

CITY COUNCIL CONFERENCE MINUTES

February 12, 2019

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 12th day of February, 2019, 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 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Bierman, Carter
Castleberry, Clark, Hickman, Scott,
Wilson, Mayor Miller

ABSENT:

Councilmember Holman

Item 1, being:

DISCUSSION REGARDING SHIPPING CONTAINERS IN RESIDENTIAL AREAS.

Ms. Jane Hudson, Interim Director of Planning and Community Development, said on December 13, 2018, the City Council Oversight Committee evaluated potential zoning restrictions for the use of shipping/cargo containers in residential districts within Norman. She said portable storage containers and roll off containers are addressed in Section 440-435.1 in Chapter 22 of the Zoning Ordinance. Staff is proposing to add Section 435.2 to address cargo containers as structures that will be separate from portable and roll off containers. She said within Chapter 22, Section 435.1, there will be clean up language that clarifies the definitions of "Portable Storage Containers" versus Storage Containers and Seasonal Metal Storage Container.

Ms. Hudson said the proposed definition for Cargo Container will be as follows:

Cargo container (also called a "shipping container") means a container originally designed and manufactured for the commercial purposes of transporting cargo, and designed of suitable strength to withstand the process of shipment, storage, and handling regardless of transportation method of cargo type, of an approximate size of 8 feet wide, 8 1/2 feet high, and 10 or 40 feet in length. Cargo containers with varying dimensions, or facsimile containers (even if not manufactured for the transporting of cargo), may also, subject to the Planning Director's discretion, be subject to the provisions of this Section if the Cargo Container is designed and used such as to invoke the purposes of this Section.

Ms. Hudson said Ordinance language is also proposed to include the following:

PERMITTED USE: Cargo containers, or any facsimile thereof (even if manufactured for a different purpose) may be repurposed for use as a permanent accessory structure in industrial, agricultural and commercial zoning districts. Any cargo container permanently placed in accordance with this provision shall be safely anchored to a permanent foundation.

Councilmember Scott asked if cargo containers can be used as a house and Ms. Hudson said no, just for storage in commercial or agricultural districts.

Item 1, continued:

Proposed Ordinance language continued:

PROHIBITED USE: Cargo containers shall not be repurposed for use as a permanent accessory structure in any residential zoning district, the Center City Form Based Code area, or any Planned Unit Development (PUD) or Simple Planned Unit Development (SPUD) that does not specifically authorize the use of cargo containers. Any facsimile thereof, even if manufactured for a different purpose, is also prohibited as a permanent accessory structure as set forth herein.

TEMPORARY USE: Cargo containers may be temporarily located on property that is zoned for commercial or industrial use for no more than three (3) months within the same calendar year, provided that a building permit is issued for each such container. Cargo containers cannot be vertically stacked, and should not be placed in front of the principal structure, but must be located at the side or rear of the structure to minimize any visual impact from abutting streets. As this is a temporary use, the cargo containers may occupy no more than ten percent of the required parking for the on-site principal use.

Ms. Hudson highlighted language regarding Permanent Principal Structures as follows:

Cargo containers shall not be repurposed for use as a permanent principal structure in any residential zoning district, the Center City Form Based Code area, or any PUD or SPUD that does not specifically authorize the use of cargo containers. Any facsimile thereof, even if manufactured for a different purpose, is also prohibited as a permanent principal structure as set forth herein. Any cargo container permanently placed in accordance with this provision shall be safely anchored to a permanent foundation.

Councilmember Scott said cargo containers can be inexpensive to repurpose by painting them to make them look really nice for housing uses. She understands they would not look good as housing in core Norman, but should be allowed in other areas of Norman similar to areas where tiny homes are allowed. Councilmember Wilson agreed and thinks it would be appropriate to allow shipping containers in agricultural areas where tiny homes are allowed. She said in previous discussions, Councilmember Scott suggested allowing storage containers as pop-up shops in commercial districts and she would like to explore that option. Ms. Hudson said that would be a permitted use.

Councilmember Wilson said the pop-up shop containers are generally in parking lots of other businesses and asked if that would be allowed? Ms. Hudson said not currently, but Staff can work on language to bring forward to Council.

Councilmember Hickman said he has suggested allowing a temporary pop-up shop on the gravel area on Gray Street owned by the City of Norman during the holiday season and a pop-up shop could be a cargo container and he would like to address this issue. Ms. Hudson said ordinance language regarding the exterior masonry requirements would have to be amended because if the containers are larger than 108 square feet they must adhere to the exterior masonry requirements.

Councilmember Hickman said because language in Permanent Principal Structures states, “permanent and principal,” he does not want it to be implied that temporary and/or accessory structures would be allowed in residential districts.

Mayor Miller said she would have a problem with allowing containers in areas where tiny homes are allowed because most Residential Estate Districts (RE) have covenants where containers will not be allowed; however, if there is a RE area where there is not a Neighborhood Association then allowing cargo containers as a home could be a problem.

