

CITY COUNCIL STUDY SESSION MINUTES

April 3, 2018

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 April, 2018, 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, Clark, Hickman, Holman, Karjala, Wilson, and Mayor Miller

ABSENT: Councilmembers Bierman

Item 1, being:

DISCUSSION REGARDING A PROPOSED ORDINANCE AMENDING THE ZONING CODE TO REQUIRE FIRE SPRINKLING FOR DUPLEXES WITHIN THE CENTRAL CORE AREA OF NORMAN WITH FOUR OR MORE BEDROOMS PER UNIT.

Ms. Susan Connors, Planning and Community Development Director, said the Community Planning and Transportation Committee requested that staff provide information on requiring two-family homes (duplexes) with more than three bedrooms per unit to be sprinkled. She said a draft Ordinance was provided in the packet that provides a condensed summary of common building fire protection sprinkler requirements. She said a two-family duplex does not require fire protection through a sprinkler system; however, other developments such as apartments, boarding and lodging houses, hotels, motels, and townhomes do require sprinklers. She said the Central Core Area of Norman is defined by Robinson Street on the north, 12th Avenue East on the east, Imhoff Road on the south and Berry Road on the west. It is already identified in the Zoning Code and this is where the majority of the duplexes are being built, which house students as opposed to families. She said there is a section of the International Building Code (IBC), the International Residential Code (IRC), and the National Fire Protection Association (NFPA) 13D regulations that provide regulations for sprinkler systems. She said an Ordinance has been prepared that identifies changes in the R-2, RM-2, RM-6, R-3, RO, MUD, PUD, and SPUD zoning districts. She said these zoning districts will require any two-family structures with four or more bedrooms in the Central Core Area of Norman to be sprinkled per the requirements in Section P2904, the IRC, or the NFPA 13D as they exist today and/or are amended in the future.

Councilmember Castleberry asked if this applies to new construction only. Ms. Connors said if a unit was added it would still be a duplex permitted under an old permit. She believes it would be new construction.

Councilmember Castleberry asked what the additional cost would be to the overall project cost. Chief King said he does not know.

Mayor Miller said there are several rooming houses in the area and adding more units and bathrooms increases the density of the occupancy.

Councilmember Hickman asked if it is true that a fire wall between units might fulfill the requirements of sprinklers. Ms. Connors said not now. She said the 2015 Code took that exception away from three or more units.

Item 1, continued:

Councilmember Hickman asked if the Center City Form-Based Code (CCFBC) zoning district would apply. Ms. Connors said the CCFBC will need to be added to this, because it was not added.

Councilmember Hickman asked if Council needs to add the definition of bedroom under definitions. Ms. Connors said a definition of bedroom will be added under the general definition section.

Councilmember Clark asked why not look at other areas of Norman. Ms. Connors said these zoning districts are concentrated in the core area and most of the subdivisions in other wards are zoned R-1 and duplexes are not allowed in R-1.

Councilmember Hickman asked what the trigger is that requires commercial type materials versus residential. Ms. Connors said five or more units are considered commercial developments, but she would have to check on three and four.

Councilmember Castleberry asked if the units at 48th S.W. and Main and Brookhaven Square would be required to sprinkle under this scenario. Ms. Connors said she would have to check how those were permitted.

Councilmember Hickman said the CCFBC area in Plan Norman is identified as mixed use and duplexes are prohibited. He thinks that is something to look at, because it is important that it is consistent.

Consensus to move forward for First Reading.

Items submitted for the record

1. Memorandum dated March 30, 2018, from Susan Connors, AICP, Planning and Community Development Director, to Mayor and City Councilmembers
2. Draft Ordinance
3. A condensed summary of common building fire protection sprinkler requirements

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Item 2, being:

2018 STATE LEGISLATIVE UPDATE.

Councilmember Clark said the State delegation is dealing with a number of bills regardless of the budget issues. She focused on the bills that were highlighted at the Capital on Tuesday.

