CITY COUNCIL STUDY SESSION MINUTES

February 4, 2014

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 Multi-Purpose Room on the 4th day of February, 2014, 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 Castleberry, Griffith, Heiple, Holman, Jungman, Kovach, Miller, Mayor Rosenthal
ABSENT:	None

Item 1, being:

DISCUSSION REGARDING CHANGE ORDER NO. THREE TO CONTRACT NO. K-1213-67 WITH CGC, LLC, INCREASING THE CONTRACT AMOUNT BY $74,743.98 FOR THE CONTRUCTION OF LEGACY PARK IN ORDER TO MODIFY CONCRETE FOOTINGS AND PIER DEPTH AND TO ADD ELECTRICAL CONDUIT, JUNCTION BOXES, AND ROLLED PIPE AND BUDGET APPROPRIATION.

On January 22, 2013, the Norman Tax Increment Finance Authority (NTIFA) approved Contract No. K-1214-67 with CGC, LLC, in the amount of $5,897,900 for construction of Legacy Park in University North Park. Since that time NTIFA awarded Alternate 11 in the amount of $865,000 included in the original bid adding the fountain and lighting package, which included Change Order No. One modifying the fountain design decreasing the alternate by $362,100. Change Order No. Two was administratively approved by the City Manager on August 23, 2013, increasing the contract amount by $13,506 and added masonry work on the 24th Avenue wall; increasing the size of four (4) storm water inlets; adding a 2-inch cleanout valve on the water supply line for the restroom building; and removing asphalt from an existing roadway. The revised contract amount to date is $6,762,900.

Mr. Jud Foster, Director of Parks and Recreation, highlighted the project status and said Change Order No. Three increasing the contract amount by $74,743.98 is a combination of four (4) items: additional footing width for the arbor footings ($20,876) and extra depth of concrete piers for the arbor, amphitheater and entry portals as directed by the structural engineer ($35,863.98); electrical conduit and junction boxes for a possible future sound system at the amphitheater and arbor areas ($5,086); and extra strong rolled pipe sections to support the fabric attachment to the roof over the amphitheater stage. The revised contract amount of $6,732,806 is within the budget contingency.

Formal consideration of the change order will be included on the February 11, 2014, NTIFA agenda.

Items submitted for the record

1. Memorandum dated January 29, 2014, from Jud Foster, Director of Parks and Recreation, to the Norman Tax Increment Finance Authority
2. Change Order No. Three to Contract No. K-1213-67

Item 2, being:

DISCUSSION REGARDING PROPOSED CODE AMENDMENTS RELATED TO CODE COMPLIANCE INCLUDING INSPECTIONS FOR VARIOUS CITY LICENSES, NUISANCE ABATEMENT ITEMS, AND DILAPIDATED BUILDINGS; CLEANUP ITEMS IN CONFLICT WITH THE ZONING ORDINANCE; AND ELIMINATION OF THE ISSUANCE OF CITY JOURNEYMAN LICENSES.

Ms. Susan Connors, Director of Planning and Community Development, highlighted several proposed code amendments, which would clarify areas of confusion and contradiction in areas of the City Code and the Zoning Ordinance. The Planning Commission met in study session on November 14, 2013, to review the proposed amendments to the Zoning Ordinance and agreed those amendments should move forward for Council discussion and consideration.

The proposed amendments include the following:

