

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

March 12, 2020

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:00 p.m. in the Conference Room on the 12<sup>th</sup> day of March, 2020, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Hall, Holman, Petrone, Scott and Chairman Bierman

ABSENT: Councilmember Carter

OTHER STAFF PRESENT: Councilmember Wilson  
Mayor Clark  
Dr. Carrie Evenson, Storm Water Manager  
Ms. Brenda Hall, City Clerk  
Ms. Jane Hudson, Director of Planning and Community Development  
Ms. Beth Muckala, Assistant City Attorney  
Mr. Shawn O’Leary, Director of Public Works  
Mr. Darrel Pyle, City Manager  
Ms. Kathryn Walker, Interim City Attorney  
Ms. Rendy Martin, Administrative Tech III

Item 1, being:

### DISCUSSION REGARDING BOARDS, COMMISSIONS AND COMMITTEES.

Ms. Brenda Hall, City Clerk, said the Oversight Committee last spoke about boards, commissions and committees in October 2019 and at that time talked about adding some committees and removing one. Those to add included a Committee on Senior Issues; Energy Committee (could be a sub-committee of the Environmental Control Advisory Board); Gender Based Violence Committee (could be a subcommittee of Human Rights Committee); Norman Transportation Committee; Citizen Budget Committee; and a Youth Advisory Committee. The Committee also discussed removing the Children’s Rights Coordinating Commission.

Ms. Hall said the Committee also discussed possibly establishing term limits and creating terms for those committees that currently do not have them. The Committee also discussed amending the duties of the Economic Development Advisory Board to expand their duties so they were not limited to looking at incentive based projects only. City Attorney Walker shared with the Committee at the time that the Economic Development Policy was adopted it talked about ways the City would address economic development and it was not just incentives. It also talked about industries that would be targeted and those types of things.

The Greenbelt Commission and Animal Welfare Oversight Committee were also identified as needing some possible retooling.

Chairman Bierman had also mentioned wanting to create terms or definitions for things such as oversight, advisory, etc., so they means the same when used on the various boards and committees. The Committee did not get very far with that part of the discussion when they last met. She said while it will take some time to go through each one of these boards, commissions, and committees, she feels like it is important to create some consistency across the board. Ward specific appointments were also discussed.

Item 1, continued:

Chairman Bierman asked Staff to come back with a recommendation for those that could be ward specific and those it would be problematic to do so.

Chairman Bierman felt strongly about the creation of a Citizens Budget Committee, but Mayor Clark had reservations and felt like that was Council's role.

Mayor Clark suggested having a reduced group of the Inclusive Community Subcommittee meet every other month opposite of the Human Rights Commission to work on the recommendations that came out of the larger Inclusive Community Subcommittee with a member of the Human Rights Commission as the Chair of the Subcommittee.

Items submitted for the record

1. Summary of Boards, Commissions and Committees
2. Boards, Commissions, Committees Summary dated October 1, 2019
3. Chapter 4 of the Code of the City of Norman, Boards and Commissions

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Item 2, being:

DISCUSSION REGARDING THE TREE ORDINANCE.

Chairman Bierman said she asked for this to be placed on the agenda for further discussion after the trees were removed on Berry Road by OEC and the unintended consequences of the latest ordinance updates regarding the removal of street trees and who would be fined for their removal. The ordinance currently reads the homeowners are the ones that would receive the fines and in the Berry Road situation, it was the utility company that removed the trees so she felt further review of the ordinance by Council was warranted.

Chairman Bierman also wanted to begin the discussion of an Urban Tree Canopy Master Plan and forward to the Tree Board. City Attorney Kathryn Walker said Staff met with a gentlemen who was working on a Tree Canopy Master Plan for the Association of Central Oklahoma Governments (ACOG) and he was making the suggestion that Norman should look into something similar.

Mr. Tim Vermillion, City Forester, said he has prepared preliminary canopy percentage maps for each ward. He said each map also includes attributed dollar amounts per ward of the positive benefits trees provide. He said the ACOG study has been completed and there are approximately 67 million trees in OKC metro area that includes Norman. He said out of the 67 million trees, 13% are Eastern Red Cedar, so when Norman does a canopy we will want to do a more in depth study and would need to determine whether we want to include Eastern Red Cedars as part of our canopy.

Ms. Walker said in regard to the fines, she reminded Council under the Tree Ordinance, utility companies were excluded from fines. She said the money received from OEC was more of an olive branch for the City to use to replant trees in other areas or the proper trees that would not grow to the height that would hinder the utility lines. Chairman Bierman asked about designating trees historic trees. Ms. Walker had concerns with that without providing relief for utility companies and the City to be able to work in the right-of-way when needed. She thinks street trees are already protected under this ordinance, but Staff could right language for historic district designation of street trees, but it would not prevent them from being removed by utility companies.

