



CITY OF NORMAN, OK

FLOODPLAIN PERMIT COMMITTEE MEETING

Development Center, Conference Room B, 225 N. Webster Avenue,
Norman, OK 73069

Monday, August 5, 2024 at 3:30 PM

MINUTES

The Floodplain Permit Committee of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Conference Room B at the Development Center, on the 5th day of August, 2024, at 3:30 p.m., and notice of the agenda of the meeting was posted at the Norman Municipal Building at 201 West Gray, Development Center at 225 N. Webster and on the City website at least 24 hours prior to the beginning of the meeting.

ROLL CALL

The meeting was called to order by Mr. Sturtz at 3:31 p.m. Roll was called and 1 member was absent, Sherri Stansel. Others in attendance included, Jason Murphy, Stormwater Program Manager; Kim Freeman, Staff; Beth Muckala, Assistant City Attorney; Todd McLellan, Capital Projects Manager; Muhammad Khan, SMC Consulting; Houston Snead, Landmark Fine Homes.

MINUTES

1. Approval of minutes from the July 15, 2024 meeting

Mr. Sturtz asked for any comments on the minutes from the meeting of July 15, 2024. Mr. Sturtz had 2 minor corrections to the minutes. Mr. Sturtz asked for any additional corrections or comments or a motion from the committee to approve the minutes from the meeting of July 15, 2024. The motion was made by Mr. Scanlon and seconded by Ms. Hudson. The minutes were approved 6-0.

ACTION ITEMS

2. Floodplain Permit No. 692

Mr. Sturtz said the Application for Permit 692 is for proposed development of Franklin Business Park Section 4 a portion of which is in the floodplain of Tributary G of the Little River. Mr. Sturtz asked Mr. Murphy to present the staff report. Mr. Murphy said the Applicant is Landmark Fine Homes and the Engineer is SMC Consulting. This project is for proposed development of Franklin Business Park Section 4. This is a commercial development a portion of which is in the floodplain of Tributary G of the Little River at the south west corner of the intersection of Franklin Road and Flood Ave, directly east of I-35. Proposed development in the floodplain includes installation of culverts (bridges) and roads, grading, paving, installation of underground utilities and storm sewer, and installation of green infrastructure. The proposed green infrastructure is part of the applicant's design for engineered solutions for a modified Water Quality Protection Zone (WQPZ).

A hydraulic study was completed by the applicant prior to a LOMR (Letter of Map Revision) application that was accepted in 2012 by FEMA and adopted by the City. The LOMR was

accepted based on modeling provided that showed that 1% annual chance flood would be contained in culverts as designed and shown in the proposed development plans. Plans detailing construction activities, storm sewer and detention facilities and the LOMR are both included in the application packet. While the majority of Tributary G of the Little River is Zone A, the revised area included in the LOMR is now considered a Zone AE section of the Tributary.

Mr. Murphy reviewed plans and aerial maps of the project location provided to members in their packets.

Mr. Murphy confirmed all ordinance requirements have been met and said staff recommends Floodplain Permit Application No. 692 be approved.

Mr. Sturtz asked for any comments from the Applicant. Mr. Khan, SMC Consulting, said the report is great and touches on everything, all the reasons they are requesting the Floodplain Permit for this location. Just to go back a little bit, we've been doing this exercise since 2004 and this is the end of Franklin Business Park. Hopefully, it gets constructed and we are done with this. Back in 2011, there was a Floodplain Permit issued at that time, but no work was proceeded further so we are here in front of you again requesting this permit. Mr. Kahn said he is happy to answer any questions.

Mr. Sturtz asked for any questions or comments from the committee. Mr. Danner made a motion to approve Permit 692. Mr. Scanlon seconded the motion. Mr. Sturtz asked for any comments from the public. Hearing none, Mr. Sturtz asked for any final questions or comments. The committee voted to approve the application 6-0.