Item 1, continued:

Councilmember Castleberry said under “Permitted Use” could the word “permanent” be removed and just state “accessory structure,” which would give some flexibility. He would also like to talk to businesses that have cargo containers to see if six months will be enough time for them. He asked why the City would care if these businesses have cargo containers for more than six months and Ms. Hudson said the City receives complaints from the public that the containers are an eyesore.

Councilmember Scott said there are a couple of houses that currently have containers as storage units so is the City going to send notices to these people or will this be complaint based only and Ms. Hudson said they would be grandfathered in.

Mayor Miller said there seem to be issues with the language that need to be addressed and Councilmember Castleberry wants Staff to contact businesses to see if the language is too restrictive for them.

Councilmember Wilson said she would hate to prohibit low cost options for tiny homes, which is different than a storage container and has no problem with allowing tiny homes in the A-1, General Agricultural District, and A-2, Rural Agricultural District. She also does not want to inhibit businesses from being able to store temporary seasonal items.

Mayor Miller asked Councilmembers if amended language could be forwarded to them in order to move this item forward and Councilmembers concurred.

Items submitted for the record

1. Memorandum dated February 12, 2019, from Jane Hudson, Planning and Community Development, to Mayor and Councilmembers
2. PowerPoint presentation entitled, “Portable Storage Containers, Roll-Off Trash Containers and Cargo Containers” Council Conference dated February 12, 2019

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Item 2, being:

DISCUSSION REGARDING A POSSIBLE RESOLUTION URGING THE STATE LEGISLATURE TO PASS HOUSE BILL 2456 CREATING THE YOUTH MENTAL HEALTH PROTECTION ACT.

Ms. Kristina Bell, Assistant City Attorney, said Staff received a request to draft a resolution supporting House Bill (HB) 2456, which creates the Youth Mental Health Protection Act prohibiting health care and mental health professionals from providing conversion therapy to persons under eighteen (18) years of age. The author of the HB is Mr. Sage Mauldin, a Norman Human Rights Commissioner, Adjunct Professor of Human Relations in the Department of Human Relations, and an affiliate faculty member of the Women’s and Gender Studies Program at the University of Oklahoma (OU). Ms. Bell said HB 2456 is sponsored by Representative Jason Dunnington.

In the January 28, 2019, Human Rights Commission meeting, the Commission voted unanimously to recommend that City Council adopt a resolution in support of the bill and urging the Oklahoma State Legislature to pass the bill.

Item 2, continued:

Ms. Bell said HB 2456 will be codified in Title 59 of the State Statutes and the definition of conversion therapy is “any practice or treatment that seeks to change a person’s sexual orientation or gender identity, including, but not limited to, any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex.” The prohibition applies to individuals who are defined in Title 59 § 725.2, which pertains to individuals who are entitled to use the term “Doctor” and includes mental health and medical professions. House Bill 2456 also amends statutory provisions to add the provision of conversion therapy to minors as grounds for discipline and/or refusal to admit, reinstate, or suspend a license imposed by various medical boards. She said HB 2456 is not applicable to religious non-licensed practitioners, but rather only to licensed medical and mental health professionals.

Mayor Miller said conversion therapy has not been an accepted medical or psychiatric practice since the late 1990’s, and asked if this is still being practiced in Oklahoma. Mr. Mauldin said it is still being practiced in Oklahoma by medical professionals that make minors who are Lesbian, Gay, Bisexual, and Transgender (LGBT) feel badly about who they are and making them feel they need to change who they are. One practice would be putting a rubber band around their wrist and having the minor flick it against their wrist, which induces pain, so they associate pain with who they are and who they are is immutable, unchangeable.

Mayor Miller asked if the State is being supportive of the resolution and Mr. Mauldin said the Human Rights Commission has received more positive feedback than negative feedback in the State Legislature by both Democrats and Republicans.

Councilmember Clark asked if other cities have passed resolutions and Mr. Mauldin said not in the State of Oklahoma. Councilmember Clark said Norman will be the first and thanked the Commission for their work on the resolution.

Councilmember Bierman said the level of support at the State Capitol should not have any impact on whether or not the City of Norman adopts this resolution because Norman is doing this because it is the right thing to do. She is absolutely in support of the resolution.

Councilmember Castleberry asked what the interplay of the State licensing boards is on how someone practices medicine and conversion therapy versus State law. Should the licensing boards be the one to say what treatments are acceptable or unacceptable? Ms. Bell said there are State Statutes that address disciplinary action for various boards and those boards may have their own rules. House Bill 2456 is amendments to State Statutes that govern those boards and adds the provision of conversion therapy to minors as grounds for disciplinary action.

Mayor Miller said City Council has typically taken the recommendations of the Human Rights Commission and one of the reasons the Commission was established was to have a group of citizens that were particularly sensitive to issues of minority groups within the community. She said their job is also to educate the Council as well as the public and all received education tonight. She said the Commission has a lot of support from Council on this resolution.

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Item 2, continued:

Items submitted for the record

1. Memorandum dated February 8, 2019, from Kristina Bell, Assistant City Attorney, through Kathryn L. Walker, Interim City Attorney, to Mayor and Councilmembers
2. House Bill 2456

The meeting was adjourned at 6:10 p.m.

ATTEST:

City Clerk

Mayor