

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

June 4, 2015

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:02 p.m. in the Municipal Building Conference Room located at 201 West Gray on the 4th day of June, 2015, 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 Allison, Lang, and Chairman Heiple
ABSENT:	Councilmember Castleberry
STAFF PRESENT:	Ms. Susan Connors, Director of Planning and Community Development Ms. Sara Kaplan, Retail Marketing Coordinator Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician IV
OTHERS PRESENT:	Ms. Tessa Beder, Norman Chamber of Commerce Mr. Sean Rieger, representing Builders Association of South Central Oklahoma

Item 1, being:

BRIEFING FROM SARA KAPLAN, RETAIL MARKETING COORDINATOR, RELATIVE TO THE 2015 INTERNATIONAL COUNCIL OF SHOPPING CENTERS RECON RETAIL CONFERENCE.

Ms. Sara Kaplan, Retail Marketing Coordinator, attended the 2015 International Council of Shopping Centers (ICSC) RECon Retail Conference, May 16 through May 20, 2015, in Las Vegas, Nevada, to meet with potential retail vendors and developers to further recruitment efforts. The event featured booths and networking opportunities with retailers, developers, cities, and other retail development vendors from around the world. In addition to individual meetings with retail/restaurant vendors, she was able to attend conference sessions as well. She said over 40,000 people attended and she was the only person from the City of Norman to attend. She said Retail Coach asked her to share their booth, which she did, and she split her time between working the booth and working the floor.

Ms. Kaplan shared marketing flyers she created at the conference and highlighted those flyers for the Committee. The first flyer has general information about Norman that includes demographics and a map depicting different areas in Norman. The other flyers have information on active retail districts in Norman such as University North Park, East Norman, Main Street, North Norman, and Southeast Norman. Each section included information on demographics, retail gaps, traffic counts, drive time, and maps illustrating some of the retail businesses in those areas. She received several compliments on the flyers as well as the City's logo. Many people assumed that because a Norman representative had not attended the conference in the past that Norman was a very small town and they were surprised to find out the size and population of Norman. She said many times people do not look at boundaries and assume Norman is part of Oklahoma City (OKC), which is good in a way because OKC has a huge booth at the conference every year; however, at the same time it could be a challenge in recruiting retail to Norman.

Ms. Hampton said the marketing flyers make Norman look more spectacular than it already is and the selection were great.

Item 1, continued:

Ms. Kaplan said many of the cities that attended brought their Mayor and most of their Council as well as Staff. 254 Oklahoman cities attended the conference, e.g., Edmond, Lawton, Jenks, Oklahoma City, Ponca City, Enid, Ada, Bartlesville, Broken Arrow, Cherokee Nation, Chickasaw Economic Development, Choctaw Nation, Bixby, Claremore, Elk City, Glenpool, McAlister, Midwest City, Muskogee, Owasso, Stillwater, and Tulsa.

Councilmember Allison asked if Moore had a booth and Ms. Kaplan said she did not believe a representative from Moore attended the conference.

Ms. Kaplan said luxury and value retailers are doing well, but everything in the middle is hurting right now across the nation. She said restaurants are driving a lot of the growth this year in particular the fast casual concept, such as Chipotle, and retailers believe a lot more of these will be coming. She said retail is changing and it is all about experience shopping and entertainment based retail. She said experience shopping is somewhat of a buzzword in the retail industry and essentially means a more interactive shopping experience in which you try, taste, or otherwise interact with a product in the store. Often this interactive component also takes an omni-channel approach (often done before even entering a store or interacting with an app on a smart phone while in the store). The term “omni-channel” basically means retailers are working to integrate their online and in-store presence. A good example of this is the Apple store, where you can go in and try the products and are not just buying items off the shelf. She said 78% of baby boomers spend their disposable income on experience shopping. More retailers are integrating online retail strategies with their brick and mortar buildings and store sizes are shrinking due to the online strategies. At the conference, she tried an interactive mirror with a touch screen that allows you to try on clothes using the mirror without actually trying them on. She said it was strange, but cool at the same time. She also got to see mock ups of what shopping centers will look like in the future.