3. Floodplain Permit No. 697

Mr. Sturtz said the Application for Permit 697 is for proposed demolition of structures, rehabilitation of lot, and dedication of 214 S. Lahoma to permanent floodplain storage. Mr. Sturtz asked Mr. Murphy to present the staff report. Mr. Murphy said the Applicant is the City of Norman, Stormwater Division and the Engineer is Brandon Brooks, P.E., CFM, City of Norman. Mr. Murphy said we did this same exercise last summer with 218 South Lahoma. 214 South Lahoma Avenue flooded repeatedly, in fact twice. The owner bought it, aware that it was going to have the substantial improvement requirement, but thought she could still do some things. When she realized it wasn't feasible to turn this into a triplex, the property owner approached the City about purchasing the property. This was taken to City Council and was approved. We are going to pretty much do the same thing as last time. This is again a repetitive loss area, the house will be removed. This permit is completely dependent on when the sale becomes final. We do not own this property yet. This permit would only become active if the sale is completed as intended.

Mr. Murphy reviewed plans and aerial maps of the project location provided to members in their packets.

Mr. Murphy confirmed all ordinance requirements have been met and said staff recommends Floodplain Permit Application No. 697 be approved.

Mr. Sturtz said we have been lucky with the last one we bought at 218 in that we are able to get these below market value. The owners are basically saying that okay if I can't come in and build what I want, I just want to get out of it and not be at a loss. We are able to step in and we'd like to keep doing that but at some point funding is going to be an issue and we're not going to be able to. Being able to do it here and to start getting these properties and getting structures out is definitely a positive. Mr. Sturtz asked for questions or comments from the committee. Hearing

none, Mr. Sturtz asked for any public comments or questions. Hearing none, Mr. Sturtz asked for a motion. Mr. Scanlon asked if there is any technical reason we should include this is contingent upon the sale of the property to the City. Mr. Sturtz said we wouldn't have right to get access to the property if we didn't have the sale. Mr. Scanlon asked from a technical standpoint is that even necessary. Mr. Sturtz said we can make that amendment. Mr. Scanlon said he would feel more comfortable. Mr. Sturtz said contingent upon sale of the property to the City. Mr. Scanlon confirmed.

Mr. Scanlon made a motion to approve Permit 697 contingent upon sale of the property to the City. Ms. Hoggatt seconded the motion. The committee voted to approve the application 6-0.

4. Discussion regarding a possible Flood Hazard Ordinance Amendment relating to Floodplain Permit Committee composition.

Mr. Sturtz said as we look at this for staff members, if someone is gone, how can we make sure that we have people to help us out. Jason has asked if we could have a discussion and Beth is here to lend some help.

Mr. Murphy said really the big things are, there's nothing in the ordinance that would allow for alternates specifically. As far as I know, the only 2 positions listed are the Public Works Director and Planning Director that specifically appoint an acting in the event they are absent. Usually their acting are going to be people who are already on this committee. If we had someone gone for an extended period of time, how do we want to handle that. Also, in the language it states that at least one member of the committee shall be a Certified Floodplain Manager (CFM). In this case, Scott is the only CFM. If Scott isn't here, is it a legal meeting. Or just the fact that Scott is a CFM and not that he has to be here. So, I guess the questions is, do we want to do an ordinance amendment to create alternates in the event that a committee member is unavailable.

Mr. Sturtz said right now, Tim Miles is serving as Acting City Engineer. If you're going to be out and you have an acting, they can come in and serve in your place. Mr. Murphy said my real question is the CFM requirement, how are we interrupting that.

Ms. Hudson said that for Board of Adjustment we have the requirement for 2 committee members to have completed Floodplain 101, but it doesn't specifically say if they are not there you can't meet. Ms. Muckala said similar situation. It would be nice if it were crystal clear. I think in all fairness there simply has to be a CFM on the committee. Not necessarily present at the meeting to make it legal or it would specifically say that. My understanding of the conversation today, is do we want to make it crystal clear. So that if we are ever asked this question, we have a very straightforward answer. As for interim and acting, it is my understanding that is how we've operated. Interim and acting have and can sit in that chair. I also think that is a fair interpretation, but it's also not something that is specifically said. In a case like this, and BOA is similar, this flows from a state law creating the need for this committee in the first place. If we want to be better safe than sorry, it might not be a bad idea to consider a tweak or two. Ms. Hudson said my concern is and maybe I'm comparing these too loosely, if you're going to Board of Adjustment or Planning Commission, those individuals have been appointed by Council or the Mayor and approved by Council. This is no different, it was sent to Council and Council adopted this ordinance. If we start allowing designees, and an applicant or anyone in the community working with this committee, is reading this has an understanding of who will be sitting on this committee. If for whatever reason we're both gone, and we have designees here, I have a problem with that. Mr. Sturtz said by that logic, we should be a person down today. I should be in the City Engineer position and the chair should be vacant. Ms. Hudson said isn't that different because that was

