

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

November 8, 2017

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:31p.m.in the City Council Multi-Purpose Conference Room on the 8th day of November, 2017, 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 Castleberry, Holman, Karjala and Chairman Allison
ABSENT:	None
OTHER STAFF PRESENT:	Mayor Miller Councilmember Kate Bierman Councilmember Breea Clark Councilmember Sereta Wilson Ms. Brenda Hall, City Clerk Mr. Rick Knighton, Assistant City Attorney Mr. Steve Lewis, City Manager Mr. Shawn O’Leary, Director of Public Works Ms. Regina Oliphant, Administrative Tech III Mr. Scott Sturtz, City Engineer

Item 1, being:

DISCUSSION REGARDING THE CITY OF NORMAN STREET RENAMING POLICY

Chairman Allison said the meeting tonight will be to discuss the City of Norman Street Renaming Policy. To eliminate any confusion, the Committee is not discussing the renaming of DeBarr tonight, but focusing only on the policy. The policy will continue from tonight’s committee meeting to a City Council Study Session, then to Council for approval, and then the newly created process would be used to address the issue presented regarding DeBarr Avenue.

Mr. Rick Knighton, Assistant City Attorney, said the discussion was about the Street Renaming Designation Policy as set forth in the Citizens Recognition Policy, adopted in 2008 by Resolution R-0809-60. He said the Street Renaming Designation section of the policy has two provisions that involve the renaming of streets as follows:

- Honorary Street Names
- Permanent Street Name Changes

He said this presentation will primarily focus on the second provision of Permanent Street Name Changes. He said in Resolution R-1718-53, a majority of Council requested that the Street Renaming Designations adopted in 2008 be reviewed and discussed in furtherance of the policies and objectives stated in the Resolution; talking primarily about Permanent Street Name Designation Changes approved by Staff for Council consideration. He highlighted two proposed provisions, changes that are initiated by the property owner and changes initiated by either the Mayor, three Councilmembers, or the Human Rights Commission.

Permanent Street Name Changes Initiated by Property Owners

Step One: Initial Contact - Contact is made with the Public Works Staff to determine if the proposed changes are appropriate by determining whether it conflicts with current street names, whether it is offensive or vulgar, whether it will cause confusion with regard to emergency services, and whether or not the proposed change is consistent with the US Post Office rules and regulations regarding a street name change.

Step Two: Petition – Petition submitted must include, and currently the language refers to 75% of adjacent property owners; however, the language creates some confusion and especially in areas with a corner lot. He said those structures on the corner lots have addresses that are not necessarily on the street proposed to be changed. He said to clarify this issue they are proposing the language change to refer to “Affected Property Owners.” “Affected Property Owners” are defined by property owners whose address will change as a result of the proposed name change, e.g., if you are on a corner lot but your address will not change due to the proposal, then this respected party is not considered an affected person and not considered in the 75% required for the petition submitted to the Public Works Department. He said it is important to note that just because your name is not listed on the petition, does not mean you will not have the opportunity to come before Council to give your opinion.

Step Three: Verify Ownership Records – The Public Works Department will verify ownership on the proposed street to be changed and one of the changes made regarding this step in the process was the issue with regard to mailing notice to the property owner or whether to include the tenant. He said the way they tried to resolve this issue was notice has to be sent to the property owner and during that process if the mailing address is not the same as that of the property owner address, then notice also has to be sent to the property address; hopefully, including those structures with tenants with long term residency. Mayor Miller asked if that means the property owner and the person at the address will receive notice. Mr. Knighton said yes, that is correct.

Step Four: Council Consideration – Mr. Knighton said once they complete Step Three then notice is put on the City Council Agenda for determination of whether the street gets changed or not with a majority vote, and if the proposal is denied, the process will end at this point; however, if approved, the proposal moves on to Step Five with the resolution.

Step Five: City Clerk/file with County Clerk & Public Works/notifications and signage – The City Clerk will file the Resolution with the County Clerk and the Public Works Department will be responsible for notifying the property owners, tenants if applicable, the Association of Central Oklahoma Governments (ACOG) which manages the 9-1-1 Emergency Services, the post office, and will also be responsible for the change of signage; however, during this process the petitioners would be responsible for the costs associated the signage.

Councilmember Castleberry asked if ACOG should be included in part of the process before the Council vote in case it has to meet their criteria. Mr. Knighton said that during his conversation with ACOG the street name change is not a difficult process and with a simple entry on the computer, their system provides services of forwarding mail to the new address with the changes made. He said as part of Step One, the Public Works Staff will make sure that the name is appropriate for the name change and that the name meets all criteria for such change before proceeding.

Chairman Allison asked if ACOG is the organization that checks the name against their records; making sure to eliminate any possible confusion with the proposed change. Mr. Shawn O’Leary, Director of Public Works, said yes, that is correct, and much of the vetting is done in the early stage of the process.