Item 2, continued:

Chairman Bierman said she hoped later on once the Tree Canopy Study was complete and the proper trees were being planted as street trees, the City would have ordinance language that would protect those trees from removal by property owners.

Councilmember Hall asked if anyone has requested historic designation for a tree on their property. Mr. Vermillion responded no, but he has approached homeowners asking them to consider it. He said it is a lot of paperwork so he is considering filling some of it out on their behalf and approaching them again.

Chairman Bierman said she hoped later on once the Tree Canopy Study was complete and the proper trees were being planted as street trees, the City would have ordinance language that would protect those trees from removal by property owners.

Items submitted for the record

1. Article X. Tree Protection of the Code of the City of Norman

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Item 3, being:

DISCUSSION REGARDING WATER QUALITY PROTECTION ZONES.

Councilmember Wilson said there are a lot of Ward 5 residents here today that are getting their properties in order as they are aging and are wanting to make sure their children will be able to continue using the land in the same capacity they are using the land today with the Water Quality Protection Zones (WQPZ). She said in some cases, they may be wanting to sell off pieces of their properties and there is concern where the WQPZs come into play whether they will be able to do so effectively. She said as they are working on their proposals they are running into a lot of miscommunication issues and misinformation issues. Property owners met in January with Councilmember Wilson and Staff and they felt like the rules and regulations were too arbitrary. They wanted to change the trigger to a zoning change or rather than platting.

Mr. Shawn O'Leary, Director of Public Works, said the WQPZ is a storm water quality issue that is managed by Dr. Carrie Evenson who manages the Storm Water Program. He provided an overview of the history of the Storm Water Master Plan, which was completed in October 2009 with the adoption of the WQPZ Ordinance in June 2011.

Dr. Evenson highlighted the definition of the Stream Planning Corridors that may become WQPZs when property is platted or a Certificate of Survey is submitted. She said the definition of a WQPZ is a vegetative strip of land, preferably undisturbed and natural, extending along both sides of a stream and its adjacent wetlands, floodplains, or slopes. The width shall be adjusted to include contiguous sensitive areas, such as steep slopes, where development or disturbance may adversely affect water quality, streams, wetlands, or other water bodies. The purpose of the WQPZ is to restrict or prohibit development within the designated area in order to preserve the natural state of the area. It helps remove pollutants such as nitrogen, phosphorus, helps improve water quality, and serves as a Best Management Practice in the Lake Thunderbird Total Maximum Daily Load (TMDL) Compliance Plan.

WQPZs required width is 100 feet as measured from top of bank on either side of the stream, or designated Stream Planning Corridor as delineated in Exhibit 4-4 of the Storm Water Master Plan, or FEMA Floodplain, or alternative width equal to 25 feet as measured from top of bank on either side of the stream when a reduction in nitrogen of at least 75% and a reduction in phosphorus of at least 58% is achieved through the use of an engineered process.

Item 3, continued:

WQPZ design restrictions include no clearing, grading, construction that disturbs vegetation on any portion of the WQPZ except as required for initial construction and no permanent structures or portions of septic systems except for structural controls or other enhancing design features that will further the objectives of WQPZ ordinance. She said maintenance requirements/restrictions within 30 feet of a combustible structure; grass/weeds mowed to less than 12 inches as required for residential property. Beyond 30 feet of a combustible structure; may be left undisturbed and natural or may be mowed down to no less than six inches.

Councilmember Wilson asked if the trigger for the engineering work could be tied to a change in use instead of platting? Mr. O'Leary explained why Council determined platting would be the trigger point back in 2011 opposed to zoning, building permits, etc. If the trigger was by lot it would be more expensive because the engineering would be done one lot at a time resulting in a higher fee for the property owner.

Dr. Evenson presented several developments that have WQPZs located within the developments to show different ways properties can be developed and used and still comply with the ordinance.

Councilmember Wilson wanted to look at creating an ad hoc committee to work through some solutions to what would trigger compliance with the WQPZ Ordinance. Other Councilmembers were concerned about whether changes in the ordinance were needed.

Citizens expressed concerns and frustrations about mixed messages on how they could use their property or sell or subdivide their property in the future. Mr. O'Leary said Staff would be happy to look at exemptions for certain types of farming activities as a way to address some of the concerns and issues raised from the residents in Ward 5.

Items submitted for the record

1. Power Point entitled, "Water Quality Protection Zones"
2. Section 19-411. Water Quality Protection Zone design standards

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ADJOURNMENT:

The meeting adjourned at 6:40 p.m.

ATTEST:

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City Clerk

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Mayor