

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

March 8, 2018

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:00 p.m. in the Conference Room on the 8th day of March, 2018, 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 Clark, Holman, Karjala, and Wilson

ABSENT: Chairman Hickman

OTHERS PRESENT: Mayor Lynne Miller
Councilmember Bierman, Ward One
Ms. Susan Connors, Director of Planning and Community Development
Mr. Bob Christian, Permit Manager
Mr. Terry Floyd, Development Coordinator
Ms. Sara Kaplan, Retail Marketing Coordinator
Mr. Travis King, Fire Chief
Mr. Ken Komiske, Director of Utilities
Mr. Steve Lewis, City Manager
Mr. Angelo Lombardo, Transportation Traffic Engineer
Ms. Beth Muckala, Assistant City Attorney
Ms. Debra Smith, Environmental Services Coordinator
Mr. Scott Sturtz, City Engineer
Ms. Kathryn Walker, Assistant City Attorney
Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

CLEVELAND AREA RAPID TRANSIT (CART) RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF JANUARY 2018.

Mr. Taylor Johnson, Marketing Specialist for Cleveland Area Rapid Transit (CART), highlighted CART Ridership Reports for January 2018, and said fiscal year-to-date ridership (July to January) had a decrease of 8% over the same period last year. In January, CART transported 96,358 passengers that included 636 riders who traveled with bicycles and 242 riders who traveled with wheelchairs.

CARTaccess transported 2,695 riders in January, a decrease of 6% over the same month last year with an average daily ridership of 108 riders. Year-to-date primary zone ridership increased by 9% while secondary zone ridership increased by 10%.

Item 1, continued:

Mr. Johnson said CART's Marketing and Public Relations Intern will be updating the website to make it more accessible and user friendly for those with vision impairments using screen readers. He said CART Staff attended a luncheon at Brookstone Cottages near Cedar Lane Road to discuss CARTaccess and fixed route services and also attended the Oklahoma Transit Association Winter Conference that included meeting Norman's state legislators, federal updates, and training.

Mr. Johnson said Proterra, a leader in electric bus design and manufacturing, will be providing a demonstration of an electric bus on March 27th at 510 East Chesapeake and invited Councilmembers to attend and ride the bus.

Mr. Johnson said due to the high amount of traffic associated with school day dismissal at Irving Middle School, CART will deviate Route 11 during its 3:30 p.m. run, Monday through Friday, during the school year effective February 12th. He said bus stops 44 and 45 will be missed during the deviation and riders are encouraged to use bus stop 43 located at Beaumont Drive and Vicksburg Avenue or Bus Stop 46 located at Alameda Street and Vicksburg Avenue.

Councilmember Clark asked if CART has heard about the dockless bicycle systems bill and Mr. Johnson said yes. Councilmember Clark is concerned about a bicycle system that is not controlled by any entity and said CART needs to be prepared for that. Councilmember Clark said communities with the dockless bicycle systems are finding bicycles left in the streets, lakes, creeks, on sidewalks, etc. Mr. Johnson said his understanding is that every bicycle in Oklahoma that is part of a dockless bicycle system would need to be permitted by the State of Oklahoma and Councilmember Clark said communities receive no money from the system or have any control over the system. She would be interested in how a dockless system could integrate with the University of Oklahoma's (OU's) docking bicycle system.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the months of January 2018
2. Cleveland Area Rapid Transit Monthly Reports for January 2018
3. Route 11-Lindsey East Deviation at Irving Middle School Effective February 12, 2018

* * * * *

Item 2, being:

DISCUSSION REGARDING NEW CELLULAR TECHNOLOGY IN THE RIGHTS-OF-WAY.

Ms. Kathryn Walker, Assistant City Attorney, said a small cell technology is coming to Oklahoma. She said small cell facilities can be attached to street lights, electric poles, and other structures to enhance the cellular network and provide faster download speeds in denser areas and these facilities could possibly be placed in the rights-of-way (ROW). She said the City of Norman currently manages what is allowed in the ROW through franchise agreements, contracts, revocable licenses, and revocable permits.

Ms. Walker said small cell technology continues to evolve, have all types of designs, and are not as intrusive as a large cell tower. She said small cell facilities are better able to blend into the surroundings and improve capacity where needed, which is important to Norman citizens. She said small cells pave the

Item 2, continued:

way for 5G technology, a fifth generation of mobile wireless systems that allow technology devices, both mobile and stationary, to send and receive data without being plugged into a wall in your home or at the office.

