

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

June 8, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 8th day of June, 2011, 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 Atkins, Griffith, Kovach, and Chairman Dillingham

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal  
Mr. Jeff Bryant, City Attorney  
Ms. Jeanette Coker, Interested citizen  
Mr. James Fullingim, Fire Chief  
Ms. Brenda Hall, City Clerk  
Mr. Fred Henderson, Fire Marshall  
Ms. Brenda Kimmel, Interested citizen  
Mr. Doug Koscinski, Current Planning Manager  
Mr. Angelo Lombardo, Traffic Engineer  
Ms. Leah Messner, Assistant City Attorney  
Mr. Shawn O'Leary, Director of Public Works  
Mr. Mike Rayburn, Staff Engineer  
Mr. Dave Spaulding, Councilmember-Elect Ward Five  
Lt. David Teuscher, Police Department  
Ms. Syndi Runyon, Administrative Assistant IV

CONTINUED DISCUSSION ON TRAFFIC CALMING PROPOSED FOR THE AREA ADJACENT TO JEFFERSON AND LONGFELLOW SCHOOLS (ALONG GRAY STREET, PONCA AVENUE, AND COCKREL AVENUE) IN CONJUNCTION WITH THE SAFE ROUTES TO SCHOOL INFRASTRUCTURE GRANT RECEIVED BY THE CITY OF NORMAN.

Mr. Angelo Lombardo, Traffic Engineer, gave an update on the timeline for the Safe Routes to School Project. He said the contract was awarded on May 31, 2011, with the condition that construction of eleven proposed speed tables on Gray Street, Findley Avenue, and Ponca Avenue be postponed while Council reviewed other traffic calming options. He said work will begin immediately on construction of sidewalks, which is the bulk of the project. He said petitions for speed tables had been circulating for several weeks; however, the 60% support needed to install speed tables was not met. He said the City has run out of time and must make a decision so Staff is recommending moving forward with a Change Order for installation of six school zone flashing beacons with integrated radar speed feedback units. He said the 11 speed tables would have cost \$30,250 and there is a possibility that Staff can obtain the six flashing beacons for the same price, but if it costs more money, the City will have to make up the difference or eliminate one or two of the beacons. He said the Oklahoma Department of Transportation (ODOT) must approve the Change Order prior to Council approval by the first regular meeting in July. Chairman Dillingham asked if the radar speed feedback signs would only operate when the beacons are flashing during school hours and not be operational after school, weekends, summer recess, or holidays and Mr. Lombardo said that is correct. Mr. Shawn O'Leary, Director of Public Works, said it is unique to have the speed feedback signs aligned with school zone flashing beacons so the speed feedback signs would be operational for two hours per day, Monday through Friday while school was in session. Councilmember Kovach asked if the speed feedback signs could run 24 hours a day if the school zone signs had no flashing beacon and Mr. Lombardo said, no because the school speed limit of 20 miles per hour (mph) is different than the regular posted speed limit of 25 mph. He said if the feedback sign is placed outside of the school zone, it could operate 24 hours a day,

seven days a week (24/7). Councilmember Atkins asked if the school zone sign could be modified to state speed limit 25 mph with 20 mph when school is in session with the beacons flashing while school was in session. Chairman Dillingham felt that would be a safety hazard for drivers to try to read as well as confusing for drivers.

Mr. O'Leary said speed tables work 24/7 and that is why neighborhoods prefer them for traffic calming. Mayor Rosenthal asked if there were already flashing beacons for school zones on the three streets and Mr. Lombardo said there are two on Gray with no flashers that would be retrofitted and new signs would be installed on Ponca and Findlay. Mayor Rosenthal said she liked the idea of school zone signs with flashing beacons with feedback signs outside of the school zone to be operational all the time. Chairman Dillingham said Council's goal is constant speed reduction to encourage children to walk and bike throughout their neighborhoods for recreation, not just travel to and from school. Mr. O'Leary said ODOT would have to believe that what is being posted is meeting the spirit of the grant in reducing speed 24/7 on those streets.