She said Senate Bill 1465 is designed to preempt municipalities from taxing and prohibiting issuance of any ordinance regulating the use, disposition of sale of auxiliary containers (plastic bags). She said she met with the Committee and explained that this is about our environment and the drinking water. She said she received positive response from the Committee.

Councilmember Clark said Senate Bill 1374 is a dockless bicycle preemption assigned to House Rules Committee. She said once this bill is passed, these companies only have to pay a fee to the Oklahoma Tourism Recreation Department and municipalities are preempted from the ability to limit, control, and make any money off of them.

Item 2, continued:

She said Senate Bill 1388 is a small cell technology preemption issue. She said this bill is focused on electric companies such as OG&E where the City does not have much control over. She said the City is limited on negotiation ability and this bill seems to be the one they are working the hardest on.

Ms. Kathryn Walker, Assistant City Attorney, said in other states they have pre-empted local regulation and in this case they offered to meet with the City Representatives and work on legislation that would actually give municipalities something uniform across the state that they can live with.

Councilmember Hickman asked about the equipment in high density areas where college students are streaming a lot of video. He is concerned about where the equipment will be placed in neighborhoods on electrical poles. Councilmember Clark said the upside is there will be better cell coverage, but there are also safety issues that there is a small communication area on existing poles that is only six feet long. She said if antennas block access to repair electrical equipment on poles this could be dangerous especially if the poles become too heavy from ice and wind.

Councilmember Wilson asked about adding franchise agreement pre-emption language. Ms. Walker said there is not a franchise agreement with them, but there is a contract agreement with U-verse. Councilmember Wilson asked where the equipment will be placed. Ms. Walker said it may be on electrical poles or traffic signals, but AT&T prefers electrical poles.

Councilmember Castleberry asked if the new emergency radio communication systems are affected by the equipment. Mayor Miller said the equipment cannot interfere with any of the emergency signals.

Councilmember Allison asked if the City can inspect the equipment. Ms. Walker said that option is not provided. She said the permitting process that comes through the City is looking at location, but AT&T is required to follow the International Safety Code for Electric.

Councilmember Clark said the Public Employees Relations Board deals with the Labor Board and union organization petitions. She said the board went away and now is back and it has become complicated. She said they are trying to limit it to a three or five person board and if they need a mediator, they want a non-Oklahoman resident to mediate.

Councilmember Clark said Senate Bill 337 is the Main Street Fairness bill to be used for the Amazon third party contractors, which will make third party contractors collect and remit the tax to the state, cities, and counties.

Councilmember Clark said the Senate Bill 1174 is the occupational licensing bill, which preempts municipalities to set licensing fees of any sort. She said existing regulations may continue on the condition that the occupational fees not exceed \$25.00 per year. She said municipalities must stop fees and licensing requirements if a state licensing authority imposes any new requirements on any profession.

Item 2, continued:

Councilmember Clark said Marsy's Law is a constitutional amendment at that is a State Question and several municipalities have come out in support. It puts victim's rights into the constitution. She said she would like to see the City become involved with this bill. Ms. Brenda Hall, City Clerk, will send out a draft resolution.

Councilmember Clark encouraged Council to stay on top of the bills. She said she is concerned some may slip through while others are working on the Teacher's Walk Out.

Items submitted for the record

1. Oklahoma Municipal League Advocate, Issue No. 07-18 dated March 30, 2018
2. Memorandum dated March 27, 2018, from OML Legislative Department, to OML Members; Senate Bill 1465 – Preemption of Auxiliary Containers
3. Memorandum dated March 27, 2018, from OML Legislative Department, to OML Members; Senate Bill 1374 – Dockless Bicycle Preemption
4. Memorandum dated March 27, 2018, from OML Legislative Department, to OML Members; Senate Bill 1369 – Public Employees Relations Board
5. Memorandum dated March 27, 2018, from OML Legislative Department, to OML Members; Senate Bill 337 – Main Street Fairness
6. Memorandum dated March 27, 2018, from OML Legislative Department, to OML Members; Senate Bill 1174 – Occupational Licensing Preemption

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The meeting adjourned at 6:27 p.m.

City Clerk

Mayor