

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

November 29, 2018

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:02 p.m. in the Conference Room on the 29th day of November, 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 Bierman, Clark, Holman, Scott, Wilson, and Chairman Hickman

ABSENT: None

OTHERS PRESENT: Mr. Terry Floyd, Development Coordinator
Ms. Jane Hudson, Interim Director of Planning and Community Development
Mr. Taylor Johnson, Planner and Grant Specialist for Cleveland Area Rapid Transit (CART)
Ms. Beth Muckala, Assistant City Attorney
Mr. Shawn O'Leary, Director of Public Works
Ms. Mary Rupp, Interim City Manager
Ms. Jeanne Snider, Assistant City Attorney
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 OCTOBER, 2018.

Mr. Taylor Johnson, Planner and Grant Specialist for Cleveland Area Rapid Transit (CART), highlighted CART Ridership Reports for October 2018, and said fiscal year-to-date ridership (July to October) had an increase of 1% over the same period last year. In October, CART transported 142,135 passengers that included 743 riders who traveled with bicycles and 423 riders who traveled with wheelchairs.

CARTaccess transported 3,152 riders in October, an increase of 4% over the same month last year with an average daily ridership of 121 riders. Year-to-date primary zone ridership increased by 3% while secondary zone ridership decreased by 6%.

Mr. Johnson said CART Staff attended the City of Norman Americans with Disabilities Act (ADA) Self-Evaluation Plan open house held October 24, 2018. He said CART submitted the annual National Transit Database (NTD) report as required by Federal Transit Authority (RTA) in November.

Mr. Johnson said the Oklahoma Transportation Association (OTA) chose Norman to be the host of the 2018 Oklahoma State Driving Championships and Training Conference held October 16 through October 18, 2018. The conference included a driving competition, driver and administrative staff training, notable speakers, and an evening out in Norman. He said one CART driver placed third in the city bus challenge.

Item 1, continued:

Mr. Johnson said CART offered free rides on both fixed route and CARTaccess on November 6, 2018, so riders could reach their respective polling places.

CART held two public meetings regarding service changes that include discontinuing Saturday service and changing the hours of one operating route. He said there were a total of eight attendees between the two meetings and there were no objections to the proposed changes. Chairman Hickman asked when the changes become effective and Mr. Johnson said January 2, 2019.

Councilmember Clark asked about the attendance for the November 6 free rides and Mr. Johnson said it went well, but CART has not had a chance to analyze those numbers. He said the bus system was not overwhelmed by riders and a lot of compliments were posted on social media.

Councilmember Clark said she would like to see where ridership for CARTaccess is coming from to have an idea about which parts of Norman are using that system the most.

Chairman Hickman asked about the status of the transition of CART to the City and Mr. Shawn O'Leary, Director of Public Works, said Staff is working with the University of Oklahoma (OU) and Federal Transit Administration (FTA); however, this type of transfer has never been done before and is a unique process. He said FTA gave the City some good information to pursue and steps to take, but the next step is really in the hands of OU, which will be an official letter to FTA declaring their intent (Notice of Intent) to begin the process. He said FTA will respond to OU and the City about what the next steps need to be; however, due to the current government shutdown FTA is currently not working. He said City Staff is anticipating the need to hire a consultant because this is a rare, complex transfer that includes federal funding and Staff does not have the experience needed. Chairman Hickman asked when the stakeholder/citizen committee is expected to be formed and Mr. O'Leary said early 2019.

Chairman Hickman asked if Staff reached out to other potential partners, such as Cleveland County, City of Moore, etc., and Ms. Kathryn Walker, Assistant City Attorney, said not yet, but that is definitely the plan.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the months of October, 2018
2. Cleveland Area Rapid Transit Monthly Reports for October, 2018

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Item 2, being:

DISCUSSION REGARDING VEGETATIVE MANAGEMENT IN THE CITY RIGHTS-OF-WAY.

Ms. Kathryn Walker, Assistant City Attorney, said in August 2018, Council voted on several amendments to the Oklahoma Gas and Electric (OG&E) Franchise Agreement that would grant OG&E the right to access the City's rights-of-way (ROW); however, the ordinance and amendments were not approved. The amendments proposed by Council would require OG&E to obtain Council approval before spraying chemicals for the purpose of killing trees or other vegetation, approval by the property owner prior to removal of trees of a certain size, and require a notice be posted five days in advance of trimming, removing, or mowing vegetation, shrubs, and smaller trees.

Item 2, continued:

Ms. Walker said Staff has been working closely with OG&E and Oklahoma Electric Cooperative (OEC) to draft a Vegetative Management Ordinance that will be separate from the franchise agreements. She said OG&E hired a consultant to help develop the ordinance and the consultant consists of a group of arborists out of Dallas, Texas, who are also participating in a project in partnership with the Association of Central Oklahoma Governments (ACOG) for the Oklahoma City Metro Area Urban Canopy Study.

