

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

January 5, 2012

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:00 a.m. in the Conference Room on the 5th day of January, 2012, 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 Lockett, Quinn, Spaulding, and Chairman Ezzell

ABSENT: None

OTHERS PRESENT: Councilmember Roger Gallagher, Ward One
Councilmember Tom Kovach, Ward Two
Mr. Trey Bates, Hallbrooke Development Group
Mr. Mark Campbell, interested citizen
Ms. Maureen Hammond, Norman Economic Development Coalition
Mr. Harold Heiple, Attorney
Mr. Curtis McCarty, McCarty Construction
Mr. Gene McKown, Ideal Homes
Mr. Sean Rieger, Norman Builders Association
Mr. John Woods, Chamber of Commerce Director

STAFF PRESENT: Mr. Bob Christian, Permit Manager
Ms. Susan Connors, Director of Planning and Community Development
Mr. Ken Danner, Subdivision Manager
Mr. Steve Lewis, City Manager
Mr. Doug Koscinski, Current Planning Manager
Ms. Kathryn Walker, Assistant City Attorney
Ms. Syndi Runyon, Administrative Technician IV

Chairman Ezzell stated with the Committee's concurrence, Item 3 would be discussed first.

Item 3, being:

DISCUSSION REGARDING NORMAN'S CONCURRENT CONSTRUCTION POLICY IN RESIDENTIAL SUBDIVISIONS.

Chairman Ezzell said the City of Norman has a Concurrent Construction Policy for commercial and multi-family developments. Questions have been raised in regards to residential subdivision development, whether construction should be allowed to move forward after substantial completion of infrastructure and road improvements without waiting for final inspections and approval.

Mr. Ken Danner, Subdivision Manager, said Council asked Staff to review the current Concurrent Construction Policy and consider possible modifications to better coincide with policies in other Oklahoma metropolitan areas. He said, based upon research, Staff believes the current policy should be updated and improved and Staff will begin meetings with the development sector.

Some of the key issues to be addressed in the updated policy are allowing concurrent construction in residential subdivisions; reducing the current timeframe between substantial completion of public improvements and the filing of the final plat, including issuance of building permits; continuing reasonable requirements for financial security provided by developers; withholding Certificates of Occupancy for all single family homes until all public improvements have been completed and accepted by the City; retaining current high quality standards for design, construction, and warranty of all public improvements; and continuing the City's successful program of requiring detailed Storm Water Grading Plans for each subdivision prior to filing of the final plat.

Chairman Ezzell said the Oklahoma City (OKC) ordinance has a 110% bonding requirement and asked what OKC is bonding if the infrastructure improvements are already in place. Mr. Danner said OKC is bonding the entire project, even though all improvements are in place and Chairman Ezzell felt that was a bit backwards. Mr. Harold Heiple, Attorney, said developers should not have to bond the entire project if improvements are in place. He said if substantial infrastructure completion is done, the developer should be required to bond the remaining improvements and be allowed to file the final plat. He said developers cannot sell a lot until the final plat is filed and that process has been held up until all improvements are completed and accepted by the City; however, bonding the completion and allowing acceptance of the final plat will help developers sell the lots and move forward. Mr. Gene McKown, Ideal Homes, said the City of Norman's proposed requirements are fair and reasonable.

Chairman Ezzell asked when Staff could present the proposed amendments to Council and Mr. Steve Lewis, City Manager, said early February. Mr. Danner said typically, amendments would be approved by the Planning Commission prior to City Council approval. Mr. Heiple said there are a great deal of subdivision regulations that should not have to go to Planning Commission and if the City had an ordinance tomorrow that was ready to go to Council, it could be approved before the February Planning Commission meeting. He said these are the types of things that developers and City Staff are trying to identify that do not need to go before the Planning Commission. Chairman Ezzell said everyone seems to be on the same page going forward and felt the amendments should be reviewed by Council at a Study Session as soon as possible and Councilmembers agreed.

Items submitted for record

1. Memorandum dated January 4, 2012, from Shawn O'Leary, Director of Public Works, to Councilmember Hal Ezzell, Chairman, Council Business and Community Affairs Committee

Item 1, being:

CONTINUED DISCUSSION REGARDING THE CREATION OF A PUBLIC TRUST AUTHORITY TO FACILITATE ECONOMIC DEVELOPMENT AND OTHER ECONOMIC DEVELOPMENT TOOLS.

Chairman Ezzell postponed discussion to the February 2, 2012, meeting.

Item 2, being:

STAFF UPDATE ON THE REVIEW OF THE 2009 INTERNATIONAL RESIDENTIAL CODE AS ADOPTED BY THE STATE OF OKLAHOMA.

Ms. Susan Connors, Director of Planning and Community Development, said a couple of years ago, the State of Oklahoma created the Oklahoma Uniform Building Code Commission (UBC) and instituted a \$4 fee on every building permit issued in order to fund that Commission. She said the UBC was created to review the 2009 International Residential Code (IRC) and prepare the document for State approval. She said the Code

was approved and went into effect July 15, 2011, and is now the minimum building code for all residential construction in the State.

