

(CORRECTED)
CITY COUNCIL OVERSIGHT COMMITTEE MEETING
MUNICIPAL BUILDING MULTI-PURPOSE ROOM
201 WEST GRAY

WEDNESDAY, NOVEMBER 8, 2017

4:30 P.M.

**DISCUSSION REGARDING THE CITY OF NORMAN STREET
RENAMING POLICY.**



Date: November 1, 2017
To: Jeff H. Bryant, City Attorney
From: Rickey J. Knighton II, Assistant City Attorney *RJK*
Subject: Changing Street Names

Background:

In a memo dated October 2, 2017, the City Attorney opined that the names of existing streets cannot be changed using the Naming of Public Facilities section of the Citizens Recognition Policy adopted by Council in 2008. In light of this opinion, the Legal staff has now been asked to assist Council with amending the 2008 Policy to give Council some flexibility if the name of a current street is determined to be offensive or derogatory.

Discussion:

The power given a municipality to open and close streets impliedly includes the power to name and rename streets. 10A McQuillin Mun. Corp. § 30:15 (3d ed.) (footnote omitted). The power given a municipality to open and close streets also impliedly includes the power to determine the procedure to name and rename streets.

Section 36-101 of Title 11 of the Oklahoma Statutes recognizes the power of Oklahoma municipalities to regulate and control the use of streets, roads, and other public ways. Pursuant to this power, Council, by resolution, adopted a procedure for changing current street names. Should a majority of Council determine that the procedure for changing current street names needs modification, the procedure can be modified by resolution to allow Council more flexibility.

Recommendation:

Should Council determine that the specific procedure for renaming a street needs to be modified, a process that balances the interest of property owners adjacent to the street being changed with other community input is recommended.

1. The current procedure for persons wishing to propose a change in a current street name that requires a petition signed by 75% of the property owners adjacent to the street being renamed should be retained.
2. However, Council may want to consider a second procedure for name changes initiated by the Mayor, three (3) Councilmembers, or the Human Rights Commission based on a determination that the current street name is offensive or derogatory as measured by the Civil Rights and anti-discrimination policy set forth in Section 7-101(a) of the City's Code of Ordinances. An example of a procedure

initiated by the mayor or three (3) councilmembers that gives those directly affected by the proposed change and the community at large a forum to address the proposed change prior to Council taking formal action is attached to this memo.

Permanent Street Name Changes

A. Persons Wishing to Propose a Change in a Current Street Name

1. Persons wishing to propose a change in a current street name should contact the Public Works Department to determine if the proposed name is acceptable. The criteria for the Public Works staff to determine acceptability of the proposed change should include: (a) verification that the name is not a duplicate; (b) whether the proposed change contains vulgarity or vulgar innuendo; (c) whether the proposed change is likely to cause confusion with other street name by Emergency Services; and (d) whether the proposed change meets current U.S. Postal addressing criteria.
2. Once acceptability criteria have been met, the Public Works Department should also be presented a petition containing the names of at least 75% of affected property owners along with the application fee of Two Hundred Dollars (\$200). As used in this Policy, the term “affected property owners” means owners of property on the street proposed to be renamed whose property address will change if the street is renamed.
3. The Public Works staff will verify property ownership records against the petition. If the mailing address of the property owner set forth on the ownership record is not the same as the property address, notice of the petition via First Class shall be mailed to the property address to ensure all rental tenants receive notification.
4. Once property ownership records are verified, the Petition requested the name change and supporting documentation will then be forwarded to the City Clerk for placement on the agenda of a regular Council meeting for consideration. If approved by City Council, the City Clerk will cause the resolution to be filed in the Cleveland County Clerk’s Office. The Public Works staff will send all affected property owners a copy of the Resolution renaming the street, make the require signage changes, and notify the 9-1-1 Association of Central Oklahoma Governments (9-1-1 ACOG), the United States Post Office, etc. The Public Works staff will also identify all multi-unit properties and consult USPS databases to locate individual unit mailing addresses to ensure all rental tenants receive a copy of the Resolution renaming the street.
5. The petitioner(s) is required to pay the full cost to manufacture the new street sign(s).

B. Requests by the Mayor, Three (3) Councilmembers, or the Human Rights Commission to Change a Street Name

1. The Mayor, three (3) Council members, or the Human Rights Commission may request initiation of the process to change a street name when it is deemed offensive or derogatory as measured by the Civil Rights and anti-

discrimination policy of the City set forth in Section 7-101(a) of the City's Code of Ordinances.¹ The request shall be submitted to the City Manager in writing.

2. In accordance with established deadlines, at the next regular City Council meeting, staff will request City Council action to decide whether to initiate the process to review whether to change the street name. If approved by City Council, the street name request will be submitted through the review process outlined below.
3. The request with proposed new street name(s), if any, shall be forwarded to the Public Works Department. The Public Works staff shall determine if the proposed name is acceptable. The criteria for the Public Works staff to determine the acceptability of the proposed change should include: (a) verification that the name is not a duplicate; (b) whether the proposed change contains vulgarity or vulgar innuendo (c) whether the proposed change is likely to cause confusion with other street name by Emergency Services; and (d) whether the proposed change meets current U.S. Postal addressing criteria.
4. Following Public Works staff review, the proposed name change shall be placed on the agenda of the Community Planning and Transportation Committee. Notice via First Class mail shall be sent to affected property owners at least ten (10) days before the proposed change is considered by the Community Planning and Transportation Committee. If the mailing address of the property owner set forth on the ownership record is not the same as the property address, notice via First Class shall be mailed to the property address at least ten (10) days before the proposed change is considered by the Community Planning and Transportation Committee to ensure all rental tenants receive notification.
5. The notice shall inform affected property owners and their tenants, if any, of the date, time and location of the meeting of the Community Planning and Transportation Committee. Notice should also be given to the community at large by publication in a newspaper of general circulation at least ten (10) days prior to the Community Planning and Transportation Committee meeting. Following the receipt of public comments at the advertised meeting, the Community Planning and Transportation Committee shall make a recommendation to City Council regarding the proposed change and proposed new street name, if applicable.

¹ Section 7-101(a) of the City's Code of Ordinances states, "[i]t is the policy of the City of Norman that all citizens of this community shall have an equal opportunity to purchase, rent, lease or occupy housing accommodations, or to avail themselves of public accommodations, and have an equal opportunity in the job market and the social and economic life of the City, without regard to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status. It is further declared and determined to be the policy of the City of Norman that all citizens of this community should be provided with an opportunity to reach their full potential as human beings, without being inhibited by conditions relating to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.

6. City Council shall consider the recommendation of the Community Planning and Transportation Committee at a regularly scheduled City Council Meeting by Resolution.
7. If a majority of City Council approves the Resolution renaming a street, the City Clerk will cause the Resolution to be filed in the Cleveland County Clerk's office. The Public Works staff will make the require signage changes and notify the 9-1-1 Association of Central Oklahoma Governments (9-1-1 ACOG), the United States Post Office, etc. The Public Works staff will also send the property owners required to be notified in paragraph B(4) and their tenants, if any, a copy of the Resolution renaming the street.