- Updating the Administration Chapter to include all chapters of the Code currently being enforced by the City's Code Compliance Division relative to inspections for certain City licenses, nuisance parties, and zoning violations.
- Updating the Code to comply with state statutes to reduce the time for the declaration of a dilapidated building that has been boarded and secured from 36 months to 18 months.
- Establishing front and side yard setback requirements for tornado shelters.
- Reinstating the ability to abate easement obstructions including low-hanging tree limbs or encroaching bushes and shrubs from blocking sidewalks and basketball goals in the right-of-way.
- Adding the ability to affix a notice to an abandoned vehicle and/or post the property upon which the abandoned vehicle is located.
- Broadening the definition of health nuisances to include trash and appliances other than iceboxes and refrigerators.
- Adding platted and unplatted properties and all zoning districts to the noxious growth (weed) ordinance with the exception of properties larger than 10 acres and properties zoned for agriculture.
- Removing the requirement of outside drying spaces or other clothes drying facilities in mobile home parks as well as requiring residents to register the make, model, year and license of the motor vehicle towing any mobile home or travel trailer.
- Eliminating the issuance of City journeyman licenses - state statute no longer allows municipalities to require City journeyman licenses.

The remaining proposals would amend the Zoning Ordinance and vary based on several types of requests brought to staff over the past year and cannot be adequately addressed with the current ordinance language.

- Updating and clarifying language for the location of off-street parking spaces – adds the same restriction regarding parking surfaces for commercial districts as for residential districts except for vehicle and equipment storage yards that are completely enclosed by an opaque fence.
- Adds a provision that notices of illegal parking may be issued to the property owner if information is not available on the registration of the vehicle.
- Allowing carports in all residential zoning districts with specific setback requirements – properties with alley access in the Central Core Area must be placed in back and accessed through the alley.
- Adding a special exception to allow reconstruction of non-conforming buildings that have been destroyed by fire or act of God under very stringent criteria.
- Adding the allowance of a mobile home and a house on the same lot in the A-2 (agricultural) zoning for a medical emergency.
- Allowing a variance to be considered by the Board of Adjustment for any regulation in the Zoning Ordinance - the criteria for evaluation of a variance would remain the same.

Item 2, continued:

Councilmember Greg Jungman was concerned about the proposed changes regulating carports and how those changes could affect neighborhoods. He felt like the regulation was too broad and if Council considered such a change additional criteria should be placed on the provision to ensure neighborhoods would be protected from someone putting up a cheaper metal carport that may not be aesthetically pleasing to the neighbors.

Councilmember Tom Kovach said the current regulations could prevent the elderly, the disabled and others on fixed incomes from being able to protect their vehicles from Oklahoma weather and felt some compromise should be reached.

Ms. Connors said while there are not a lot of requests for carports, some residents in the older neighborhoods have expressed a desire to protect their vehicles from weather related damages. She said current regulations prohibit carports unless the home was built prior to 1965.

Councilmember Jim Griffith said he supports the amendment to allow for carports where appropriate. He said one of his constituents had to remove a carport even though the neighbors supported it because it was in violation of the current ordinance.

Councilmember Jungman also expressed concern about broadening the type of variances that could be heard by Board of Adjustment to include anything in the Zoning Ordinance. He wondered if this would be a way for applicants to ask for a variance of a provision Council required as part of the rezoning approval process. Ms. Leah Messner, Assistant City Attorney, highlighted the duties of the Board of Adjustment and the criteria by which they must consider each variance request, e.g., the size and shape of the lot to be built on is of such nature that the provisions could not be complied with, the proposed use of the land is similar in nature to adjacent land uses, and the proposed use would not create undue traffic congestion in the adjacent street. She said any requests filed under the proposed amended ordinance would still be reviewed under the same criteria.

It was the consensus of Council to move forward with the proposed amendments with the exception of the carport amendment until further discussion could take place.

Items submitted for the record

1. Memorandum dated January 30, 2014, from Susan Connors, AICP, Director of Planning and Community Development, to Mayor and Councilmembers
2. Draft Ordinance No. O-1314-14
3. Draft Ordinance No. O-1314-15
4. Draft ordinance amending carport regulations
5. Draft ordinance amending the types of variances Board of Adjustment reviews
6. Draft ordinance removing journeyman license requirements

The meeting adjourned at 6:45 p.m.

ATTEST:

Brenda Hall

City Clerk

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

Cindy Rosenthal

Mayor