Chairman Dillingham said the grant is very complex and the traffic calming on these three streets is just a small piece of that grant. She said the City will not get as good of a speed reduction without using speed tables and if the City did not do well on this portion of the grant, how adversely would this impact the next Safe Route to School Grant request. Mr. Lombardo said it was hard to say as most communities have used Safe Routes to School grants to build sidewalks and the City of Norman is the only community to go do something different.

Mayor Rosenthal said that in Santa Fe, New Mexico, they have raised crosswalks, which are actually sidewalks that facilitate crossing the streets. She suggested investigating that as a possibility. She said, as far as the sign issue, she suggested getting ODOT's agreement that the feedback signs could be mounted with pentagonal yellow signs for crosswalks for children.

Mr. Lombardo said the speed feedback signs supplement the regulatory speed limit signs and they need to go side by side as the driver needs to know what the legal speed limit is to compare how fast they are actually driving.

Mr. O'Leary said the City can eliminate the speed calming element of the grant altogether, but he did not know how that would be received and Mr. Lombardo said speeding on those streets were identified as part of the survey required prior to developing the travel plan and there is an expectation that the City will attempt to deal with the speeding issues.

Mayor Rosenthal suggested using mixed signage that allows operational speed feedback signs even when school is not in session and Councilmembers agreed. Mr. Lombardo said they could place speed feedback signs at each entryway of each street just before entering the school zone. Mr. O'Leary said Staff will explore all options suggested tonight. Mr. Lombardo felt that ODOT would approve of the flashing beacons with the school zone speed limit and speed feedback signs outside of the school zone as an effective traffic calming alternative to speed tables.

Items submitted for the record

1. PowerPoint presentation, "City Council Oversight Committee Meeting Safe Routes to School Project for Jefferson-Longfellow Schools," dated Wednesday, June 8, 2011

CONTINUED DISCUSSION ON POSSIBLE REVISIONS TO THE FESTIVAL/SPECIAL EVENTS ORDINANCE (ALSO KNOWN AS THE MASS GATHERING ORDINANCE).

Chairman Dillingham said tonight the Committee would discuss public comments compiled from the March 2, 2011, meeting regarding the Festival/Special Events ordinance, which had turned into a discussion about the Norman Music Festival. However, she wanted to focus on the effectiveness of the ordinance in regards to all events held in Norman, not just the Norman Music Festival.

Ms. Brenda Hall, City Clerk, highlighted a matrix of concerns and/or questions that arose in the March 2, 2011, meeting, which consisted of:

- Clarification of the notification process to vacant properties for street closure purposes
- Validity of City providing the list of property owners to be notified for street closure
- Property owner versus tenant for signing petition
- Violation of laws regarding use of private property for public use
- Enforcement issues related to fire lanes
- Concerns about public safety due to age of buildings and crowd security
- Organizers want control of event area in regards to vendors that are allowed to sell within the area
- Towing vehicles in signed and metered parking spaces prior to events
- Clean-up, vandalism, graffiti, theft, and public urination issues
- Alcohol sales and training issues
- Lowering threshold requirement of 1,000 people

Ms. Hall said organizers circulating petitions for street closures felt that vacant properties should be exempt from obtaining a signature. She said, currently, owners of vacant properties must be notified by certified mail and if they do not respond, they are removed from the list. She said property owners have the right to access their vacant property for any reason during an event. She said the ordinance does not require the City to provide a list of property owners; however, the City does do this and some property owners feel the event organizers should obtain the notification list themselves. Ms. Hall said the City Clerk's office provides the list as a starting point, but organizers are orally mandated to update the list accordingly. Mayor Rosenthal said the City has other ordinances that require notice to property owners and the City provides the property owner information so it is not uncommon. Councilmembers suggested the City provide of list of affected addresses and tell organizers they have to get signatures from the addresses whether it is the property owner or tenant.

