

CITY COUNCIL STUDY SESSION MINUTES

August 4, 2020

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a virtual study session at 5:30 p.m. in the Municipal Building Council Chambers on the 4th day of August, 2020, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Bierman, Foreman, Hall, Holman, Peacock, Perry, Petrone, Wilson, and Mayor Clark

ABSENT: None

Item 1, being:

DISCUSSION REGARDING FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) COMMUNITY RATING SYSTEM AND FLOOD INSURANCE.

Ms. Carrie Evenson, Stormwater Program Manager, said a floodplain is nearly flat land along the course of a stream, river, or creek that is naturally subject to flooding. A Regulatory Floodplain is land subject to a one-percent (1%) or greater chance of flooding in any given year, which is often called the 100-year flood or 1% chance flood. It is also known as the Special Flood Hazard Area (SFHA) and there are approximately 14,865 acres in Norman. She said the floodplain consists of the normal channel, Base Flood Elevation (BFE), floodway, and flood fringe and if a house is above the BFE, the house is protected from the 100-year flood. If someone builds a house within the flood fringe, the house must be two feet above the BFE as an added measure of protection. She said floodplain management is the operation of a community program to reduce the risk of current and future flooding that includes requirements for zoning, building codes, and floodplain ordinances. The Federal Emergency Management Agency (FEMA) sets minimum floodplain management standards for communities participating in the National Flood Insurance Program (NFIP). She said in order to be a Community Rating System (CRS) community, the community must participate in the NFIP, which Norman does.

Ms. Evenson said floodwaters carry silt that accumulates on the land nourishing the soil; however, floodplain that is filled in for development can obstruct flood flows and reduce the amount of room available to store floodwaters, which increases flood heights. She said if someone brings fill material into the floodplain, such as dirt, concrete, etc., then that material is taking up space where flood waters would have otherwise resided which causes water to be pushed higher and out, which can affect properties previously not subject to flooding.

In 1968, Congress created the NFIP to mitigate future flood issues through sound and community enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners. The community must participate in NFIP for residents and businesses to obtain flood insurance.

Ms. Evenson said the goal of being a CRS community includes reducing and avoiding flood damage to insurable property, strengthening and supporting insurance aspects of NFIP, and fostering comprehensive floodplain management. She said communities that choose to participate in CRS are rewarded for doing more than minimum national standards set by NFIP and flood insurance premiums are discounted based on efforts undertaken to reduce flood damage, educating the public on flood data and insurance, etc. The CRS Handbook describes procedures, creditable activities, and credit points associated with each activity. She said CRC classification is assigned based on total credit for all activities conducted and Norman is currently a Class 6 community. She said the lower the credit points, the higher the insurance discount with the minimum being a Class 9 and the maximum being a Class 1 and Norman is Class 6 so residents receive a 20% discount on insurance for properties within the floodplain or SFHA and 10% if outside of the SFHA.

Ms. Evenson said CRS Classes are based on the number of points achieved in 19 creditable activities in four categories (also known as Series) as follows:

- 300 Series = Public Information Activities
- 400 Series = Mapping and Regulations
- 500 Series = Flood Damage Reduction Activities
- 600 Series = Warning and Response

As an example of one activity Norman participates in is Activity 370 - Flood Insurance Protection that has a maximum credit of 110 points. One element to this activity includes the Flood Insurance Coverage Assessment that requires an annual review of flood insurance coverage in Norman to be presented to City Council, which gives the City 15 points. Ms. Evenson said 18% of buildings located in SFHA have flood insurance and there are a total of 863 buildings in the SFHA and 156 of those buildings have flood insurance. She said there are 17 repetitive loss of properties, which means they have been flooded and have more than one flood insurance claim. She said there have been 125 insurance claims paid on those flood insurance policies.