He said during every Council Agenda, new streets are being created and new streets are named and given an address, and this is happening all the time in new subdivisions. He said this is being during the process of a Final Plat following the same process every time with the said agencies. Mr. Ken Danner, Subdivision Development Manager, and his staff are continually reviewing the Preliminary and Final Plats, rarely as a vulgarity issue, but mostly for duplication of names, spelling issues, pronunciation, and very practical issues; however, the same process applies.

Permanent Street Name Changes Initiated by the Mayor, three Councilmembers, or the Human Rights Commission (HRC)

Step One: Mayor, Three Councilmembers, or the HRC - In this step the Mayor or three Councilmembers or the HRC can propose the name change of a street if the current name is determined to be in violation or offensive or derogatory as defined by the City of Norman Human Rights Ordinance, Section 7-101(a). In this step a request is made to the City Manager to announce the process has started and then will be added to the Council Agenda.

Councilmember Wilson asked to clarify the options in Step One are the Mayor or Three Councilmembers or the Human Rights Commission. Mr. Rick Knighton said yes.

Step Two: Council Consideration - Council will make the determination whether to initiate the process. If Council votes against the initiation of the process, the process will end here; however, if Council approves initiating the process, then it moves to Step Three.

Step Three: Public Works Staff – Public Works Staff will determine if the proposed changes are appropriate by determining if duplication is present, whether it conflicts with current street names, whether it is offensive or vulgar, whether it will cause confusion with regard to emergency services, and whether or not the proposed change is consistent with the address change criteria.

Councilmember Bierman asked who decides what the proposed street name will be and who takes the lead in this process. Councilmember Clark said they have moved this to Step Four in the process where the Community Planning and Transportation Committee would be able to hear input from the community and owners at that point.

Chairman Allison said during the beginning stages of the policy discussions it is important not to give anyone the idea that just because there is a proposal of a street name change does not mean it will happen right away. He said Council needs to also make sure the applicant understands that just because there is a submittal does not mean that it will come to pass. Councilmember Clark felt like property owners should have a say in the changes as well as the community.

Councilmember Castleberry asked how an individual citizen makes a request for a name change.

Mr. Knighton said under this policy a citizen would have to persuade the Mayor or three Councilmembers or the Human Rights Commission in order to submit a request to the City Manager to begin the process by convincing them there is vulgarity or offensive language. Councilmember Castleberry said all they need to do is convince the Mayor.

Chairman Allison said there was discussion with staff that there might be a political reason for Councilmembers or the Mayor not wanting to add the proposal to the agenda and that is why the Human Rights Commission was added because they do not have an election process. Councilmember Castleberry said the Human Rights Commission is appointed by the Mayor and approved by the Council; therefore, a political reason could be involved. He said renaming a street should not be an easy process.

Councilmember Wilson said she thinks there should be a citizen initiative process.

Mr. Knighton said legislative items are subject to referendum and that would be a difficult way to characterize it, but then it goes back to, like anything else, how items currently get on the agenda. He said this particular part is limited to “offensive or derogatory” issues. He said with the prior process, if the citizens want to change the name of the street and there are 75% of the affected people on a petition, they can do so. This proposal was specifically drafted to make sure there is some justification under our current anti-discrimination policy to initiate this particular process.

Mayor Miller said this allows citizens options on how to get an item on the agenda. This process does not allow for the Mayor to unilaterally determine the outcome of the proposal but simply to give the citizens different options to get the subject on the agenda.

Councilmember Holman said he does not have an issue with the Mayor being able to initiate the process.

Councilmember Bierman asked if this is going to be a Resolution or a Policy change and how are we going to codify this. Mr. Knighton said it is a policy adopted by Resolution.

Step Four: Community Planning and Transportation Committee (CPTC) Notice to Affected Property Owners, Tenants, & Community at Large - Mr. Knighton said Step Four in this process will have three notification requirements prior to the CPTC meeting and the first is to send notice to affected property owners, the second is giving notice to the tenants according to documentation of mailing address at the Cleveland County Assessors Property Tax Rolls which includes the mailing and property addresses for each said property, and the third is the community at large. Mr. Knighton said after notification has been given, the CPTC will consider this issue at their meeting and the proposed changes, and get input from the citizens with regard if it is appropriate or not, and the CPTC will make a recommendation to the Council.

Step Five: Council Consideration – Mr. Knighton said this will be the step in the process where Council will get to consider the proposed name change.

Councilmember Castleberry would like to request taking the CPTC out because we don’t know if the CPTC will always be the applicable committee. Chairman Allison suggested leaving in the CPTC and adding “or applicable committee” to the language.

Step Six: City Clerk/file with County Clerk & Public Works/notification and signage – Mr. Knighton said in Step Five if the Council does not approve the proposed change the process would end there, but if the Council decides to change the name, again consistent with the process in Step Six, the Public Works staff will provide notification to the affected property owners and tenants, as well as, 9-1-1 Association of Central Oklahoma Governments (9-1-1 ACOG), the United States Post Office, etc., and make the necessary signage changes.