Ms. Kaplan said although the conference was not really focused on local retailers they did talk a lot about downtown redevelopments and improving tenant mixes in older commercial districts. She said developments do not just need a tenant they need the right mix of tenants. The retail industry is really about networking so next year, if she attends, she will not have a booth, but will get out and meet people. She hopes that next year representatives from the Chamber of Commerce or other entities will be able to go with her to interact with more people and share information.

Ms. Kaplan said since the conference was international, retailers are not focused on Oklahoma so Norman should probably spend more of its efforts on the Dallas and Texas based conferences, but initially it makes sense to get those international contacts.

Councilmember Lang said years ago at these conferences retailers were talking about the “death knell” of the big shopping centers such as Crossroads Mall that are going to more of the University North Park type shopping centers and asked if retailers are now starting to say these types of shopping centers are coming back. Ms. Kaplan said “shopping center” is a generic term for different sizes and scales; however, there are a lot of healthy malls and not all malls are dying. She said what is scary is that some of those department anchors as a whole nationwide are not doing really well, which is a concern for the future. She said, nationwide centers like University North Park and Lifestyle Centers have not been built since 2008. The popular trend right now is outlet centers, which were popular in the mid 90’s although Norman may not want to go that route. There was a lot of conversation at the conference regarded redeveloping existing properties or repurposing them to serve other purposes or re-imagining that second generation space.

Item 1, continued:

Chairman Heiple asked if Ms. Kaplan had any thoughts on Ed Noble Parkway (Ed Noble) and how some of those buildings may be repurposed. Ms. Kaplan said Boot Barn just opened in the old Ulta building and it is the first in Oklahoma to her knowledge. She said Ed Noble Parkway retailers are their own biggest challenge. She said big box buildings, like the former Michael's store, are hard to fill because everyone wants to be in the new Class A retail center, which in Norman is University North Park. She said it is easier for retailers to build a new store than remodel the old when a lease has expired. She said Ed Noble tenants have a lot of co-tenancy agreements that are challenging as well as restrictions on other anchors. The center cannot have another discount clothing store because of Ross Dress for Less, it cannot have a pet store because of Pet Smart, etc. Any business type that is already there cannot be repeated so there are not a lot of retailers opening stores in that area.

Chairman Heiple asked who the property owner is and Ms. Kaplan said Gemini Properties out of North Carolina and New York City. She talked with them at the conference and was not happy with the way they were marketing. Councilmember Allison asked if the center at Ed Noble Parkway was not their priority and Mr. Kaplan said Oklahoma is definitely not their priority since most of their properties are in New York and North Carolina. They do not have local representation, which is a challenge and they are difficult to contact.

Councilmember Heiple asked if anyone would be interested in exploring options on how to talk to Gemini Properties to give them incentives or reasons to make the property better. Councilmember Allison feels that Council gets beat up a lot about pulling existing businesses to University North Park, which is not something Council can control. He thinks Gemini Properties has done the damage to themselves. Councilmember Lang said if the City develops the Griffin property for commercial purposes, Council needs to be careful the damage Ed Noble incurred does not occur at Griffin. Ms. Kaplan said people outside of Norman are really impressed with University North Park.

Ms. Kaplan said there is a town in Florida, City of Homestead, adjacent to Everglades National Park that is similar in size to Norman. Representatives from the City were at the conference promoting their downtown area where they have constructed a new City Hall and the City revived a historic theatre and are seeking an operator. The City of Homestead describes the theatre as a multi-purpose cultural art center that has been remodeled as a premier venue for hosting conferences, meetings, films, festivals, concerts, performing art classes, and more.

Chairman Heiple asked if there was discussion regarding the Google Car, Uber, and Lyft and the merging of technology at the conference and Ms. Kaplan said not specifically at the conference, but at the airport she met a developer from Downtown Dallas who complained they could not "Uber" to their destination. She said Las Vegas has a very strong taxi law.