Ms. Hall said concerns were raised that tenants should not be able to sign the petition to close the street as they are not the "legal" owners. She said the Legal Department has stated that under lease contract law, the tenant has the right to its premises unless language is written into the property lease that the tenant cannot sign petitions approving a street closure, which does occur on Campus Corner. Ms. Hall said some of the addresses are one address with multiple "suites" that are leased and organizers are required to obtain signatures from the business in each suite because each business is impacted by the street closure.

Chairman Dillingham asked about the impact to the street petition if organizers get signatures early. She said many business owners feel that by the time the petition is circulated, the event has been so heavily advertised, dates set, bands secured, and so much has been invested in the event that there is no way the City is not going to allow them hold the event. She said obtaining signatures far in advance of the event gives businesses a better idea of the event dates and as the event draws near, organizers could be required to update the petition prior to the event. Ms. Hall said, for the 2012 event, she has strongly encouraged the organizers to circulate the petition as early as possible.

Chairman Dillingham asked when applications are required to be submitted prior to an event and Ms. Hall said the ordinance states 90 days; however, many times it is closer to 30 days. Chairman Dillingham said the reality of the Music Festival is that the Arts Council begins booking bands months in advance and asked if the City should require a preliminary petition be submitted by a time certain. Ms. Hall said she would welcome a deadline, but reminded the Committee the reason Council did not do that before was to allow her flexibility to work with events that might have issues outside the norm and still make the event happen in a timely fashion. Chairman Dillingham asked how Council could balance that interest. She said she received many calls from businesses convinced that the City was going to allow the event whether they met all the requirements or not. Councilmember Kovach said organizers need to be verbally warned that the City will be stricter on the 90 day requirement in the future and Ms. Leah Messner said, as the ordinance is written, organizers can submit their application up to six months in advance. She said if the application is submitted that far in advance, language could be added to require organizers to resubmit the application 30 days prior to the event or recheck the application to ensure they have met all the requirements.

Ms. Hall said 2011 was problematic because special events for one weekend included the Norman Music Festival, the Mayfair, Lion's Club Carnival, and the 89'er Day Parade. She said she had met with event organizers to request dates be secured early enough that no more than two events happen on the same weekend and they have all submitted dates for 2012 and the events are all on different weekends, except the Music Festival and Lion's Carnival, who want to work together. She said the staging of street closings seem to have the biggest impact on the events.

Ms. Hall said another issue brought up at the prior meeting was fire lane requirements not being enforced. She said fire lanes are required and maintained. Mr. Fred Henderson, Fire Marshall, said the Fire Department has never had an issue with an event regarding fire lanes violations. Ms. Hall said if event organizers are asked to move anything from within the fire lane, they comply.

Mayor Rosenthal suggested keeping an incident log during events and Ms. Hall said, after each event, she requests feedback on any issues or concerns from all departments involved in the event, which she keeps on record.

Ms. Hall said as far as concerns regarding clean-up, vandalism, theft, graffiti, etc., these are issues in the alleyways. She said the alleys are photographed before and after the events for comparison purposes. Councilmember Kovach asked if the Community Oriented Policing Program work with property owners on removing graffiti and Lieutenant David Teuscher said yes, especially in the downtown area.

Ms. Hall said Campus Corner merchants would like control of the event area in order to control who is able to participate in the event area. She said they have the ability to deny outside vendors in the area, but they cannot prohibit existing businesses within the closed area from participating. Councilmembers said they would not allow that through the ordinance. Ms. Hall said the merchants also want to be able to tow vehicles from public parking spaces within the event area. She said the City has helped them in the past by placing temporary signage on street barricades warning there is no parking after a certain time. She said sometimes vehicles are parked and left overnight because the owners do not want to drive while intoxicated so they call a cab and leave their vehicle, which is still there when the street is closed the next morning. She said the merchants want to utilize the parking space for event purposes. She said, in the past, the merchants have towed the vehicles to an empty lot and the Police Department visited with them to let them know this would not be allowed. Lt. Teuscher said the Police are concerned that, by towing vehicles, merchants are forcing intoxicated drivers to remove their vehicles, which places the drivers and others in jeopardy. He said there can also be issues with damage to the vehicle when towed. He felt the warning signs placed on the barricades have helped in the past. Ms. Hall said the merchants used to place bags or signs over the parking meters, but the Traffic Department did not want this done so they are

no longer doing that, but merchants now want a special sign attached to the meter warning of street closures. Councilmember Atkins asked, as a compromise, can the Police Department run the vehicle tag and notify the owner to remove the vehicle and Lt. Teuscher said that is already done. Chairman Dillingham said Campus Corner is a unique situation for special events, but they have been encouraged to settle these issues internally.