Chairman Allison said the Mayor has proposed to change the language by adding in that Staff makes every effort to contact and solicit names from surrounding property owners, residents, and affected parties before taking action on any naming or renaming of a street.

Councilmember Holman said the Animal Welfare Center accepts donations to be used towards their needs; can the City accept contributions/donations from those individuals that want the street name change, and would that be appropriate. Mr. Knighton said there is nothing that prohibits donations; however, if initiated by the property owners, they are responsible for the cost for the signage.

Chairman Allison asked Mr. O'Leary what the cost is for a street sign. Mr. O'Leary said the cost of the sign is about \$50 per sign. Councilmember Castleberry said many addresses for businesses will have to change addresses on letterhead, websites, and other accounts, and this was not initiated by the businesses. Chairman Allison asked if compensation to homeowners is offered and this is a conversation worth having, as there are costs associated with the proposed changes whether a homeowner or business; therefore, potentially a large expense to the City.

Chairman Allison asked Mr. Knighton about the issue of property rights. Mr. Knighton said they do not have a legally protected right to the street name and essentially if the government takes something from you, they have to give compensation; however, in this case the government is not taking something from the property owners as they do not have rights to the street name. He said this comes down to a policy decision and what the Council thinks is appropriate.

Chairman Allison said if the City takes on the costs associated, this could be opening the door for future issues in regard to other types of city projects. Mr. Knighton said the solution to that would be to limit to occasions where something is offensive or derogatory.

Chairman Allison said it would be great for the City to get together and do their best effort to help those citizens by providing information for what exactly needs to be changed; easing some of the burden of the transition.

Councilmember Holman asked Mr. O'Leary what type of situations constituted changes to be made to street names in the past. Mr. O'Leary said the changes made have been due to the name being similar to another street name. Ms. Brenda Hall, City Clerk, said the actual resolution that Council adopted to change the street name is filed at the County Clerk's Office, and stays with the property records. Mr. O'Leary said the most recent change was a street name that sounded very similar and was caught early during development with changes being made prior to the sale of any lots. Mr. O'Leary said this becomes a public safety concern and paramount to the full discussion with regard to emergency services getting the wrong address. Public Safety is the driving issue and the City cannot allow a duplicate location or one that sounds alike to cause possible harm to citizens in the community.

Councilmember Bierman asked the difference of setting policy by resolution versus an ordinance. She asked what is to stop a future Council from saying they do not want to stop with "offensive and derogatory," but want to go further and pass a resolution allowing them to do so. Ms. Hall said an ordinance can be amended the same as a resolution by the vote of Council. She said whether it is a resolution by policy or an ordinance that is codified, both can be changed by five votes of Council. Councilmember Bierman stated so there is really no difference how future Council may want to address whether a policy by resolution over an ordinance. Chairman Allison said Charter amendments are the only thing that cannot be changed by Council, but done by a vote of the people.

Chairman Allison said their next step is to move forward to a full Council Study Session. Councilmember Holman asked for clarification of the process for future meetings on the submission and selection process for the choice of the street name. Chairman Allison said the new name would be presented to the CPTC; discussing the name changes and then forwarded to Council for the final approval, but within that meeting there has not been anything set on how that process will take place. Ms. Hall said the language the Mayor suggested was the current language in the policy to get as much public input as possible. She said in turn the City Clerk's Office would be notifying by mail the property owners, tenants, as well as, notification on Channel 20, the website, and allowing email as an avenue to get the information. She said all the information would be gathered and distributed to the CPTC so they are reviewing the actual requests and/or proposed suggested names.

Councilmember Holman asked if citizens have thirty days to submit the proposed suggested name. Ms. Hall said the policy requires the Public Works Department give property owners ten days' notice, and she said the Council could add to the language; changing and giving the citizens ten to twenty days or however many days they decide since the language does not specifically indicate the amount of days.

Chairman Allison said this topic will go on to a City Council Conference but he would like to know if everyone agrees with adding the Mayor's suggestion of adding the language such as "contacting property owners to solicit names," and adding the language of "Mayor or Three Councilmembers or the Human Rights Commission." The Committee concurred.

Items submitted for the record

1. Memorandum dated November 1, 2017, from Mr. Rickey J. Knighton II, Assistant City Attorney, to Mr. Jeff H. Bryant, City Attorney
2. Attachment of the 2008 adopted Resolution regarding Permanent Street Name Changes
3. Section &101(a)2 of the City of Norman Code of Ordinances
4. PowerPoint dated November 8, 2017, entitled City Council Oversight Committee, Street Renaming Designations

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ADJOURNMENT:

The meeting adjourned at 5:26 p.m.

ATTEST:

Deputy City Clerk

Mayor