Chairman Heiple would like to have some friendly conversations with the developers of the north side of University North Park about making the area more walkable. He said technology will shape how roads and communities are built in the future. He said the City has to make University North Park more WALKABLE and generate the retail. He said if Apple marries Uber and people start leasing cars, traffic volume will drop and parking and infrastructure may not be needed. Councilmember Allison feels the developers, as property owners, should be responsible for completing the sidewalks as it would benefit them to make it more walkable from Embassy Suites and other hotels in the area to the retail area. He said it is very difficult to walk between the two areas at this time as well as being a safety issue for pedestrians.

Item 1, continued:

Councilmember Lang said every conference he has attended he walked to retail areas from the conference center. He said in Austin, Texas, people driving will park near the store they are going to shop in then come out and drive closer to the next store instead of walking because they want their car close to where they were shopping. He said City needs to take into account the mix of retailers in the different areas.

Ms. Joy Hampton, The Norman Transcript, said as a former shopper on Ed Noble who always hated it when it was the only place someone could go to get certain retail items, the problem for her was always access. It was her understanding that at some point there was supposed to be access from the west that never happened and asked if that is no longer an option. Ms. Kaplan said some of it has to do with land ownership disputes about the property to the west and the fact that retailers want to face the interstate. Councilmember Allison said the new State Highway 9 (SH9) “spur” connecting SH9 to Ed Noble behind David Stanley Chevrolet will help with access and Ms. Kaplan agreed saying that is a great selling point especially since Lindsey Street Bridge construction is estimated to take two years to complete. She said construction on Main Street did hurt businesses on Ed Noble, but that has opened and the City is now going to hit Ed Noble businesses with Lindsey Street construction.

Councilmember Allison asked Ms. Kaplan what Council can do to make more conference attendance happen and make her look better at these conferences. Ms. Kaplan said she could use more people attending with her such as representatives from the Chamber or Norman Economic Development Coalition (NEDC). The representatives from Oklahoma worked hard at the conference, which was not easy since it was such a huge venue.

Councilmember Lang asked what her “dream team” would be and Ms. Kaplan said representatives from the Chamber, NEDC, and a Councilmember or two. She said this shows Norman is invested and wants retailers in Norman. She said getting retailers that would be a first in Oklahoma is a big deal and the City needs to recognize that Norman has had that a few times and has more coming.

Councilmember Allison suggested placing a video on the website showcasing Legacy Park, when completed, featuring the fountains.

Ms. Tessa Beder, Norman Chamber of Commerce, said the Chamber is absolutely thrilled that Ms. Kaplan was able to attend the conference and this is a great first step in establishing Norman for regional conferences.

Mr. Sean Rieger, representing Builders Association of Central Oklahoma (BASCO), said he also is thrilled that Norman was represented at the conference and suggested Ms. Kaplan make a presentation to City Council at some point and Chairman Heiple agreed.

Items submitted for the record

1. Memorandum dated May 29, 2015, from Terry Floyd, Development Coordinator, through Steve Lewis, City Manager, to Council Business and Community Affairs Committee
2. Retail Marketing flyers promoting Norman, Oklahoma

Item 2, being:

DISCUSSION REGARDING RESIDENTIAL FENCING STANDARDS.

Chairman Heiple said he visited South OKC and Moore recently and drove into some neighborhoods that had very nice entrance fences and every privacy fence was tethered to a wooden post had fallen down, which looked terrible. Not only was it unsightly, it is a safety hazard with fences down, boards out, nails sticking out, etc. He would like to have a conversation about new development having parameters on private fencing using steel poles at the caliber of S22 or better with two poles per panel which would be two feet deep with six inches of concrete around the bottom of the poles. He has spoken to developers and fence installers who are concerned about the additional costs, which could range from \$100 to \$1,000. He said the biggest issue would be writing code for fences because at this time, the City does not have an ordinance on construction of fences. He would like to talk about whether or not the City wants an ordinance on fences because he believes fences matter and are hugely important. Fences are the gateway to additions, add curb appeal, and are the first thing people see when they enter an addition.