done by the City Manager. Mr. Sturtz said this position was and we specifically named an Acting City Engineer so there would be someone on this committee. Personal opinion, difference between this and BOA, is with BOA you just call someone random from the public to come sit in. Here we'd make sure it was a qualified staff member with some technical ability on staff filling in. Ms. Muckala asked if we are making a distinction between acting and interim. Mr. Sturtz said the technical terms are detailed in our Employee Handbook. Interim means it is a vacant position and you are filling in until the position is filled. Acting means somebody else still has that position and you are filling in for them while they are either out or in another position. Mr. Sturtz said you're actually assigning the role to the person on a temporary basis. I have trust in this person to carry out the duties they are temporarily filling. Mr. Miles said it seems like it works pretty well as long as you don't have to have a CFM here at the meeting. I think most of the time we're going to have quorum. Mr. Sturtz said I think in the future both the Public Works Director and City Engineer will be CFM's. Right now, the Director of Public Work is the Floodplain Administrator. I don't think it requires you to be a CFM, but it's pretty good training to get and means you're getting continuing education every year. Keeping you up to date and fresh with what's going on with floodplain and floodplain administration. Ms. Hoggatt asked what would be the difference in saying one person is CFM and one is Floodplain Administrator. Does it matter that much to have one of both. Would that be a benefit to us or no. Mr. Sturtz said you have to have a Floodplain Administrator, that's not an option. The Director is the Floodplain Administrator and then you have a person that is a CFM. It's just in this case they have been both for ages, just the way it's been set up here.

Mr. Scanlon asked who decides what the appropriate training is. Mr. Sturtz said it could be that someone is a professional engineer. Mr. Scanlon said it seems to me if we get to that point, who decides their experience satisfies the requirement. Mr. Sturtz said it may be the Floodplain Administrator. I think if I had a question about someone I would bring it to the committee. Do we feel that they have adequate training. Mr. Murphy said I think to Mr. Scanlon's question, it would be the Floodplain Administrator. The Floodplain Administrator has legally the right to do a lot of things in terms of making decisions. The Floodplain Administrator can issue emergency permits without the committee. Mr. Sturtz asked if it names the Floodplain Administrator. Mr. Murphy said yes, the Public Works Director.

Mr. Murphy said if we had people that were able to be acting, I think that would only work for staff members. I don't think it would work for citizen members. Mr. Sturtz said I don't know that it can work because citizen members have to be appointed by the Mayor. Mr. Scanlon agreed. Mr. Sturtz said this really only applies to staff members.

Mr. Murphy asked if anyone wanted him to write up ordinance language. Mr. Sturtz said I think if you name someone as acting or interim, you have given them the roles that you have in the position. Ms. Hudson said she thinks there's 2 different subjects here, a designee and CFM. There are multiple places in the code where it says and/or their designee, so I don't think it's a huge problem. I do think it's different here because we're talking about a meeting, and a board or commission, and that is a public meeting so we have to be more cautious of who's sitting at the table. Ms. Muckala said the titles of the staff positions are literally in there, so I do think it's fair to say whoever has that title, whether it has the modification of acting or interim, they are fairly sitting in those seats. That's what I would argue based on everything I've read in our Floodplain Ordinance and state law, but with respect to short term substitutions or designees, that would require an amendment. I don't see anyone who doesn't have one of those titles, able to participate simply to sit in place of someone else if there's a quorum issue. It's probably fair to say that even having the title, will not nullify the requirement that they have the adequate training and experience. Mr. Danner said let's just see if it happens again. I've been on the

committee for some time and very seldom has it ever happened. Mr. Sturtz said it's just something to have for discussion. Mr. Sturtz asked if anyone had anything they wanted to add.

ADJOURNMENT

Mr. Sturtz called for a motion to adjourn. Mr. Scanlon motioned to adjourn. Mr. Danner seconded the motion. The meeting adjourned at 4:11 p.m.

Passed and approved this _____ day of _____, 2024

City of Norman Floodplain Administrator, Scott Sturtz