

CITY COUNCIL STUDY SESSION MINUTES

February 1, 2022

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:33 p.m. in the Municipal Building Conference Room on the 1st day of February, 2022, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, 24 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Foreman, Hall,
Holman, Lynn, Peacock, Schueler,
Tortorello, Mayor Clark

ABSENT:

Councilmember Studley

Item 1, being:

DISCUSSION REGARDING THE CONTINUUM OF CARE COLLABORATIVE APPLICANT.

Mr. Darrel Pyle, City Manager, said the City would have no Staff in the homeless housing function in two weeks as those employees have resigned. The City also received notice from its partner in Housing and Urban Development (HUD) that now is the time to submit the application package for the collaborative applicant for Continuum of Care (CoC). He said the City of Norman Homeless Coordinator, Michelle Evans, was being pulled in multiple directions until she finally could not shoulder further responsibility. He said the City is woefully understaffed for current work capacity so this provides an opportunity to discuss what the City can do regarding housing functions. He spoke with HUD about housing navigators and the value the City sees from property owners when approached about the opportunities that Section 8 housing vouchers can bring them. He said housing navigator efforts have now ended with the departure of employees. The Norman Housing Authority (NHA) is very interested in advancing the housing navigator position as a function of the NHA, which fits beautifully in that capacity. He said HUD provides a plan for cities in this situation and Staff distributed documentation to Council on January 28, 2022, explaining the options and alternatives related to the applicant and it does not have to be the City of Norman. He said any member of the CoC can become the applicant and there are currently 40 nonprofit participating members within the CoC today and according to HUD, the collaborative applicant can be changed by notifying them and they will work with the balance of the CoC to identify the next collaborative applicant. During the transition from the current collaborative applicant to the future collaborative applicant, the current collaborative applicant will work hand in hand through the transition process. He said the City of Norman is good at many things, but not everything and the City is definitely not a direct service provider to the homeless community. He said the City of Norman is a facilitator that provides some nonprofit funding and is good at building facilities, but does not provide the hands-on service delivery to individuals experiencing homelessness.

Item 1, continued:

Mr. Pyle said before the City could start making changes, the City needed to have a conversation about how to re-tool and where resources would best be applied. He said the City has never been at a point in history where City Council has had access and resources to affordable housing funding invested in Norman. He said the City is recognizing that a great deal of Staff time is being invested in the identification of opportunities to provide affordable housing in Norman and Staff does see an opportunity to be the most successful by focusing efforts on the provision of affordable housing options in Norman. He did not want to have a conversation with CoC partners without having a conversation with City Council on a potential change in direction. He said many partners' funding depends on participation in the CoC Program, which has been recognized by the State of Oklahoma as the best way to provide services to people who are homeless or have low to moderate incomes. He said this is an opportunity to refocus and have that conversation with CoC partners about their interest in becoming the collaborative applicant for the CoC Program. He has concerns about the City's ability to successfully recruit someone with the skillset to jump right in and be successful in the role of facilitating the CoC Program because it took Ms. Evans two years of training to prepare for that task and in today's environment the City does not have two years to make a successful transition.

Mr. Pyle said with Council's approval, Staff would begin that conversation with CoC partners to determine interest for the collaborative applicant role and allow the City to focus energy on the acquisition and development of affordable housing facilities.

Councilmember Hall asked if the City has been the collaborative applicant the entire time the CoC has been in existence in Cleveland County and Mr. Pyle said yes, since 1995. Ms. Lisa Krieg, Community Development Block Grant (CDBG)/Grants Manager, said HUD wanted to establish a competitive CoC funding application process to provide resources to communities to implement a community-wide, coordinated effort for assessing and addressing the housing and service needs of individuals and families that were homeless or at risk of homelessness. Since the CoC application's inception, CoC programs have operated under guidance published each year in HUD's annual Notice of Funding Availability. The CoC Program interim rule provides formal regulations to guide the establishment and operation of CoC programs. To carry out the primary purpose of the CoC Program, HUD requires representatives of relevant organizations to form a CoC to serve a specific geographical area and come together to determine the needs of the community. In 2012, the duties of the CoC and the collaborative applicant became official. She said Ms. Evans was hired in 2014, as an intern for one year then became the fulltime Homeless Coordinator and that position was funded under the CDBG Program.