Ms. Walker said cities have concerns regarding small cells that include location, competing interests in the ROW, aesthetics, and retention of local control. She said when AT&T approached the City of Norman, Staff formed a working group to create an ordinance that would protect the City's interests while bringing the new technology to the citizens. She said federal law is expressing a strong preference to increase cellular network capacity and while cities still have some ability to regulate specific aspects, cellular companies are complaining that cities are slowing expansion and the Federal Communications Commission (FCC) is listening. She said based on a complaint from an infrastructure provider, the FCC appointed a Broadband Deployment Advisory Committee (BDAC) to review the issue and the BDAC was charged with drafting a model ordinance for local governments that could provide guidelines to help speed up approval of applications; however, the draft model is not very city friendly and leans towards cell technology providers. She said under federal law cities can regulate placement, construction, and modification of wireless facilities; can charge fair and reasonable compensation; and manage the public ROW; however, cities cannot prohibit small cells on OG&E light poles because any investor owned utility must provide access to their poles unless there are capacity, safety, or reliability issues caused by the attachment. Cities also cannot require too much documentation, cannot use regulations to prohibit the provision of wireless service, cannot discriminate between providers, and cannot take more than 60 days to review an application.

Ms. Walker said in December, AT&T reached out to the Oklahoma Municipal League (OML) to form a working group of municipal attorneys and technical experts to work collaboratively in creating legislation. She said other cell providers are concerned that AT&T may try to push its proposal through legislation without meeting with cities or OML for input so network providers that include Verizon and Sprint were included in the meeting. She said the City of Moore and City of Broken Arrow have adopted legislation that is similar to what AT&T proposed, but the AT&T proposal does not adequately address municipalities concerns regarding ROWs. She said Senator Greg Treat is proposing Senate Bill 1388 (SB1388) that will create the Oklahoma Small Wireless Facility Deployment Act, which allows the right to co-locate small wireless facilities as a permitted use versus a zoning issue. She said that language is negotiable until March 15th and Senator Treat has assured OML that municipality concerns will be addressed. Under the Bill, cities can approve the siting and adopt regulations that establish concealment criteria for decorative poles as well as establish fees.

Mayor Miller said she appreciates the fact that several municipal attorneys and technology providers are working together with OML to create fair legislation.

SB1388 states that cell facilities cannot obstruct or hinder travel or public safety on the ROW and if a wireless facility cannot be accommodated on an existing pole, a new pole can be erected in its place, but new or modified poles cannot be more than ten feet taller than the tallest existing pole within 500 feet or 50 feet above ground level. Cell providers must follow reasonable and objective criteria for concealment of small wireless facilities in designated areas and on decorative poles and as long as the equipment does not interfere with another company's equipment, more than one small cell facility can be placed on the same pole. Ms. Walker said local municipalities would approve the siting and issue permits before small

Item 2, continued:

cell facilities can be constructed or modified and facilities would have to meet all building and electrical codes, if applicable. She said SB1388 sets a ceiling of \$200 on application fees for the first five facilities on the same application and \$100 thereafter on the same application. A permitting fee of up to \$350 per pole in the ROW can be charged along with an annual fee of \$20 per small wireless facility for occupying the ROW as well as an annual rental fee of \$20 per wireless facility for co-locating on City poles in the ROW.

Mayor Miller was confused about the fees and asked if the City will be charging \$550 for the first five facilities and Ms. Walker said that depends on whether or not the facility is placed on a City pole. She said Staff has concerns about placing these small cell facilities on traffic poles, which is what the City owns in the ROW, otherwise OG&E owns most of the poles in the ROW in Norman and the City would not be able to charge a fee for those poles or prohibit installation of small cell facilities on those poles.

Councilmember Wilson asked if the City's main concern is aesthetics or technology interference and Ms. Walker said interference is not expected due to federal laws; however, placement is a concern. She said earlier in the year a technology company wanted to place a pole in the middle of the ROW of a residential street and Staff did not believe that would be welcomed by the neighborhood. She said infrastructure providers have companies scouting for sites ahead of the technology company applying for permits and these scouting companies have been a little harder to deal with than the technology companies themselves.

