

CITY COUNCIL CONFERENCE MINUTES

January 27, 2009

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in the Municipal Building Conference Room at 5:30 p.m. on the 27th day of January, 2009, 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 Butler, Cubberley,
Dillingham, Griffith, Kovach, Quinn,
Thompson, Mayor Rosenthal

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING ORDINANCE NO. O-0809-36 ESTABLISHING REGULATIONS AND CRITERIA FOR SPECIAL OUTDOOR EVENTS AND FESTIVALS.

Councilmember Thompson said the City Council Oversight Committee has spent the last several meetings studying and reviewing the proposed Special Events Ordinance. He said the overall objective of the proposed ordinance is to streamline the permit process and assist event sponsors to ensure the success of the particular festival or event. He said current events held in Norman are in a variety of venues including both City parks and commercial areas downtown and on Campus Corner. He appreciated and thanked both event sponsors and Staff for their input throughout the process and said input was well received and most of the suggestions have been incorporated into the ordinance and/or permit application.

Ms. Leah Bunney, Assistant City Attorney, provided the background and objectives of the proposed ordinance and said in April 2008, the Main Street Music Festival highlighted the need for a streamlined process and to assist event planners in organizing and obtaining the necessary permits to conduct the events. She said the ordinance pertains to events lasting two or more hours, are open to the public, and reasonably expect to attract 1,000 people or more at any given time. Ms. Bunney said the main objective of the ordinance as previously stated by Councilmember Thompson, is to streamline the permit process to assist event planners, as well as address health and public safety needs, traffic and parking, sanitation, and noise. Staff prepared a pamphlet to help facilitate the process which includes contact information and helpful links; definitions of a special event; steps in the application process; health and safety regulations; and information regarding street closures. She provided a brief overview of the mechanics of the proposed ordinance and said an event sponsor would first submit an application to the City Clerk's Office and after review of the application, the applicant would be provided a checklist of requirements needed to obtain a special event permit. The applicant would provide a detailed map of the event area, which would identify the event headquarters station; parking areas; security tents; vendor locations; trash receptacles; restrooms; first-aid tents; stages and/or production areas, if applicable; and if a street closure is proposed, the area should be identified. She said the ordinance also provides steps to insure public safety at special events by requiring the event sponsors to provide adequate security and medical personnel; maintain fire lanes within the event area; prohibit the sale of alcohol (except low-point beer); provide adequate lighting at night; and comply with all Oklahoma State Department of Health and City of Norman regulations for the sale of food and beverages.

Ms. Bunney said for those events proposing to close the street, a street closure permit will be required. She said the ordinance requires event sponsors to provide notice to the affected persons in the event area. She said after extensive dialogue between the Oversight Committee, event sponsors, and other affected persons, the ordinance was modified to reflect accepted compromises. She said the first draft of the ordinance required 80% approval from the affected persons, but has since been modified to reflect a 90% approval in residential areas and 75% approval in commercial areas. She said an affected person has been defined to include those persons whose access to their property will be impacted by a street closure. She said the ordinance also

provides for removal of an affected person if the event sponsor is unable to obtain a signature for a particular unit due to vacancy or the inability of catching them open. When this occurs, the applicant can send notice to the affected person by certified mail and if no response is received, proof of said mailing can be provided to the City Clerk who will remove the particular unit from the total number of signatures required. She said the Oversight Committee recognized many of the special events held in Norman are unique and present their own special circumstances; therefore, the ordinance authorizes the City Clerk to promulgate regulations to meet the intent of the ordinance and to waive or modify requirements of the ordinance or regulations to meet unique circumstances of a particular special event. Furthermore, such modification or waiver by the City Clerk shall be appealable to the City Manager then to the City Council as applicable.

Ms. Bunney said the ordinance streamlines vendor permits selling merchandise and food and allows the applicant and/or event sponsor to pay \$10.00 for each vendor. She said this is a modification from the current ordinance requirements, in an effort to level the playing field among all special events and festivals. She said previously, events held in parks were exempt from obtaining Solicitor/Peddler permits due to current language in the Code that provides an exception for those persons participating in events sanctioned by the Parks and Recreation Department held on land zoned as parkland. She said as a result, a vendor selling merchandise at the Music Festival would be required to obtain the \$150.00 Solicitor/Peddler Permit where a vendor selling artwork in the park for Mayfair would not. Several event sponsors indicated vendors for events are secured well in advance and, in some cases, vendors for events scheduled in early 2009, have already been secured. As a result, the Committee agreed to compromise and added language to waive all vendor permit fees for events held in the first year after the effective date of the ordinance. Event sponsors also expressed concern with the timeline for payment of vendor permit fees and said many times vendors will cancel at the last minute or additional vendors may come the day of the event and questioned how the fee would be handled in those instances. The Committee agreed to provide language to allow event sponsors up to 60 days after the date of the event to pay for vendor permit fees. Ms. Bunney said the actual language added to the ordinance states the cost of the permit will be \$10.00 for each vendor expected to operate at the special event and this cost must be paid no later than 60 days following the end of the event. She asked for a clarification from Council on whether it was the Committee's intent to allow them the additional 60 days to address last minute modifications or allow them 60 days to pay all vendor permit fees. Councilmembers expressed concern with allowing up to 60 days to pay all vendor permit fees and felt a deposit should be made prior to the event or all known vendors paid for in advance of the event and the sponsor would have up to 60 days to reconcile the actual numbers and pay for any additional vendors that may not have been paid for prior to the event.

Councilmember Dillingham said at the last Oversight Committee meeting event sponsors asked if an address could be assigned to the event location in order to obtain a low-point beer license and asked Staff if this would be possible. Ms. Brenda Hall, City Clerk, said after checking with the County and State Offices, a Special Event Low-Point Beer license would be permissible and would be specifically issued for the dates of the events only and a temporary address would be issued by the Public Works Department to facilitate this process.

