

CITY COUNCIL CONFERENCE MINUTES

October 28, 2008

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Conference in the Municipal Building Conference Room at 5:30 p.m. on the 28th day of October, 2008, 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 Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal

ABSENT: None

DISCUSSION REGARDING ELIMINATION OF THE MAINTENANCE AND REPLACEMENT GUARANTEE FOR LANDSCAPING OF OFF-STREET PARKING FACILITIES.

City Manager Steve Lewis said the proposal of eliminating the surety requirements for landscaping of off-street parking facilities was mentioned in Council's planning session in September. He said Staff has prepared a report for Council's review and introduced Mr. Doug Koscinski, Current Planning Manager, who provided the history of the Landscape Ordinance. Mr. Koscinski said the first ordinance was adopted in 1979 to improve aesthetics of parking lots. Weather conditions resulted in some installations having dead trees over a period of time. Council amended the ordinance to require a performance guarantee, in the form of a bond, certificate of deposit, or cash for a period of three years with every installation. The bonded estimate was 150% of the estimated cost of the landscaping and on larger projects the bond can approach \$100,000.

Mr. Koscinski highlighted the pros and cons of eliminating or reducing the bonding requirements and said overall the practice has been successful. He said the applicants must request the surety be returned which triggers a re-inspection by the City prior to release of the surety. After the inspection is completed any specimens that have died must be replaced. He said on the negative side, the cost of the surety can represent thousands of dollars on larger projects. Norman is the only city in the metro area that requires a landscaping bond. He said Staff reviewed ordinances in Lawrence, Kansas, and Ft. Collins, Colorado, when the ordinance provision was adopted, and their bonding guarantee was a lower amount. He said the alternatives Council may want to consider would be to reduce the amount of the bond, reduce the term of the bond, or eliminate the bond.

Councilmember Ezzell said the original goal of the ordinance was to have resources available to replace those specimens that died, but unfortunately, the ordinance has had unintended consequences. He said he has been told by several developers that the amount of money spent on landscaping in their projects is reduced so the bond amount will not be as high. He said he would like to see the bond requirement eliminated. Councilmember Kovach proposed reducing the amount of the bond to 75% for a two year period. Councilmember Cubberley felt 150% was too high and felt it could be reduced to 25% to cover replacement of those specimens that did not survive and leave the duration at three years. After further discussion, it was the consensus of Council to reduce the bonding requirements to 50%, but retain the three year timeframe.

City Manager Lewis said Staff will prepare the proposed ordinance amendment, which will be forwarded to Planning Commission for their consideration prior to scheduling it on City Council's agenda.

Items submitted for the record

1. Memorandum dated October 23, 2008, from Doug Koscinski, AICP, Manager, Current Planning Manager, to Honorable Mayor and Councilmembers, Norman City Council
2. Pertinent excerpts from Section 431.8 of the Zoning Ordinance
3. PowerPoint presentation entitled, "Landscape Maintenance Bonds, City Council Study Session" dated October 28, 2008

REVIEW OF THE UNATTENDED SELF-SERVICE MOTOR FUEL FACILITY FEASIBILITY STUDY.

City Manager Steve Lewis said unattended self-service fuel facilities was another item identified in Council's planning session in September. He said Staff has prepared a feasibility study for Council's review and introduced Mr. James Fullingim, Fire Chief, and Mr. Bob Sirpless, Fire Marshall, who presented the results of the study to Council. Mr. Sirpless said within the last few years there have been several requests by corporations and individuals to convert existing self-service stations or construct new unattended self-service stations within the city limits of Norman. Those requests have been denied due to prohibitions outlined in the Norman Code of Ordinances. He said prior to the Alternative Fuels Standards Act of 2007, franchise service stations were restricted to multiple grades of gasoline and diesel only. Whether the station was attended or unattended alternative fuels could not be supplied with franchised fuels, but since the Act was established, service stations across Oklahoma and the nation are researching the conversion of existing fuel tanks and pumps, the installation of new alternative fuel pumps, and/or building new facilities that supply both standard and alternative fuels. City ordinance prohibits unattended self-service stations; however, the National Fire Protection Association 1 and 30A, incorporated into the Code of Ordinances, states that unattended facilities shall be permitted where approved by the authority having jurisdiction and that additional fire protection shall be provided where required by the authority. He said the authority as applied to the fire codes is the Fire Department.

Mr. Sirpless provided terminology, definitions, and intent for self-service station; liquids; attended (retail) self-service station; unattended (retail) self-service station; self-service motor fuel dispensing facility; and non retail/key lock self-service fuel facility. He highlighted the facilities and fire data analysis, as well as the methodology used in the analysis. He said the data clearly revealed the level of danger associated with each fuel, which supported his conclusions that Class I flammable liquids must be considered extremely dangerous. He said the data was used to group fuels to specific fire safety requirements considered in the final recommendations.

Mr. Sirpless outlined three design options for Council's consideration as follows:

- Option No. 1 - Keep current codes and ordinances enforceable as is, prohibiting unattended service stations that dispense flammable and combustible liquids. Self-service stations where liquid fuels are dispensed must have an attendant on duty at all times while open to the public. Liquid fuels will continue to include Class I and Class II flammable and combustible liquids. The attendant on duty requirement will not apply to gaseous fuel or key-lock facilities. No special design considerations or requirements will affect this option.
- Option No. 2 - Would require a change in the City ordinances to allow attended and unattended self-service motor fuel facility operation. Attended self-service stations must have an attendant

on duty at all times while open to the public. Unattended facilities will require additional signage with dispensing instructions; warnings and emergency instructions posted and visible; fire safety features such as fixed fire suppression systems; automatic fire detection systems; manual fire alarm stations; transmission of alarms to off-site locations; limited gallons delivered per transaction; and restricted off-hour retail fuel sales. Fire safety technology exists for this option. New components may be installed as recommended by the industry.

- Option No. 3 - Would require a change in the City ordinances to allow attended and unattended self-service motor fuel facility operation. Self-service motor fuel facilities where only Class I flammable liquid motor fuels are stored and subsequently dispensed shall have at least one attendant on duty while Class I liquids are available to be dispensed by the public. Self-service motor fuel facilities where only Class II combustible liquid and/or gaseous motor fuels are stored and subsequently dispensed shall be allowed to be unattended. Unattended facilities will require additional signage with dispensing instructions; warnings and emergency instructions posted and visible; fire safety features such as fixed fire suppression systems; automatic fire detection systems; manual fire alarm stations; transmission of alarms to off-site locations; limiting gallons delivered per transaction; and restricted off-hour retail fuel sales.

Mr. Sirpless said Staff recommends Option No. 1, which would prohibit the sale of Class I liquid at unattended retail facilities. He said although Option No. 1 does not offer solutions for unattended retail facilities, it has proven to be a safe and reliable means of fueling.

Mr. Mark Luitwieler with StarFuel a fuel distributor said his company has unattended self-service fuel facilities in other cities throughout the state and said he would be happy to provide information to Staff for further study. Mayor Rosenthal said she would like Staff to conduct additional research on Option No. 2 and fire safety options and report their findings to Council in a future study session.

Items submitted for the record

1. Unattended Self-Service Motor Fuel Facility Feasibility Study prepared by Bob Sirpless, Fire Marshall
2. PowerPoint entitled, "Unattended Self-Service Motor Fuel Facility Feasibility Study"

The meeting adjourned at 6:20 p.m.

ATTEST:

City Clerk

Mayor