Ms. Connors said Development Division Staff has progressively reviewed the Code since January 2011, and has had two inspectors on the Technical Review Committee (TRC), which was formed by the UBC as part of the State's adoption process to discuss the implication of the 2009 IRC changes, state amendments, and local amendments that may be needed. She said the City is now ready to begin the formal process for adoption of this Code with local amendments and Staff has prepared a draft of proposed amendments.

She said Staff will continue the Code review and public information process to include a series of meetings with members of the Builders Association of South Central Oklahoma (BASCO) and the City's Board of Adjustment members in January 2012. The 2009 IRC and proposed amendments are tentatively scheduled for adoption by City Council in March 2012.

Ms. Connors highlighted the State's changes and Chairman Ezzell asked what Staff thought the most notable changes were. Mr. Bob Christian, Permit Manager, said as a broad overview, there were approximately 160 significant changes, most being technical or administrative issues. He said several requirements have costs associated with them that include new electrical convenience receptacles being tamper resistant; 120 volt outlets protected with arc fault protection devices; high efficiency light bulbs required in 50% of new light fixtures; water resistive barrier required on all exterior walls; carbon monoxide detectors required in new homes unless the home is total electric; and townhomes be equipped with fire protection sprinkler systems.

Councilmember Kovach asked if prescriptive requirements for structural wall bracing refers to hurricane ties and Mr. Christian said it deals more with the actual wall system itself. He said when a house is under construction builders will use chipboard, plywood, or some type of sheathing material and the building codes have tried to address those issues primarily from a standpoint of wind and seismic concerns. He said this particular Code has changed some of the prescriptive requirements that allow a mix of materials and addresses short wall stability issues. He said the University of Oklahoma (OU), through their Pier Structure Lab, has done specific testing of homes in Norman that has been beneficial to wall bracing requirements. He said although hurricane ties are not addressed specifically, the code continues to require a truss root system to be tied to the framework through what is commonly referred to as a hurricane clip. He said it also seeks to address, more concisely, the continuation of the load path from the roof to the foundation system.

Chairman Ezzell asked if the City is proposing any changes above what the State is requiring and, if so, what are the substantive differences. Mr. Christian said the greatest changes include the exterior wall fire resistant rating element, which is more understandable to builders than what the IRC provides; the addition of the tie between the foundation wall and building concrete footing with reinforcing steel; a requirement for a specified number of electrical outlets on a specific type of branch circuit and the IRC gives the ability to exceed the limitations the City has found historically to be prudent; and the amendments exclude the use of aluminum material for circuit conductors inside a structure. He said technical specifications limit the length and dimensions of unprotected electrical conductors that can be extended inside the structure and dimensions of electrical equipment enclosures.

Councilmember Gallagher asked if the use of 100-watt bulbs would be eliminated and Mr. Christian said that has been discussed by the IRC, but was not exclusive to the high efficiency light bulb requirement.

Councilmember Gallagher asked if there is a wind limit to structural wall bracing and Mr. Christian said yes, and the mixing of materials should address that.

Item 2, continued:

Councilmember Gallagher asked if the new regulations would apply to remodeling or new construction only and Mr. Christian said, generally, in residential and one and two family construction, the existing component will remain as is; however, there are requirements to upgrade smoke detectors and there is a potential requirement to install carbon monoxide detectors that will extend to remodels. He said these requirements have been demonstrated to save lives, but they have also been demonstrated to increase the costs of additions to existing homes.

Mr. Christian said Staff surveyed Oklahoma City, Moore, and Edmond and found they are on a similar path with adoption cycles and proposed local amendments for their jurisdictions and Staff will compare notes.

Chairman Ezzell asked when the amendments would be ready for a Council Study Session and Ms. Connors said late February, with the adoption process in March.

Items submitted for record

1. Memorandum dated January 5, 2012, from Susan F. Connors, AICP, Director of Planning and Community Development, to Business and Community Affairs Committee, with Exhibit 1, draft ordinance
2. Notable changes associated with the 2009 International Residential Code

Item 4, being:

MISCELLANEOUS DISCUSSION.

Chairman Ezzell said he would like to add discussion regarding the Northside Waste Water Treatment Plant (NSWWTP) to the February meeting agenda. He said the NSWWTP is an issue that has been extensively discussed, extensively studied, and it is still the recommendation of the Wastewater Oversight Committee (WWOC) that it go forward. He said the WWOC has been raising concerns that this item is not going forward in a timely manner and construction costs are going up. He said the Corps of Engineers (COE) had some problems with the span on the Little River, but the City of Moore's WWTP sits in the entire basin so he thinks that is just a design issue rather than a permanent barrier and he would like to know the status on that as well as what Staff thinks building costs would be. He said he does not want the City to inadvertently do something in regards to dedication of funds that really need to be spent on a north side solution when discussing modifications for the south plant. He said there have been well developed technical discussions on a one plant vs. two plant scenario and multiple Council elections, and that it is time to open up discussion and have a refresher course as to where we are on this issue, do we need to move forward, how do we need to move forward, and do we need to start talking about a timeframe for moving forward.

The meeting adjourned at 9:30 a.m.

ATTEST:

City Clerk

Mayor