Councilmember Thompson said another concern raised during the meetings was whether or not vendors participating in the special event were actually remitting sales tax to the State and the City from sales made at the event. He said while sales tax collection was not something that could be incorporated into the special events ordinance, he felt the City Council Finance Committee may want to look at this issue to determine whether or not there would be a way to capture sales tax currently not being remitted.

Mr. Steve Lewis, City Manager, said the ordinance would now move forward for First Reading on City Council's agenda of February 10, 2009, and Second Reading on February 24, 2009.

Items submitted for the record

1. PowerPoint presentation entitled, "Proposed Draft of Special Events Ordinance, Norman City Council, Council Conference," dated January 27, 2009
2. Memorandum dated January 22, 2009, from Brenda Hall, City Clerk, and Leah Bunney, Assistant City Attorney I, to Norman City Council
3. Ordinance No. O-0809-36
4. Special Event Permit Application
5. Noise Variance Permit Application
6. Street Closing Permit Application as Part of a Special Event
7. Articles from The Norman Transcript entitled, "Festival Regulations Discussed," dated December 18, 2008, and "Don't Strangle Festivals With More Event Rules," dated December 19, 2008
8. Oversight Committee Minutes of December 3, 2008; December 17, 2008; January 7, 2009; and January 21, 2009

DISCUSSION REGARDING STATUS REPORT ON PROACTIVE CODE COMPLIANCE PROGRAM.

Ms. Linda Price, Revitalization Manager, provided a history of the Proactive Code Compliance Program and said on September 10, 2002, City Council adopted Resolution No. R-0203-30 initiating an enhanced code compliance program in two targeted areas on a trial basis and on October 23, 2007, adopted Resolution No. R-0708-52 adopting twelve new areas. She said in order to notify citizens within the proactive areas, public service announcements including maps were placed in rotation on Channel 20 as well as an announcement added to the front page of the City's website and a public meeting was held to answer questions and address concerns. She said in the first year of proactive enforcement in the fourteen proactive areas, there were 2,305 violations addressed at 1,908 locations with the largest concentration related to health violations. She said 872 or 38% of the violations were classified as health related; 461 or 20%, were weeds; 252 were non-operating vehicles; and 261 were off-street parking violations. She said there were 78 nuisance party violations; however, 72 of the violations occurred during the first six months of implementation City

and only six has been received in the past six months. She said Staff was successful in having owners paint homes, replace roofs and porches, and perform general repairs, which have had a very positive affect in the neighborhood and 30 of the 32 dilapidated accessory structures reported have been repaired or demolished. She said inspectors reported a 93% compliance rate in the proactive areas in the first six months and 70% in the second six months for an overall 81% compliance rate. She said this rate compares to 45% compliance in the rest of the community. Out of the total 2,305 properties in violation, compliance was achieved in all but 105 properties. She said the action taken on those properties include filing charges on 27 properties, issuing twelve off-street parking citations, 141 properties were turned over for nuisance abatement, and four cars were towed.

Ms. Price said Staff believes the first year of proactive code compliance in the fourteen areas has been successful in cleaning up long term problem properties and addressing ongoing neighborhood issues. She said Staff has seen a sharp decrease in the number of overall violations in November and December 2008, and believes this will continue to remain lower. She said Staff believes it will be beneficial to add six more proactive areas that have ongoing problems.

The six new areas identified are as follows:

- Berry Road on the west, Robinson Street on the north, the railroad on the east, Main Street on the south
- The railroad on the west, Rock Creek Road on the north, Porter Avenue on the east, Robinson Street on the south
- Oklahoma Avenue on the west, Boyd Street on the north, 12th Avenue S.E. on the east, Lindsey Street on the south
- 12th Avenue S.E. on the west, Silver Creek Circle extended on the north, 24th Avenue S.E. on the east, Imhoff Road on the south
- Jenkins Avenue on the west, Lindsey Street on the north, the railroad on the east, Timberdell Road on the south

Ms. Price said the inspectors would still be able to keep up with current inspections with the addition of six new proactive areas, but said the change would necessitate making one permanent part-time support Staff position into a full-time position. Ms. Price said this change would add \$6,600 in costs for the remainder of FYE 2009, and would be an additional \$18,600 for FYE 2010. She said if the expansion to the six proactive areas is approved, it would probably be best not to add further areas for two years to ensure all the proactive areas are under control. She said, at that time, a reassessment would be conducted to determine whether additional areas could be added without requiring an additional Code Inspector.

Councilmember Kovach asked if Staff had considered using Neighborhood Watch groups to report violations and Ms. Price said while that would be an option, Staff would still be required to make inspections so it would not be a savings of Staff time. Councilmember Dillingham suggested a template form be created and added to the City's website whereby citizens could turn in complaints anonymously. Councilmember Cubberley asked what it would cost to add one additional inspector and Mr. Anthony Francisco, Finance Director, said it would be approximately \$55,000 for one full time inspector plus the cost of a vehicle. Mayor Rosenthal felt there was consensus among Council to add the six proactive areas and possibly increase some of the current proactive areas in the core area and asked Staff to submit actual costs to add an additional inspector and what could be accomplished with an additional inspector.

Items submitted for the record

1. PowerPoint presentation regarding the Proactive Code Compliance Program
2. Memorandum dated January 21, 2009, from Linda R. Price, Revitalization Manager, to Honorable Mayor and Councilmembers, with attachment, location map

The meeting adjourned at 6:25 p.m.

ATTEST:

City Clerk

Mayor