

From: Steve Lewis
Sent: Friday, July 14, 2017 2:10 PM
To: Bill Hickman
Cc: Ellen Usry; Leah Messner; Brenda Hall
Subject: RE: Banner across Asp

Bill:

In 2010 City Council amended the Special Events ordinance to allow for banners to be placed across streets while the streets are closed to traffic. Chapter 13, Section 13-2712(g) reads as follows:

(g) Banners are allowed to be secured above city streets only while the street is closed to traffic and only during the duration of the special event. However, these banners must comply with the following conditions:

- (1) Banners are only permitted to be secured above two-lane streets.
- (2) Banners must be properly permitted by the Director of Public Works or his designee and the building official or his designee. To be permitted, the operator must show that the plans for the proposed banner have been sealed by a licensed engineer.
- (3) No special event operator may erect more than two (2) banners across closed streets.
- (4) The permit fee to erect each banner is fifty dollars (\$50.00).

This ordinance amendment was adopted after a request by Rainey Powell. The minutes mention that Mr. Powell's proposed banner was engineered with a pulley system that would allow for it to be easily put up and taken down before and after each OU home game which appears to be the reason that Council at the time agreed to accommodate Mr. Powell's request in light of traffic, safety, and First Amendment concerns that had prevented previous Councils from allowing banners across streets at any time.

The Special Events ordinance does offer an appeal process in Chapter 13, Section 13-2709. That section reads as follows:

Sec. 13-2709. - Appeal of denial of application.

- (a) An operator who has been denied a permit may make application for relief from portions of this article or from the City Clerk's determination to the City Manager. Such appeal must be made within ten (10) working days from the date of the City Clerk's determination and only after all issues relevant to the permit process have been determined. Upon receipt of the appeal, the City Manager will then have up to ten working days to grant relief upon an adequate showing that undue hardship would be suffered if not granted.
- (b) After having been denied relief by the City Manager as provided in (a) above, the operator shall have the right of appeal to the Council of the City of Norman. Such appeal shall be taken by filing with the City Clerk within ten (10) working days after denial of relief by the City Manager a written statement setting forth fully the grounds for the appeal. After receipt of the written statement, the City Clerk shall schedule the appeal for hearing by the City Council on the next regular agenda. The operator shall be notified of the time of the hearing at least seven (7) days prior to such hearing. Proper mailing to the address shown on the application shall be adequate notification. The decision and order of the Council on such appeal shall be final and conclusive.

Thus, if Mr. Powell (or the appropriate entity requesting the special event permit for OU Game Days) wishes to pursue installation of the banner for the duration of the football season, an appeal needs to be filed by the appropriate entity within 10 working days from my denial on 7/13/17. According to Section (b), the appeal needs to consist of a written statement setting forth fully the grounds for the appeal. By my calculation, the appeal would be due on or before 7/27/17. However, if Mr. Powell wishes to get the appeal to Council at the 7/25 Council meeting, the appeal would need to be received by COB Tuesday (7/18/17) for it to be scheduled on that agenda and for proper notice to be given.

Please let me know if you have additional questions. Thank you.

Steve Lewis
City Manager
City of Norman
201 W. Gray Street
Norman, Oklahoma 73069
405.366.5402
steve.lewis@normanok.gov
www.normanok.gov

This email and any files transmitted with it are intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please notify the sender.

From: Bill Hickman
Sent: Friday, July 14, 2017 9:30 AM
To: Steve Lewis
Cc: Shawn O'Leary; Scott Sturtz; Susan Connors; Ward4
Subject: FW: Banner across Asp

Hi Steve:

I spoke with Rainey Powell this morning about the Campus Corner Merchants request for a banner across Asp Street. My understanding is that past practice has been to only allow the banner when the street is closed. However, they would like the flexibility to have the banner up when the street is open to promote events and provide exposure for their event sponsors. In talking with Rainey and attending numerous merchant meetings, I understand the expense and challenges associated with closing the streets for game days. The ability to have sponsors to defray a portion of the \$40,000+ expense is important to these merchants and the success of campus corner merchants. The ability to negotiate and secure quality sponsor agreements requires providing value to the sponsors, and the extended exposure time on a street banner is one vital means of providing this value.

As I understand, the banner has been engineered and meets the traffic safety requirements concerning issues such as the traffic light and height. As such, I presume the remaining challenge is figuring out whether there is a path to administrative approve such a banner or a vote of council. As I also understand, this banner would not necessarily be up 24/7, 365; rather, a banner may be up during football season. And, a different banner installed to promote and for St. Patrick's day, etc.

I respectfully request that we determine what steps are necessary and if any remaining information is required so that we can place this item on the City Council agenda for July 25. Unfortunately, time is of the essence as the merchants are working to secure sponsors so they can finalize the assessments to merchants in order to ensure adequate funding to pay for the street closures for game days.

If you have any questions, or if can be of any assistance, please let me know. Thank you very much for your assistance and support.

Best,

Bill Hickman
Ward 4

From: Rainey Powell [rpowell@equityrealty.net]
Sent: Friday, July 14, 2017 8:57 AM
To: Ward4
Subject: FW: Banner across Asp

From: Steve Lewis [<mailto:Steve.Lewis@NormanOK.gov>]
Sent: Thursday, July 13, 2017 10:31 AM
To: Rainey Powell
Cc: Ellen Usry; Leah Messner; Wayne Stenis; Angelo Lombardo
Subject: Banner across Asp

Rainey:

I received your message regarding leaving the banner up across Asp continually throughout the football season. Historically, traffic and safety issues have been addressed under the Special Events Ordinance (in Chapter 13) which only allows this banner to be up while the street is closed (as has been the practice).

Consequently, the City can only allow the banner to be raised when the street is closed. That approval can happen administratively under the Special Events Ordinance by contacting the Clerk's Office (366-5386).

Steve Lewis
City Manager
City of Norman
201 W. Gray Street
Norman, Oklahoma 73069
405.366.5402
steve.lewis@normanok.gov
www.normanok.gov

This email and any files transmitted with it are intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please notify the sender.