Ms. Evenson highlighted policies by occupancy as follows:

Table 1	Policies in Force	Premium	Insurance in Force	Average Coverage
Single Family	426	\$246,683	\$116,496,900	\$273,467
2-4 Family	17	\$ 20,522	\$ 3,544,300	\$208,488
All Other Residential	12	\$ 20,226	\$ 3,935,300	\$367,942
Non-Residential	34	\$ 54,645	\$ 12,507,300	\$367,862
Total	489	\$342,076	\$136,483,800	\$279,108

Possible future actions for Series 370 recommending flood insurance protections include increased direct mailings of letters and brochures to residents in these areas, direct contact with these areas through community and neighborhood events, and using social media, website, and other digital media.

Ms. Evenson said when Norman was given a rating of CRS Class 5 when it first entered the CRS Program and with the 2015 CRS Cycle Verification Visit, Norman had enough credit to become a Class 6. She said the CRS Cycle Verification Visit occurs every five years and the City must provide documentation for each activity and element to receive credit, which can include photos, maps, documentation, etc. The documentation is reviewed by an Insurance Services Office, Inc., (ISO)/CRS Specialist with the most recent visit occurring on July 22, 2020. She said there have been some changes to the CRS Program based on FEMA's requirement so in order to stay in a Class 6, communities have to have a building code effectiveness rating schedule or Building Code Effective Grading Schedule (BCEGS) classification of 5/5 or better and Norman was 6/5 in the 2017 evaluation, which is below what is required for Class 6. She said Staff is working with the Building Code Department to improve that score and there are things the City can do to try to earn more points that may require more activities such as building inspector training, code adoptions, etc. She said residents are more likely to purchase flood protection insurance if it is less expensive.

Councilmember Petrone asked why the City has no CRS credits for the 530 – Flood Damage Reduction Activities – Flood Protection, and 610 – Warning and Response – Flood Warning and Response, designations. Ms. Evenson said Norman does not have a flood warning system (610) due to funding issues; however, it is something being considered. She said the City is required to maintain and annually inspect all publicly owned channels (530), but Norman does not have the staffing levels or funding for this portion of flood damage reduction activity.

Councilmember Petrone asked what specific building regulations ISO/CRS would like to see implemented and Ms. Evenson said there are no particular code changes, it is basically adoption of particular code years, i.e., the International Building Code changes every two years and if the City adopts the code within that two-year cycle then full credit is given. She said the City adopted the 2015 International Building Code, but if the City is evaluated in 2018, that is three years out and full credit would not be given. She said the City would have to adopt the International Building Codes every two years and Councilmember Petrone asked why the City could not do that. Ms. Jane Hudson, Director of Planning and Community Development, said adopting current International Building Codes is a year long process that includes public input and local amendments. Councilmember Petrone said adopting the International Building Code every two years seems to be a best practice for flood damage prevention so she would be interested in implementing that versus sending out mailers.

Mr. Darrel Pyle, City Manager, said the City has thousands of citizens signed up to receive emergency alerts for many different reasons and wondered if a flood alert system could be done through this existing mechanism. He asked if ISO/CSR is specific in how people are notified when sensors are activated and Ms. Evenson said they are not that specific on how people are notified, just that a notification system be in place. She said sometimes putting out notice on Facebook or through a citywide alert system is enough to get credit, but the City would have to have a written procedure on how that process will work. Mr. Pyle said he is confident in the level of Staff competency and believes the City will be able to advance to a higher rating level.

Councilmember Bierman asked if this effort is solely aimed at the 863 structures within the SFHA and Ms. Evenson said it is not necessarily limited to those structures within the SFHA, but they are targeted because they have the higher likelihood of being flooded. She said the program is community wide and anyone who obtains flood insurance regardless of their location receives the discounted insurance. Councilmember Bierman said she is more interested in balancing the cost to the public to benefit a small number of properties versus community wide benefit. She said there are policies the City can enact, e.g., flood warning system, that have a much higher public benefit in terms of saving lives. She said whatever the City does, it needs to have the highest community benefit because tax dollars are being spent.