Councilmember Lang said he does not have too many issues with regulations on the initial construction portion; however, a fence is something most home owners repair on their own. If the City is going to start requiring regulations on fences then home owners are going to have to get a permit to redo a fence, the City will have to inspect the fence, and the City will have to enforce the regulations. He said neighbors will start turning each other in if they do not think their neighbor has done a proper job of installing their fence and that leads to the whole conversation about whose fence it is and who is responsible for maintenance. He said a “good neighbor” ordinance would be hard to legislate. He has no problem with regulating fences around new development entryways, but the more cost you put on developers, even if it is \$300 per house, the higher the price of the home that could start making them unaffordable. He said this has happened in California where they have so many regulations on development that people cannot afford to buy a home.

Chairman Heiple said his initial thoughts were the aesthetics, but then he started thinking about the safety issues and is now looking at it from a safety perspective. Councilmember Lang said even steel poles can bend or get ripped out of the ground when there are strong, tornadic winds involved. He said from a safety standpoint, whether it is one fence panel flying through the air or whether it is a steel pole attached to a fence panel flying through the air, the fact is it will still be dangerous.

Chairman Heiple asked Ms. Kathryn Walker, Assistant City Attorney, if there is something from the legal perspective that she sees clarity in or is this walk into the weeds and get lost into the abyss. Ms. Walker said the issue is less of a drafting issue and more of an enforcement issue. She asked if the City wants to enforce the regulations or does the City just want to trust people to follow the rules, which she felt would not be that effective. She said the City receives a lot of phone calls about who owns a fence, who is responsible, etc., and that will not necessarily change because the fence will still have to be maintained whether it is with wood posts or steel posts.

Councilmember Allison is concerned about the enforcement issue. When the latest tornado came through Norman his fence went down and he had it put back up the next day, but if he had to get a permit and go through that whole process, it would have taken a lot longer to get the fence back up and his dog would have been upset about not being allowed in the backyard. His other concern is that some neighborhoods with Home Owner Associations (HOA) do a good job of policing fences although some do not. If he wants to put up a fence with metal posts he should be able to do that, but he should not ask other people who may not be able to afford metal posts to install metal posts, which to him is overstepping.

Item 2, continued:

Chairman Heiple said he is talking about new construction only. Councilmember Allison said there are some homes that do not really fit the steel post type category because they are expensive, upper class homes, but there is some thought to the gateway issue. He said landscaping in new developments require a bond so maybe the City could think about a bond for fencing. Ms. Susan Connors, Director of Planning and Community Development, said the bond is only held for 18 months after the landscaping is installed and inspected. Councilmember Allison said most fences stay up longer than 18 months unless a tornado comes through, but he is really only concerned about the enforcement issue.

Chairman Heiple agreed enforcing what already exists would be difficult, but his point is regulations on new development from this point forward specifically the 2,600 lots in east Norman sitting up high where the wind ferociously rolls through there. If the City allows wooden posts to be installed around those 2,600 homes it will look like dominoes on steroids, it will be bad. For the sake of those houses and other new houses in east Norman there needs to be discussion on how to make those fences safe and steel poles are the solution. As far as overreaching, it is not fair to say we are going to tell everyone they have to do it this way, but for all new development moving forward it would be safer and the fences will last longer.

Mr. Sean Rieger spoke with the BASCO Governments Affairs Committee and they said cost was the number one factor. He said when you think of the number of subdivision times the number of poles needed, it is huge. He said questions were raised about whether the City would be requiring steel poles on arterial locations only as well as questions regarding the impact on styles of fences because developers have different styles of fences they prefer. How would the City accommodate the different aesthetics?