Ms. Hall said another request had been for a centralized security location in each block of the event. She said the police do not want the Police Command Center in the middle of the event, they want it on the perimeter to make navigation through the crowds easier. Mayor Rosenthal felt the police had been very visible during the Music Festival and Chairman Dillingham agreed and said she had received comments about too much security this year. Councilmembers felt that security, fire, and police presence was huge this year.

Councilmembers said they would agree that alcohol training for the beer vendors is a good idea and Lt. Teuscher said the Police Department has training available and it is offered to the businesses that sell alcohol. He said prior to the event next year, the Police Department will offer training to event organizers and volunteers. Mayor Rosenthal asked if Campus Corner vendors had training and Ms. Hall said yes, most of the individual businesses throughout the City have their employees take the training. Ms. Hall said, during the Music Festival, existing businesses now sell all the alcohol instead of the event organizers.

Another issue is the requirement of attendance threshold of 1,000 in order to qualify for the special event status. She said special event vendors pay \$10.00 each while vendors not selling under a special event is \$50 for Food and \$100 for non food. She said some events draw a large crowd, but may not meet the 1,000 threshold; however, she works with these organizations and allows them to apply under the special event because the events grow yearly. She said most events have to meet all other requirements of the ordinance whether they meet that threshold or not. She said, historically, the City has provided "courtesy security" through the Police Department for smaller events, but she is beginning to require smaller events to obtain their own security. Ms. Hall said Council had not wanted the threshold to be so low that the City would have to regulate every street closure, block party, etc. She said language can be added to ordinance to accommodate smaller venues, but she is doing that already. Councilmember Kovach said there was a provision allowing the City Clerk to make discretionary decisions. Chairman Dillingham said she did not want to make changes to the ordinance unless it was necessary and the City Clerk can continue to work with events without language changes and Mayor Rosenthal agreed.

Ms. Hall said the comment regarding mirroring the State Fair's regulation on beer vendors was interesting. She said the State Fair requires beer vendors to post a bond and if there are any violations or issues, they forfeit the bond and she could obtain more information if Council desired. Ms. Hall said the City has never had any violations or citations issued for selling to minors at any of the events to date. She said the issues have been public intoxication or fighting. Lt. Teuscher said any issues with underage drinking is from legal aged people buying alcohol and providing it to minors, not vendors selling to minors. Ms. Messner said since the businesses are selling the alcohol and not the event organizers, it would be unfair for the event organizers to forfeit a bond for a businesses violation. Mayor Rosenthal said it did not seem to be a problem that needed to be fixed and Chairman Dillingham agreed.

Ms. Hall said other issues regarding petition signatures included businesses, such as Mr. Robert's Furniture Store, where the business property is equivalent to five addresses under one address. She said the owner wants to sign the petition five times, but is allowed to sign only once. Chairman Dillingham said Mr. Robert's is one business not five, but if he were to have a tenant upstairs, that tenant would be required to sign. Councilmember Kovach asked if upstairs tenants are required to sign and Ms. Hall said what she currently requires is if the tenants only access to their apartment is affected by the street closing, they must sign, but if they have an alley access, then their signature is not required.

Ms. Hall said a huge issue has been that if a business is not open for business on the day the street is scheduled to be closed, the organizers feel that business signature should not be required on the petition. She said she spoke with the Legal Department and it was felt that just because a business, such as an attorneys office, may not be open for normal business hours, they could still be meeting with a client or working in their office so they should have legal access to their property.

