

CITY COUNCIL STUDY SESSION MINUTES

December 12, 2017

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 12th day of December, 2017, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Allison, Castleberry, Clark, Hickman, Holman, Wilson, Mayor Miller

ABSENT: Councilmembers Bierman and Karjala

Item 1, being:

DISCUSSION REGARDING A PETITION RECEIVED FROM PROPERTY OWNERS TO CHANGE THE NAME OF DEBARR AVENUE TO DEANS ROW AVENUE.

Mr. Shawn O'Leary, Director of Public Works, explained how City streets are named. He said streets are generally named by the developer when preliminary and final plats are filed and approved by City Council and it is interesting how they determine street names. He said street names and addresses are important to the people that own the properties, emergency service providers, mail/package deliveries, and utility providers as well as local, State, and County agencies. He said streets are rarely renamed especially one that is 100 years old such as DeBarr Avenue. He said the City adopted a policy in October 2008 that requires a person or persons wanting to change a street name to submit a petition to the Public Works Department containing signatures of at least 75% of the property owners adjacent to the street requesting a change and payment of a \$200 application fee. He said Staff verifies the names on the petition are actually the property owners and not the tenant(s) and prepares a resolution changing the name. He said, according to City policy, the petitioner pays the full cost of new street signs, which can vary depending on the number of intersections and street signs needed.

Mr. O'Leary said a petition was filed on November 28, 2017, requesting the City change the name of DeBarr Avenue to Deans Row and Staff has confirmed that 75% of the property owners are represented on the petition. He said Staff recommended the street name of Deans Row be changed to Deans Row Avenue to be consistent with the streets in the area and petitioners did not have a problem with that, but did ask the City to pay the cost of the street signs. He said DeBarr Avenue is 1,000 feet long with two intersections and 32 adjacent parcels; however, 28 parcels actually use DeBarr Avenue as an address and 21 of those property owners have signed the petition (75%).

Mr. O'Leary said if Council wants to apply the current policy to the DeBarr Avenue petition, Council would consider a resolution on December 19, 2017, with implementation in thirty days or less. The name change would be filed with the Cleveland County Clerk's Office and notification will be sent to the United States Postal Service (USPS), Association of Central Oklahoma Governments (ACOG), utility companies, and property owners affected by the name change. He said the City will then install new street signs. He said Staff is committed to sending letters to each of the 32 property owners so everyone is aware the change will be taking place.

Item 1, continued:

Councilmember Hickman said he supports placing a resolution on Council's agenda of December 19th and beginning the process of changing the name.

Councilmember Castleberry said several members of the public stated they would start a Go Fund Me account or they would pay the application fee and cost of the street signs and asked if the City is going to follow up on that. Councilmember Clark said she would support a Go Fund Me account to help cover the cost of citizens having to change their driver's licenses, etc. Mayor Miller agreed and said she would be happy to contribute so there would not be a cost to the City.

Councilmember Holman said if property owners request the street name be changed they should pay for it, but the City should pay if the City changes the name of the street.

Items submitted for the record

1. PowerPoint presentation entitled, "DeBarr Avenue Street Name Change to Deans Row Avenue," dated December 12, 2017
2. Memorandum dated December 19, 2017, from Ken Danner, Subdivision Development Manager, to Honorable Mayor and Councilmembers
3. Resolution R-0809-60
4. Citizens Recognition Policy
5. Letter dated November 28, 2017, from Property Owners on DeBarr Avenue to Shawn O'Leary, Public Works Director, with City of Norman Permanent Street Name Changes Policy and DeBarr Avenue property owner list
6. Letter dated December 8, 2017, from Property Owners on DeBarr Avenue to Shawn O'Leary, City of Norman Public Works Director, and Jeff Bryant, City of Norman Attorney, with attached property owner petitions
7. Location map
8. Resolution R-1718-71

* * * * *

Item 2, being:

DISCUSSION REGARDING POSSIBLE AMENDMENTS TO THE CITY OF NORMAN STREET RENAMING POLICY AS RECOMMENDED BY THE CITY COUNCIL OVERSIGHT COMMITTEE.