Item 2, continued:

Mr. Rieger said there were also concerns about HOA's, who owns the fence, who will pay for it, who will maintain it, etc. HOA's tend to reserve easements for common areas so does the City enforce regulations against the HOA or each property owner, particularly along arterials. Chairman Heiple said developers have told him the most important areas are arterial roads and entryways. He did get some push back from developers who are building homes under \$200,000 and he understands that.

Councilmember Allison asked how many homes in Norman are under \$200,000 and Ms. Connors said she would have to research that. Councilmember Allison said an impact for a home under \$200,000 is going to be bigger impact than a home over \$200,000. Chairman Heiple said while developers are not opposed to the idea of steel posts, they want regulations to be evenly applied to everyone and be fair.

Ms. Connors said all of the things discussed are doable, but the City currently does not have the resources to do a lot of what is being discussed. The City has the resources to issue permits, but not the resources to inspect fences because right now in western Norman there are thousands of fences down. She said if the regulations apply to new development the City would have to keep track of which subdivisions have steel posts and which do not. She said if a tornado comes through like it did in May and takes out western Norman and all those fences have to be replaced then under any other building category these would be considered new fences and would have to have a permit. The City would then have thousands of fences needing to be inspected and the City does not have the resources to do that. Many cities require special fencing around the perimeters of subdivisions and if aesthetics is one of the issues, that would be something the City could look into.

Councilmember Allison asked if fences in aging neighborhoods were blown down, would require a permit and Ms. Connors said yes. Councilmember Allison said the City has to be careful how they word language for new construction because something like that would be considered new construction.

Item 2, continued:

Chairman Heiple said there seems to be consensus on arterials and gateways, but he would like more input from developers because they understand the importance of that and would not be against it. He is starting to realize that his idea about steel poles, although lofty and ambitious, may meet resistance. Ms. Connors said a majority of her neighbors whose fences went down are putting in steel poles.

Chairman Heiple said the City is not trying to tell existing home owners what to do with their fence posts, only new construction with main fences being the focus. If he is hearing anything, steel posts on fences behind houses may be something that while well intentioned might not be enforceable and considered overreaching.

Chairman Heiple said the City has to have buy-in from the building community and this cannot be something City government says they know more about than developers. There does need to be conversation about the safety, aesthetics, and quality because they matter, but there are also issues regarding enforcement.

Ms. Hampton said, as a reporter, she is barely above the poverty level. When she replaced her back wood fencing she really wanted wooden posts because aesthetically they are much more beautiful. Her neighbor told her steel posts would last longer and because she is thrifty and not a rich person who can afford to continually replace her fence she put in steel posts. She said aesthetics are important to home owners and it feels like a violation to be told you have to use steel posts.

Ms. Hampton said, speaking about safety, why is the Parks Master Plan (PMP) wanting to replace all the metal pipe fencing with cedar fencing even though there is nothing wrong with the pipe fencing around the parks. She sees this as a waste of money.

Ms. Hampton said other cities have small grant programs for aging neighborhoods to obtain a gateway to their neighborhood and keep curb appeal up so there are no deteriorating neighborhoods. If the Committee is discussing new neighborhoods is the City going to do anything to help older neighborhoods perhaps through a grant program? Ms. Connors said the Community Development Block Grant (CDBG) Program helps with older neighborhoods, but because of declining CDBG funds, the City has not spent as much on public improvements as they have in the past. She said a policy committee chooses what projects should move forward, but only after months of discussions.

Chairman Heiple would like Mr. O'Leary, Ms. Connors, and a representative from the Legal Department to meet with him and a few developers to have a conversation about fencing requirements. He does not want to be overreaching, but felt there are better ways to construct fences and if the building community agrees, the City can move forward. If a consensus cannot be met, it may be something to table and move on.

Items submitted for the record

1. Memorandum dated May 29, 2015, from Terry Floyd, Development Coordinator, through Steve Lewis, City Manager, to Council Business and Community Affairs Committee

Item 3, being:

MISCELLANEOUS PUBLIC COMMENTS.

None

The meeting adjourned at 6:08 p.m.