Ms. Walker said Staff will continue to work with OML and the cellular companies to develop final language and keep the Committee updated.

Items submitted for the record

1. Memorandum dated February 20, 2018, from Kathryn Walker, Assistant City Attorney II, through Jeff Bryant, City Attorney, to Members of the City Council Community Planning and Transportation Committee
2. PowerPoint presentation entitled, "New Cellular Technology in the Rights of Way," Community and Transportation Committee, March 8, 2018

* * * * *

Item 3, being:

DISCUSSION REGARDING FIRE SPRINKLING REQUIREMENTS FOR DUPLEXES WITH MORE THAN THREE BEDROOMS.

Ms. Susan Connors, Director of Planning and Community Development, said the Community and Transportation Committee (CPTC) requested Staff provide information on requiring two-family homes, specifically duplexes, with more than three bedrooms per unit to have sprinkler systems. She said a two-family duplex does not require fire protection through a sprinkler system under the International Residential Code (IRC); however, fire protection through a sprinkler systems is generally required for apartments, boarding or lodging houses, hotels, motels, and townhouses (defined as more than two attached dwelling units with grade level access at each dwelling unit).

Item 3, continued:

Ms. Connors said it seems prudent to ensure an additional level of fire protection with the expectation of increased density in the Center City Zoning District where there is an interest in development of duplexes in core Norman that will be designed to house more than a single family unit on each side. She said Staff is recommending fire protection through a sprinkler system be contained to the central core area of Norman defined as Robinson Street on the north, 12th Avenue on the east, Imhoff Road on the south, and Berry Road on the west. She said within this area, any two-family (duplex) structure with more than three bedrooms per unit would be required to be sprinkled per the IRC.

Councilmember Wilson asked why this is not being applied citywide because these types of developments could take place anywhere in Norman and Ms. Connors said the CPTC requested Staff concentrate the regulations to Central Norman, but the regulations could be applied citywide. Councilmember Wilson asked why Central Norman was being targeted and Ms. Connors said the regulation primarily relates to duplexes and duplexes are only being constructed in Central Norman at this time. Councilmember Wilson said having the regulation apply to only Central Norman could start moving the problem to other parts of Norman and Ms. Connors said it would not be a problem to make the regulations citywide if Council desired.

Councilmember Karjala asked Fire Chief Travis King if there are incidents of greater fire hazards in Central Norman and Chief King said anywhere there is higher density there are higher chances of fire hazards and older structures around new duplexes could factor into the risk of fire hazards. Councilmember Karjala asked if Chief King believes these regulations are something the City should pursue and Chief King said sprinklers are not a bad thing and he would support whatever action Council desires.

Councilmember Holman asked if any other cities similar to Norman, with universities, have a similar policy and Ms. Connors said she did not know. Councilmember Holman said he vacationed in California recently and stayed with a friend whose single-family home had been remodeled into a duplex with three bedrooms on each side and each room had a fire suppression system so it is not unheard of.

Mayor Miller said because the City requires sprinkler systems for apartments, hotels, rooming houses, etc., it seems appropriate to require duplexes with more than three bedrooms in each unit to have fire sprinklers. She said it becomes even more important when duplexes are stacked two or more stories and are being built next to older single-family structures and Councilmember Holman agreed.

Ms. Connors said there are applications for five duplex type buildings on James Garner Boulevard with a potential for 54 bedrooms and will be three stories or more.

The Committee agreed the proposed regulations should move forward to full Council in a Study Session or Conference.

Items submitted for the record

1. Memorandum dated February 16, 2018, from Susan Connors, AICP, Director, Planning and Community Development, to Community Planning and Transportation Committee Members

* * * * *

Item 4, being:

PRESENTATION FROM THE READY FOR 100 CITIZENS GROUP.

Ms. Karen Blasier, Organizer for the Norman Ready for 100 Campaign, introduced Ms. Kathryn Trent, Chair of the Norman Ready for 100 Policy Committee. Ms. Blasier thanked the Committee for their time and said the Ready for 100 is a national campaign in many cities across the nation supported by the National Sierra Club in terms of training material and support.