Ms. Walker said the Oklahoma Corporation Commission (OCC) prevails over City ordinances that materially affect rights and duties of franchised utilities where the activity under consideration affects the utility's duty to repair, maintain, or install its equipment. The OCC rules related to vegetation management are focused on distribution reliability. Each utility is required to have a reliability program that limits the frequency and duration of electric service interruptions, maintain acceptable electric service reliability levels, and sustain that program over time. The program must address all factors that impact the reliability of the distribution system including but not limited to, age, distribution, and location of equipment on each circuit; the number, density, and location of customers on each circuit; the location and density of trees on the system; an annual vegetation plan; and impacts on distribution system reliability of animals, winds, storms, ice, and automobile accidents. She said OCC sets the timeline for notification of vegetation management activities and a utility is required to make a "reasonable attempt to contact the landowner, customer, or tenant at a minimum of 24 hours prior to beginning work on the area." Ms. Walker said the form of contact is not dictated by OCC so notification can be through written notice, telephone call, or in-person contact. If a property owner, customer, or tenant wants to be present when the work is done on his or her property, the utility is required to make a reasonable effort to accommodate such requests. In the case of an emergency repair, no notice is required.

Councilmember Wilson asked the definition of "reasonable" and Ms. Walker said that is not defined in rural areas, but is 24 hours in advance for urban areas. Councilmember Wilson asked if the City could define "reasonable" and Ms. Walker said the City can try; however, because OCC regulates this so heavily and occupies the field she is not sure how the City would enforce that. She said Staff is focusing on cooperation and communication with the utility companies so the City can obtain information and inform the public as soon as possible regarding vegetative maintenance areas.

Ms. Walker said the State Department of Agriculture governs pesticides and has a provision that no City can adopt or continue in effect any ordinance, rule, regulation, or statute regarding pesticide sale or use that is more stringent than state rules including registration; notification; posting; advertising and marketing; distribution; applicator training and certification; storage; transportation; disposal; disclosure of confidential information; or product composition. The State Department of Agriculture regulates pesticides and licenses pesticides specific to right-of-way (ROW) maintenance and ground line treatment of utility poles.

Ms. Walker said the draft ordinance requests utility companies submit their planned maintenance schedule, identify general areas scheduled for maintenance, identify a certified arborist to serve as contact person for any questions about vegetation maintenance activities, and identify any company the utility company intends to use for the planned maintenance work.

Chairman Hickman said many times, subcontractors of utility companies do not have identification on their person or vehicles and asked if the City can require subcontractors to carry identification and place markings on their vehicles? Ms. Walker said that seems reasonable and will add that to the ordinance.

Item 2, continued:

Ms. Walker said Best Management Practices (BMP) incorporated into the draft ordinance include pruning; chemical control methods; supervision and oversight of contractors; and vegetation management clean-up. Chairman Hickman said if the utility company sprayed vegetation and it took two or three days to kill the vegetation, can the City require the utility company to come back and clean up the debris and dispose of it? Councilmember Wilson said that is a big problem in her ward because the vegetation turns brown, becomes a fire hazard, and there are no fire hydrants. Ms. Walker said she can work on some language to address these concerns.

Ms. Walker said Council needs to identify the appropriate City Staff person that would receive the maintenance plan information and related communications. She said communicating planned maintenance to residents would be done by the Chief Communications Officer, but there needs to be a specific Staff person communicating and working with the utility companies. Chairman Hickman asked if that person could be the Sustainability Officer and Ms. Walker said yes, it could be the Sustainability Officer or Forester.

Chairman Hickman said he would like to move the draft ordinance to full Council in a Study Session or Conference and Committee members concurred.

Items submitted for the record

1. Memorandum dated November 21, 2018, from Kathryn L. Walker, Assistant City Attorney, through Jeff Bryant, City Attorney, to Members of the Council Planning and Transportation Committee
2. Draft Utility Vegetation Management Ordinance
3. Proposed Language from Davey Consulting for Tree Planting
4. PowerPoint presentation entitled, "Vegetation Management in the Rights of Way," Community Planning and Transportation Committee dated November 29, 2018

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Item 3, being:

DISCUSSION REGARDING RESIDENTIAL LIGHTING.

Ms. Jane Hudson, Interim Planning and Community Development Director, said Staff was asked to review and propose outdoor lighting standards/requirements for residential areas where installation of security lights or flood lights occur and how those lights may be impacting adjacent residential properties with glare or spillover. She said there are currently no regulations for residential outdoor lighting.

