significant impact on the permit process.

Ms. Connors said there will be an expedited plan review option in the BMP, which can be done by a third party because City Staff is not available to offer that option. Mayor Rosenthal asked, typically, where expedited plan reviews are offered, are there additional fees and Ms. Connors said yes. Chairman Ezzell asked if the idea is for the City to have approved outside resources to step in and do the expedited plan review and the City charge an expedited fee as well as the applicant paying the outside firm's fee and Ms. Connors said yes, that is the idea.

Ms. Connors said if it is the City's intent to offer temporary certificates of occupancy and incentives, she feels permit fees should be increased.

Item 1, continued:

Ms. Connors outlined various projects that have been completed or offered certificates of occupancy or certificates of completion (for building shell only) including the timeline from when the application was submitted to when the certificate(s) were obtained. Councilmember Gallagher asked if the timelines on the projects listed were examples of normal timelines or exceptions and Ms. Connors said normal. Mr. Lewis said the listed projects are the good, the bad, and the ugly and Staff tried to give the Committee a fair representation of projects that took a short period of time versus those that took a longer period of time to complete. He asked Mr. Christian to explain some of the different types of permits issued and Mr. Christian said there is an option for applicants to apply for a foundation only permit, which is typically used when the architectural drawings are not complete, but the applicant has enough information to deliver a site plan and foundation plan. He said, worse case scenario, if they do not have the foundation plan, they can apply for an earth change permit, which gives them the ability to move dirt onto the site, prepare the pad, etc. He said another situation would be the applicant wanting to build a shell building, but is not ready for the interior finish plans so they can apply for a shell building permit then apply for the interior finish permit later. Mayor Rosenthal asked at what point the City goes over these options with the applicant and Mr. Christian said many times applicants with call regarding initial interest in the process and Staff will set up a meeting with them at that time that involves all the significant plan reviewers for the Planning Department, Fire Department, Building Inspections, and Public Works.

Ms. Connors highlighted building permit comparison information from Edmond and Oklahoma City and said she intends to contact Moore, Tulsa, and Broken Arrow. Chairman Ezzell said he looks forward to seeing the comparisons to those cities.

Chairman Ezzell said the concern he hears repeatedly is when an inspection is occurring and a violation is noted, the project may be tagged and the inspector leaves without completing the inspection and he asked if that is typical for the inspector to not continue with the inspection. Mr. Christian said the inspector will generally complete the inspection; however, in order for a complete inspection to occur, the work has to be completed. He said typically what occurs to stop an inspection is when an inspector finds a great deal of work undone or workmen onsite that are saying they are not finished with their work. He said in the interest of efficiency of time, the inspector will leave rather than leave behind a 50 item list of items to be completed. Councilmember Lockett asked if most builders know that the job is not complete enough for an inspection and Mr. Christian said most builders and general contractors have a good understanding of whether or not the work is complete.

Councilmember Gallagher said he spoke with a contractor who said he had four inspections and was fined each time. He asked if the fines were for a building code violations or to make up for time the inspector spent onsite and asked about the nature of the fine and Ms. Connors said it is not a fine, but a re-inspection fee. Councilmember Gallaher asked if initial inspections are free and Mr. Christian said the initial inspection is a result of the initial permit fee. Mayor Rosenthal said the City has an interest in keeping inspections to a minimum because the \$25 re-inspection fee does not cover the City's cost of sending someone back to re-inspect so there is a common interest in making sure that the first inspection meet goals and expectations.

Chairman Ezzell asked at what point Staff would reach out and engage industry in regards to becoming a participant in refining some of the issues and Mr. Lewis said he would like Staff to put together a work plan to implement. He said, after that, he would then like Staff to meet with the Chamber of Commerce and other builders. Chairman Ezzell asked what the realistic timeframe would be for that plan to be developed and the meeting held and Mr. Lewis said 30 to 45 days then Staff could bring back a report to the Committee. Chairman Ezzell asked to be kept apprised so he would know when to place that back on the agenda.

Item 1, continued:

Mayor Rosenthal said she liked the idea of a work plan, but felt that discussion regarding technology and the budget needs to be addressed for a mid-year budget adjustment especially if revenues continue to stay on target or increase.

Items submitted for record

1. Memorandum dated September 9, 2011, from Susan F. Connors, AICP, Director of Planning and Community Development, to Business and Community Affairs Committee, with Exhibit 1, Performance Measurements; Exhibit 2, Best Management Practices; Exhibit 3, Planning and Community Development Department organization chart; Exhibit 4, Development Service Division organization chart; Exhibit 5, Departments Involved in Plan Review and Inspection for Commercial Projects; Exhibit 6, Outline of Review Time for Selected Building Permits; Exhibit 7, Summary of Building Permit Information; Exhibit 8, List of Permit Types; Exhibit 9, Construction Permit Application Checklist; and Exhibit 10, example of a Building Inspection Ticket
2. Norman Chamber of Commerce Business and Community Development Committee presentation dated Thursday, September 15, 2011

Item 2, being:

UTILIZATION OF A PUBLIC TRUST AUTHORITY TO FACILITATE ECONOMIC DEVELOPMENT AND OTHER ECONOMIC DEVELOPMENT TOOLS.

Discussion postponed to October 6, 2011

Item 3, being:

REVIEW OF THE SIGN CODE ORDINANCE.

Discussion postponed to October 6, 2011

Item 4, being:

MISCELLANEOUS DISCUSSION. None

The meeting adjourned at 6:58 p.m.

ATTEST:

City Clerk

Mayor