Mr. Pyle said the collaborative applicant is a full time position and since the City lost all employees working with the CoC he would not suggest current Staff take on this responsibility.

Councilmember Hall asked what would happen if no one stepped up to the plate and Ms. Krieg said the City slowly transitioned into the collaborative applicant role and while the City can step back from being the collaborative applicant, the City's name is still in that spot until the CoC selects a new collaborative applicant. She said HUD has mandated the City to assist in the transition and the City will be the collaborative applicant until the CoC selects a new applicant and she believes it is the responsibility of the City to ensure CoC funding continues in any way possible, since the City has been acting in that capacity since 1995.

Item 1, continued:

Mr. Pyle said the optimum utilization of resources would be for the City to provide the facility and partner with an experienced nonprofit operator who can bring the community success. He said Oklahoma City provides facilities and collaborates with experienced nonprofit operators to run their programs and he sees that as the model for Norman going forward. He said the City of Norman does not have the experience, knowledge, or employees to operate these facilities successfully.

Councilmember Hall said since 2019, the City has wrestled with recognizing the need for an emergency shelter, which needs to continue to be in discussions going forward. She said the City stepped into that role because the need was recognized and none of the CoC Program partners were willing to take on that responsibility. She said the City offered an emergency shelter, but it has been a bare bones operation and asked how that will be addressed going forward. Mr. Pyle said the emergency shelter consumed a majority of Ms. Evans' time, including nights, weekends, and holidays, and he would encourage hiring an operator for that type of facility. He said the City can build the facility and it can be as inexpensive as a metal building.

Ms. Krieg said Norman has a major university and a State mental health hospital so people are used to seeing unique characters walking around Norman with backpacks, but they blended in; however, as that population grew, people began seeing tent encampments, shopping carts being abandoned all over town, etc., and that is a failure of the mental health system. She said as homeless issues became more and more visible, there was a need to begin addressing homeless encampments. She said there has always been an encampment near the river, but it has never been as visible as it is today and it has now blossomed into something the entire community notices. She said Ms. Evans partnered with the Police Department to assess homeless individuals and connect them with services needed and that has evolved and grown over the years, but City employees are not trained professionals. She said service providers have the appropriate training, but do not have the resources to expand services. She said the strength of the City is building facilities, not handling homeless/mental health issues so the City needs to decide if it can use its resources to help facilitate agencies/organizations trained to work with the homeless population.

She said the lines between the duties of the collaborative applicant and the CoC are blurred because they depend on one another. She said the City, as the collaborative applicant, receives the funding, but the money is transferred to nonprofit agencies who have to report how that money is spent. She said this puts the City in a very awkward position when reporting information to HUD because funding relies on accurate data. She believes it is time to turn the collaborative applicant duties over to an experienced provider selected by the CoC and the City could have a seat on the board as a voting member while continuing some financial support through CDBG funding, which has a homeless component.

Mayor Clark said the CoC works for the entire County and the City has been doing the work for other communities within Cleveland County so that is another reason to look at finding an agency more suitable to take on the collaborative applicant role. She said there seems to be consensus among Council to explore this further.

Item 1, continued:

Items submitted for the record

1. Introductory Guide to the Continuum of Care (CoC) Program, Understanding the CoC Program and the Requirements of the CoC Program Interim Rule (2012)
2. HUD Annual Requirements: CoC Collaborative Applicant Activities

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Item 2, being:

PRESENTATION ON PATTERN ZONING.

Mr. Matthew Hoffman, Director of Urban Design with MBL Planning, said he is a former Planning Commission Chair for the City of Fayetteville, Arkansas, and has been an architect for ten years in Fayetteville working on downtown urban design issues. He introduced Mr. Matthew Petty, former Councilmember of Fayetteville, Arkansas. He said he is here tonight to speak to Council about the benefits of pattern zoning. His company believes the strongest form of public engagement is one where you give people the tools to participate in the positive evolution of their own neighborhoods. He said this process is a fundamental shift away from traditional planning techniques of soliciting feedback from the public and believes there is an opportunity for the City of Norman to forge a partnership with the “doers” within the community to execute plans. He said the one thing that brings a super majority of people together across the country is a shared aspiration for quality design.