Ms. Hudson said the draft ordinance is designed to be simple in its approach to deal with residential security lighting that may be a nuisance. The intent of the ordinance is to define practical and effective measures by which the obtrusive aspects of residential outdoor security lighting or flood lights can be minimized while preserving safety, security, and nighttime use and enjoyment of property. These measures are intended to reduce light spillover and minimize glare. She said the current proposed ordinance for residential lighting states *all* new residential security lighting be installed in conformance with the provisions of the ordinance. When saying "*all*" is the City talking about dual head security/flood lights property owners may install at the back of their house by private contractor or is the City only talking about the security lights installed by the service provider, i.e., OG&E or OEC?

Item 3, continued:

Ms. Hudson said she did not add exemptions to the ordinance because she needs additional direction from Council; however, exemptions could consist of lights installed on either side of a garage door, decorative/accent lighting, etc.

Ms. Hudson highlighted proposed ordinance regulations that would require all existing service provider and/or security type lights that are to be installed in residentially zoned areas be shielded from casting light on any adjoining property if requested by neighbors that have light from the security light cast onto their property. The ordinance would also require that outdoor lighting in residential areas be directed or shielded in such a way as to most feasibly minimize spillover across property boundaries upon request of any adjoining property owner or tenant. She said when security or flood lights are replaced, they must be replaced with eight full-cut off fixtures or fully shielded fixtures shining only on the residence/property of the owner or renter.

Currently, Chapter 22, Section 431.6 (b)(4) states, "Light poles installed within twenty-five (25) feet of any residential property line or public right-of-way may not exceed twenty (20) feet in height. All other light poles may not exceed thirty (30) feet in height except in instances of the expansion of a development, pole height may correspond with the height of existing poles. Height is measured to the underside of the lens and includes any concrete base." Ms. Hudson asked if poles should be limited to 20 feet in residentially zoned areas.

Councilmember Holman said he is not familiar with these residential poles because he generally sees security lights on the back of the house or garage and does not recall seeing any poles. Ms. Hudson said there are some areas in core Norman where security lights are installed on poles in the alley by the utility service provider. Councilmember Holman said many residents will shoot the light out with a BB gun if the light is too bright. Chairman Hickman said sometimes one side of the light will be painted to direct the light another way. Chairman Hickman said the height of the pole does not matter if a neighbor is being negatively impacted by the light.

Councilmember Clark said one of her constituents lives next to a City park located within a residential area that has a spillover issue and he is ready to shoot the lights out with a BB gun. She would like to see the same requirements for City parks in residential neighborhoods.

Councilmember Holman said there have been issues in the Center City area where large floodlights are being installed on the sides of multi-family homes, which are then illuminating the houses next door and causing problems.

Chairman Hickman said the proposed ordinance seems to address the issue of light glaring into a neighbor's bedroom window if the City receives a complaint. He is concerned about the City's reach by requiring all lights be replaced with full cut-off or shielded fixtures across the entire City because that is not necessarily what he intended. Ms. Hudson said all service providers are currently providing full cut-off fixtures so that is being addressed and the City could place exemptions in the ordinance for accent/decorative lights. Chairman Hickman said if a property owner installs a security/flood light that shines into their neighbor's yard and home causing a nuisance, he would like for the City to have the ability to address that and make the property owner with the security/flood light shield that light.

Chairman Hickman suggested changing Fixture Standards – New Light Installation to read, "Require all these types of fixtures replaced by security providers due to damage or burnout be replaced with full cut-off fixtures or fully shielded fixtures" or just remove the paragraph altogether.

Item 3, continued:

Chairman Hickman said the City does not currently have language that allows Staff to intervene on this type of nuisance, but Staff can intervene on other nuisance issues, such as noise.

Mr. Larry Steele, 730 Hoover Street, said his neighbor's security light shines right into his living room and bedroom and even though he installed blackout shades, the light gets around the edges of the shades. He has contacted the neighbor numerous times regarding shielding the light, the neighbor has not been willing to do that and while he does not care if people have a security light, they need to keep the light on their own property. He said another neighbor put cardboard on his windows to block the light and that is just not right. He asked the Committee to please develop something to help alleviate this nuisance.

The Committee felt the proposed ordinance could move forward to full Council in a Study Session or Conference.

Items submitted for the record

1. Memorandum dated November 27, 2018, from Jane Hudson, Planning and Community Development, to Community Planning and Transportation Committee, with Exhibit A, Chapter 22, Section 431.6. Commercial Outdoor Lighting Standards from the City of Norman Code of Ordinances
2. PowerPoint presentation entitled, "Residential Outdoor Lighting," Community Planning and Transportation Committee dated November 29, 2018

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Item 4, being:

MISCELLANEOUS COMMENTS.

None.

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The meeting adjourned at 4:56 p.m.

ATTEST:



City Clerk



Mayor

