

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

December 14, 2011

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Conference Room on the 14th day of December, 2011, 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 Gallagher, Kovach, Lockett, and Chairman Dillingham
ABSENT:	None
OTHER STAFF PRESENT:	Councilmember Jim Griffith Mr. Keith Humphrey, Police Chief Deputy Chief Jim Maisano, Police Department Ms. Jeanne Snider, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician
OTHER GUESTS PRESENT:	Mr. Steven Tyler Holman, Citizen Ms. Janice Oak, Progressive Independence

DISCUSSION REGARDING HANDICAPPED PARKING PERMITS IN METERED SPACES.

Deputy Chief Jim Maisano, Police Department, said tonight's discussion is to address the issue whether vehicles with handicapped placards are allowed to park in metered parking spaces without paying the meter fee. He and Captain Todd Gibson, Parking Service Supervisor, researched jurisdictions in Oklahoma as well as other states to determine how they address the issue. Several states have enacted state wide statutes in reference to handicapped placard vehicle enforcement in metered spaces and most of the state and cities addressed the issue by adopting a statute or ordinance. Deputy Chief Maisano said in a limited number of locations, exemptions were also given for posted time limitations for parking, and in such cases, most only allowed for extended parking time limits for vehicles with a handicapped placard. He said the law rarely allows for a full exemption of posted time limits.

Deputy Chief Maisano said the State of Oklahoma does not address the issue in statute, but the City of Oklahoma City (OKC) has enacted an ordinance which allows an exemption for vehicles transporting physically disabled persons to park without paying a parking meter fee. Deputy Chief Maisano said Staff researched various jurisdictions to include several Oklahoma cities as well as out of state cities. The research illustrated three outcome/options as follows:

1. Cities that were not applicable - did not have parking meters in use, but posted parking restrictions are enforced;
2. Cities ticket any vehicle with or without a handicapped placard that violates the posted parking restrictions; and
3. Cities either exempt handicapped identified vehicle(s) from parking meter fees or offer modifications for time limit restrictions

Deputy Chief Maisano said he recently sent information to the patrol supervisors reminding the officers to check the handicapped parking spaces on private property and enforce when necessary. Chairman Dillingham said the options are set out very clearly but felt extending any identified handicapped metered space to two (2) hours might be something to consider.

Councilmember Kovach said a constituent contacted him stating he was not as concerned about the (meter) money, but rather about the available metered spaces. Councilmember Kovach felt it would not be a huge financial impact for the City to enact a waiver and suggested the City of Norman adopt the OKC policy, thus allowing properly identified vehicle(s) to park in metered parking spaces without paying a parking meter fee.

Chairman Dillingham felt an exception would need to be made for the metered parking spaces on Campus Corner/Downtown areas because of possible employee abuse. Mr. Keith Humphrey, Chief of Police, said Campus Corner/Downtown employees who display a handicapped placard could park without having to pay a meter fee; however, if a handicapped placard is not visible, a citation can be issued. Deputy Chief Maisano said if Council desires, vehicles that do not display a handicapped placard could pay and park in metered spots but be given an exception of a two-hour limit. Chairman Dillingham felt the City should enforce a two-hour time limit, with or without handicapped placards, in the Campus Corner and Downtown areas because of unintended consequences and Councilmember Lockett agreed. Councilmember Lockett said handicapped parking spots are limited and if the City allowed those vehicles displaying handicapped placards to stay two or three times longer, it could mean the next handicapped vehicle will not have a place to park. Councilmember Gallagher asked if Campus Corner is a hot spot for this type of parking space(s) abuse or is it city-wide and Chief Humphrey said it is a city-wide issue, both for metered and/or non-metered parking.

Councilmember Kovach said the Police can continue to mark car tires, whether a handicapped placard is visible or not, so that the timing restrictions are the same for everyone. Deputy Chief Maisano said the OKC Code is very clear and states "...in no event shall this special parking privilege exceed the restricted or regulated time applicable to a parking meter zone...", therefore the ordinance is clear about plugging the meter as the exception, but the time limit is not an exception.

Ms. Janice Oak, Progressive Independence, said a co-worker who is handicapped has mentioned he can not put money in meter(s) because he can not get his wheelchair close enough to the meter(s) and has limited access of his hands. Chairman Dillingham said if a person(s) in this type of situation received a ticket they could explain what happened to the City Attorney's Office and the ticket could be dismissed; however, she felt it is important to have parking spaces that will accommodate wheelchairs, vehicles with lifts, etc. Councilmember Gallagher wondered if this topic was an issue of mobility or cost and Councilmember Kovach said it was about mobility because the citizens who have brought up this topic have never been concerned about the cost(s). Councilmember Gallagher said he has personally seen a lot of people abusing handicapped parking spaces because they do not display handicapped placards and asked Staff how many citations have been issued to vehicles parked in handicapped parking spaces that do not have a handicapped placard visible. Chief Humphrey said the City has issued 805 handicap violations over the past three years and the minimum fine is \$100.

Councilmember Gallagher felt a driver, who is obviously not handicapped, should not be able to park in a handicapped parking space regardless if a handicapped placard is displayed; the only exception being if the driver was picking up a handicapped person. Deputy Chief Maisano said officers have seen this type of scenario and stated it is grounds to have the permit for the handicapped placard revoked; however, if the unimpaired driver is the permit holder for the handicapped placard, they would not be issued a citation or have their permit revoked.

Chief Humphrey said an issue of determining who is and who is not handicapped becomes a focal point and felt there are situations when a person(s) injury/impairment may not be as evident as others. Ms. Jeanne Snider, Assistant City Attorney, said if an officer was concerned they could check the permit number/name to verify whether the driver was the permit holder on file and Deputy Chief Maisano said officers are very diligent about this course of action if they deem checking the permit a warranted cause. Ms. Snider said typically the citation will be dismissed without costs at the court hearing if the driver forgot to have the handicapped placard in the vehicle; however, if a second citation is issued within six to twelve months, it may be dismissed with costs to the driver.

Councilmember Lockett felt handicapped parking is not evenly distributed in Norman and suggested putting an article in the newspaper explaining the issues with handicapped and/or non-handicapped parking and requesting citizens to be diligent about using and not abusing metered and/or non-metered, handicapped and/or non-handicapped parking spaces. Chief Humphrey agreed and said the Police Department has been trying to be more proactive with media topics. He said handicapped parking issues can take officers away from sometimes more pressing/safety issues and he will work up a press release as soon as possible.

Councilmember Gallagher said the OKC code option is reasonable and the Committee agreed. Ms. Snider asked the Committee if they preferred a policy or would they rather add an ordinance to the City Code and the Committee felt using the OKC code as a model and implementing a public service policy/announcement would be effective. Ms. Snider said the policy can read "...if a driver has a handicapped placard and/or handicapped license plate, they can park in any metered parking spot for the designated time without depositing money into the meter...". She said she will speak with Municipal Court employees and explain the proposed policy. Chief Humphrey asked if the Committee desired the policy to be effective immediately and the Committee answered in the affirmative.

Items submitted for the record

1. Memorandum dated November 1, 2011, from Mr. Keith L. Humphrey, Chief of Police, from Mr. Jim Maisano, Deputy Chief, Patrol Bureau, with the City of Oklahoma City Code §32-380

MISCELLANEOUS DISCUSSION.

Chairman Dillingham said the Cleveland Area Rapid Transit (CART) totals were up from last year; however the west Norman route was still a little weak. She said the CART website is very helpful and much easier to utilize and thanked CART for being so accommodating to Norman citizens.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of November 2011

The meeting adjourned at 5:55 p.m.

City Clerk

Mayor