Ms. Trent said when the Ready for 100 Policy Committee prepared its policy, input was used from many members of the community. People involved with problems that fuel extraction or are involved with leading the way into a new renewable economy that include solar, wind, hydro, tidal and geothermal energy. She said Ready for 100 has prepared a resolution they would like the City to adopt with the objective of transitioning the City of Norman to 100% clean energy in the form of wind, solar, energy efficiency measures, and other renewable sources within the electricity sector by 2035 and all energy-use sectors, including heating and transportation, by 2050. She said the adoption of renewable energy increases economic security and prosperity for residents and strengthens sustainability through community solar to benefit people of color, indigenous communities, immigrants, and refugees as well as rural and economically disadvantaged residents who experience the impacts of pollution and climate change disproportionately. The City would need to meet clean energy goals through a transparent and inclusive stakeholder process that includes social justice, frontline communities and those most impacted by our current energy systems; public health and the environment; economic development; utility sector; clean energy sector; universities; academic institutions; businesses; housing; employment services; low income advocates; government; and any other relevant groups. The City will need to create a system to track plausible policy measures to stay on target, distribute the burden, and meet clean energy goals according to the aforementioned timeline.

Ms. Trent said wind energy is not as labor intensive so a wind farm would be more cost efficient at a cost of approximately \$87,659,608 for 22 turbines for 50 megawatts (MW) of energy with \$14,149,304 in annual operating expenses or \$175,149,304 for 44 turbines for 100 MW with \$28,302,312 in annual operating expenses. She said Norman could build the first wind farm that would currently meet 100% of its energy needs and subsequently install concentrated and distributed solar as that technology advances. More turbines could be added over time to supplement generation, particularly once vehicles are running exclusively off of electric power. She said implementation of energy efficient measures could decrease energy demand by up to 38% or more. Solar energy would cost approximately \$20,212,713 for 25 MW or \$334,228,232 for 50 MW with \$37,885,810 in annual operating expenses. She said solar costs vary depending on how it is installed because concentrated solar is more expensive, but extremely effective and efficient while distributed solar is less expensive and strengthens the resilience of the community and the grid. She said a wind energy farm could be constructed in Tuttle, Oklahoma, and piped to Norman.

Ms. Trent said further information can be found on the Department of Energy Green Economic Development Initiative website.

Mayor Miller asked how many acres of land would be needed for a 22 turbine wind farm and Ms. Trent said she could obtain that information and email it to Council.

Ms. Trent said the World Bank made a commitment in December 2017, to no longer fund fossil fuel extracted projects by December 2020, so renewable energy will happen. She said it is projected that by 2023, oil will fall to \$10 a barrel because major automobile manufacturers are factoring out the internal combustion engine and moving to electric vehicles.

Item 4, continued:

Councilmember Holman said he would like to see the City of Norman lead by example by incorporating solar energy into City facilities. Mayor Miller said the University of Oklahoma (OU) is working towards being 100% renewable energy efficient.

Ms. Trent said there are 3,700 schools, nationally, that have solar energy and are energy independent enough to produce excess energy that is sold to pay teacher salaries.

Councilmember Karjala said she fully supports the resolution although funding will be challenging. She felt that solar panels should be installed on all NORMAN FORWARD projects. Councilmember Wilson agreed and said this could set Norman apart as unique with a great quality of life and she would fully support the efforts.

Mayor Miller said the Environmental Control Advisory Board (ECAB) is currently working on the Mayor's Climate Protection Agreement goals and she would like an update on that to use as part of the City's guide on the best way to move forward. Ms. Amanda Nairn, Chair of ECAB, said ECAB is reviewing everything ECAB has done over the last ten years in order to create a list of five year goals and once those goals are met they will create another list of five year goals. She said ECAB will be meeting in March to review the first list of five year goals. She said these goals will include recycling and other environmental issues as well as energy. Councilmember Clark said she supports the resolution and asked if ECAB could incorporate and align their five year goals with energy vision and Ms. Nairn said the Ready for 100 resolution could provide guidance for ECAB. She said ECAB wants to concentrate on actionable things that are monetarily small in nature, but will slowly get the City where it wants to be on all environmental fronts.

Items submitted for the record

1. The Norman Ready for 100% renewable Energy Commitment: Quantifications, Objectives, and Resolution, Spring 2018
2. Sustainability, Resilience, and Economic Possibilities for the City of Norman

* * * * *

Item 5, being:

MISCELLANEOUS PUBLIC COMMENTS.

None

* * * * *

The meeting adjourned at 5:16 p.m.

ATTEST:

City Clerk

Mayor