Mr. Petty said larger cities across the country have pre-approved building programs, but they are generally limited to backyard units, i.e., accessory dwelling units, town homes, etc. He said MBL Planning has a program for a much wider variety of buildings from small to middle scale (known as the missing middle). He said Norman changed some zoning rules to allow buildings that were not allowed in the past, but the market is not building what was envisioned after those changes were made. He said applicants do not decide what to build based on what the City allows them to build, their decision is based on convenience and marketability. In Fayetteville, this type of scenario played out for years, Staff constantly amended their zoning regulations in an attempt to get the market to do what citizens and the Master Plan envisioned. Even today, many applicants use what is called the “lot split loophole,” which allows them to build a number of units on a residential lot. He said most zoning regulations were invented in the 1950s, pioneered in the 1960s and 1970s, and was only reinvented in the 2000s.

Mr. Petty said cities believe once they have zoning regulations in place, the market will do what it is supposed to do, but that does not happen. There are also expectations that the market will change quickly, but it usually takes ten to 25 years before neighborhoods really transition to the next generation of what they are meant to be of their own destiny.

Item 2, continued:

Mr. Petty said MLB Planning implemented a plan in Bryan, Texas, in a two square mile area with an average density of three structures per acre, which is less dense than most suburbs. What they found is that if they had only tailored the rules to existing buildings, it would dramatically increase the number of housing units and achieve densities familiar to people that already live in the area. The best way to do this is incrementally and according to a principled plan, not all at once. He said Bryan, Texas, was seeking to raise housing quality without adding to the burdens of small developers and property owners trying to meet real and growing housing needs. The solution of pattern zoning was a novel technique intended to lower barriers radically to executing high quality, incremental infill projects.

The basics of a pre-approval plan does not replace what has already been built, but exists alongside the kind of reviews already being done. Decision factors on what will be built include what is allowable, what is convenient, and what is marketable, but convenience drives the factors. Mr. Petty said a preapproval program allows neighborhoods to change and preserve the best of what makes them familiar. The basic characteristics of a pre-approval program include coexisting with conventional reviews; a parcel-by-parcel approach; opt-in for applicants; and supplemental criteria. The best program will pre-approve a range of building types to accommodate market and consumer preferences that entails a licensed set of architectural details with contingent building permits. In a pattern zone, a city identifies an area for infill development such as a corridor, neighborhood, or a master-planned district and pre-approves a set of buildings that can be built on each lot.

Mr. Petty said it is important to determine what approach is best for Norman. The core product consists of a broad online catalog of pre-approved buildings where builders can select from hundreds of buildings and pre-approve those that fit the best. He said this process is a subscription service that includes access and maintenance of an online portal with a catalog hosted on a digital platform with City branding. Applicants start with an address for details on the property that include a contextual map with relevant data layers as well as applicable zoning and development codes for easy referencing. Applicants select a building from a table showing each of the buildings pre-approved for the indicated parcel and once this is completed, the plans are forwarded to the appropriate department(s) for review and permitting. He said the process looks like a typical planning process, but is very flexible and is an opt-in process.

Councilmember Foreman said she likes the idea and asked if this is really something that would work for Norman and Ms. Jane Hudson, Director of Planning and Community Development, said pattern zoning is amazing and the hope was to review and implement this during the administrative delay, especially for corner lots in the Center City Form Based Code (CCFBC); however, the information is overwhelming and she does not see how this can be ready before the administrative delay has expired.

Councilmember Hall said it is time to address one of the most confounding issues the City is having in the CCFBC, which is corner lots. She felt pattern zoning would give the City a powerful tool especially working parallel to existing zoning regulations. She likes the idea of moving incrementally and continuing to try to identify other locations in Norman where pattern zoning might work.

Item 2, continued:

Councilmembers agreed they would like to pursue a pilot project in order to determine how well this program will work in Norman.

Items submitted for the record

1. Pre-Approved Building Programs General Overview

The meeting was adjourned at 7:36 p.m.

ATTEST:

City Clerk

Mayor