Councilmembers felt the ordinance has the right balance on all the issues and did not want to make any changes at this time. Ms. Hall said the City has always tried to be consistent and fair and she reiterates to organizers that the City must treat everyone equally.

Councilmember Kovach said that whatever business you are in, if your neighbors are not prospering, you will not prosper, which would be harder to deal with than having one day a year where you may not have as much access to your client base. He said he would rather have healthy neighbors who are there and less vacancy. He said many people have stated that the Music Festival keeps them in business.

Chairman Dillingham said she specifically asked the Norman Music Festival organizers to meet with other communities that have music festivals for comparison. She said they have also promised to form a committee to work with those merchants on Main Street that have contention with the Music Festival in order to alleviate their concerns and identify ways to make the festival successful for them.

Ms. Hall said the organizers have always obtained more than the 75% requirement on the street closure petition and there are only a handful of businesses that protest. Councilmember Kovach said when there is a crowd of 35,000 to 40,000 in front of your place of business, that is a form of advertising and even if they do not make a sale that day, some of those people may return to their business in the future. Chairman Dillingham said many business owners have said they love having thousands of people walking by their store windows.

Ms. Hall said she has been asked many times why the Music Festival cannot be held in a City park. She said many businesses enjoy the venue, but would like it to be held somewhere other than downtown. She said Council adopted a resolution in the 1980's that prohibits the sell of alcohol in parks and that is one of the reasons the Music Festival does not want to hold their venue in the park as alcohol revenue pays for the bands and other event items. She said there had been discussion on changing the resolution to allow the sale of alcohol in parks, but there was trepidation as well. She said Council could amend the resolution to specify that alcohol sales by allowed for special events only. Councilmembers felt Music Festival organizers would not move the event to the park even if alcohol sales were allowed as they enjoyed the "downtown' atmosphere of the festival. Mayor Rosenthal said Council needs to consider the unintended consequences of allowing alcohol sales in the parks. Councilmembers agreed they did not want to allow alcohol sales in the parks.

Ms. Hall asked Staff if they any comments or suggestions. Mr. Angelo Lombardo, Traffic Engineer, said that because of the number of events held simultaneously this year, Staff was stretched thin. He said a preliminary application was a good idea in order to avoid too many events at one time. Chairman Dillingham suggested requiring submission six months prior to an event and Ms. Hall said she was concerned that new organizations who were not familiar with the ordinance would panic if they thought they had to submit an application six months in advance and their event was to be held in thirty to sixty days. Councilmember Atkins said that would fall under the City Clerk's discretionary powers. Ms. Hall said encouraging organizers to file early then update the information within thirty days of the event would be satisfactory. She said under her discretionary powers she could require all traffic control plans to be completed no later than two weeks prior to the event. Councilmembers decided to leave thing as is for now.

Councilmember Kovach said as events grow, parking becomes a harder commodity to find and suggested event organizers submit a parking plan and place it on their websites as well. Ms. Messner said the ordinance requires them to submit a plan for designate parking. Councilmember Kovach asked that the information be available to the public with their promotional material.

Councilmember-Elect Dave Spaulding, Ward Five, said a friend of his had taken his children to the festival for a family friendly concert at the Sooner Theatre and complained that the music venue playing there prior to the show they came to see was not family friendly and his children heard that. He said he did not know if this was something the City could control. Mayor Rosenthal said the venues would have to be broken into blocks of time that are strictly family friendly and venues not be allowed to crossover. Chairman Dillingham felt that this could be discussed with event organizers and a solution found.

Items submitted for the record

1. Memorandum dated June 2, 2011, from Leah Messner, Assistant City Attorney, through Jeff Bryant, City Attorney, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, and Councilmember Kovach
2. Special Events/Festivals Ordinance Results of March 2, 2011, City Council Oversight Committee Matrix
3. City Council Oversight Committee minutes of March 2, 2011

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:56 p.m.

ATTEST:

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City Clerk

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Mayor