Councilmember Bierman asked how frequently the SFHA boundaries are increased and Ms. Evenson said the floodplain boundaries only change when they are restudied and re-evaluated and that is a very intense process that involves a lot of modeling by FEMA. She said it can be initiated at the local level, but increasing boundaries does not happen that frequently; however, Ten Mile Flat and Brookhaven Creek have recently been restudied and remodeled so there will be changes to the floodplain boundaries in both of those watersheds, which Council will be asked to adopt.

Councilmember Bierman asked how frequently the City is allowing continued development in flood zones and Ms. Evenson said if someone wants to develop in the floodplain, they have to appear before the Floodplain Committee for a permit. She said there are generally 15 to 20 requests annually for floodplain permits, but that is slowly declining each year. She said there are some requests for redevelopment of existing structures within the floodplain, but they have to stay within their original footprint and preserve the area of the floodplain. She said expanding an existing development in the floodplain can be very costly.

Councilmember Peacock asked if there is data on how frequently Norman has experienced the 100-year flood and Ms. Evenson said she thought 2015 was the last time, but she can do some research and provide that information to Council.

Councilmember Peacock asked if Staff has identified any obvious areas to gain credit for the next five-year review and Ms. Evenson said yes, drainage maintenance and a flood warning system are two areas Staff is focusing on as well as public education.

Councilmember Holman said he is excited to hear that this is saving the residents of Norman money and obtaining credits. He said since he has been on Council, the City has removed structures from the floodplain or floodway, particularly a house on East Main Street that the City purchased and demolished. He said another structure removed was the Calloway House, which was a large apartment complex on Brooks Street, where a portion of the structure was basically in the creek. He asked if the City receives credit for that type of process and what the City's budget is for removing structures from the floodways built before FEMA standards. Ms. Evenson said the City does get credit for acquisition of property in the floodplain or floodway. Mr. Shawn O'Leary, Director of Public Works, said many times the developer or property owner pays the cost of removing the structure(s), but Council has used greenbelt funds for most of its acquisitions. He said there are several buy-out locations identified in the Stormwater Master Plan, but that is not a popular option if someone does not want their property to be bought out.

Councilmember Holman said he would not want to force someone to move or sell their property, but would like to ensure that every property owner within a floodway or floodplain is aware the City would be interested in purchasing the property. He supports efforts to remove structures from floodplains or floodways and restoring drainage structures with more natural materials than concrete.

Councilmember Hall asked if the properties that have filed multiple insurance claims are in the same area or are there specific areas where flooding occurs regularly and Ms. Evenson said the City has information on that, but there are restrictions on what information can be shared as far as location. She said there are locations across the City and are not isolated to a particular location, e.g., Imhoff Creek.

Councilmember Hall asked why a person would purchase flood insurance when they live outside a floodplain and Mr. O’Leary said, as an example, Councilmember Scanlon’s property is outside of a floodplain and his property has flooded twice with approximately \$230,000 worth of damage. He said most people learn they need flood insurance when they experience a flooded home outside of the floodplain.

Councilmember Hall said Norman is a Class 6 and asked if Class changes occur every five years or is there a possibility of Norman changing that number sooner and Ms. Evenson said if Norman implements additional activities for additional points and are close enough to the boundary between Classes, the City can request FEMA and ISO to re-evaluate Norman for a Class change; however, it generally occurs every five years.

Mr. O’Leary said Norman will not move up much from Class 5 unless there is more funding and staffing.

Mayor Clark said more Staff and funding is needed, but felt the City could accomplish sending out information mailers because it would not be too Staff intensive. She said many people are unaware they live in or near a floodplain or near a hazardous dam and may need flood insurance.

Items submitted for the record

1. PowerPoint presentation entitled, “FEMA’S Community Rating System and Flood Insurance,” dated August 4, 2020
2. Letter dated July 22, 2020, from Dave Arkens, CFM, ISO/CRS Specialist, to Todd McLellan, Development Engineer
3. Flood Insurance Assessment

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ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

ATTEST:

City Clerk

Mayor