Mr. Rick Knighton, Assistant City Attorney, said the current policy has two provisions for renaming streets that include an honorary street naming designation and permanent street name changes. Resolution R-0809-60 adopted in 2008 is a Citizens Recognition Policy which requires a petition with 75% of the property owners requesting the street name change and a \$200 application fee plus costs of changing street signs. Council requested the policy be reviewed and amended to give Council more flexibility if street name changes are inappropriate.

Mr. Knighton said the Oversight Committee reviewed the proposed changes on November 8, 2017, and recommended a few policy changes to be reviewed in a Council Study Session.

Item 2, continued:

Mr. Knighton said, the criteria adopted with Resolution R-0809-60 should be maintained in any new policy; however, Council may want to consider a second procedure for name changes initiated by the Mayor, three 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 Code. He said Staff is recommending that “adjacent property owners” be changed to “affected property owners” defined as, “those property owners whose address will change as a result of the proposed street name change.” He said corner parcels, not addressed off that street, would not be required to participate in the petition process; however, they would still have the opportunity to express their opinion on the proposed name change. He highlighted several options for initiating a street name change for Council’s review.

Mr. Knighton said there is currently no provision giving notice to tenants and sometimes those tenants are long term tenants who will be affected by the name change. Staff is recommending that if the address of the property owner is different than the property address, the City should send notification to both addresses so tenants receive notice and have the opportunity to voice their opinion on the proposed name change.

If Council approves the resolution renaming a street, the City Clerk will file the resolution in the Cleveland County Clerk’s office and Public Works Staff will make the required signage change and notify the 9-1-1 Association, USPS, etc. Public Works Staff will also send property owners the required notification.

Councilmember Hickman asked if there had been discussion on changing the 75% requirement to a lower percentage and Mr. Knighton said no. Councilmember Hickman asked if there was another citizen initiated process that has a standard as high of 75% and Mr. Knighton said street closures for special events require 75% property owner approval, but if the event is held in a residential area the percentage is 90%. Councilmember Hickman said 75% is higher than what is required for an application requesting parking on one side of the street, downzoning requests, or creating a historic district. He understands requiring 75% if there is not an alternative process, but if there is going to be an alternative process is the City setting the bar too high? Mr. Knighton said Step One of the alternative process allows the Mayor, three Councilmembers, or the Human Rights Commission to initiate the process, but in order for them to initiate that process the current street name must be offensive or derogatory as defined by the City’s anti-discrimination ordinance. He said Council has to make the determination that the current street name is offensive or derogatory as defined by the City’s ordinance and if found offensive or derogatory, Council can move forward with the process of changing the street name. Mayor Miller said policy language needs to be clearer that it is Council who determines whether or not the current name is offensive or derogatory before the process is initiated.

Mr. Knighton said another option would be for Council to request the application be reviewed by the Community Planning and Transportation Committee (CPTC) or a committee selected by the Mayor prior to a Council decision on the request. He suggested that before the CPTC reviews the request, notice be given to all affected property owners, tenants, and the community at large ten days before the meeting as well as placing a legal notice in the local newspaper to give them an opportunity to speak on the matter. He said the CPTC would then make a recommendation to Council as to whether or not to change the name as well as suggestions for a new street name.

Item 2, continued:

Mayor Miller asked if there is a way to require a super majority vote of Council for street name changes and Mr. Knighton said the City's Charter allows Council to require a super majority vote in some limited circumstances, but this does not appear to be one of them. He said the street name change would require a simple majority vote by Council.

Councilmember Castleberry asked if this proposal will be an ordinance, policy, or resolution and Mr. Knighton said it would be a policy adopted by resolution. Councilmember Castleberry asked how the Charter would prevent a super majority vote since Council sets policies and Mr. Knighton said the Council would be taking action on a matter and the City cannot require a super majority for that action under the Charter. Councilmember Castleberry said the City is requiring property owners to submit a super majority on the petition so Council actions should be consistent and equal. Councilmember Wilson asked if the Charter could be changed and Mr. Knighton said it would require a vote of the people.

Councilmember Hickman said a majority of Council can vote to change a policy via resolution so it seems logical that Council could put restrictions on themselves that are greater than the Charter. He said if the Charter does not specifically state when a super majority is required then it seems it would be within Council's scope of legislative powers to impose higher requirements on themselves on any policy being implemented. Mr. Jeff Bryant, City Attorney, said the Charter language is explicitly clear that any ordinance, motion, resolution, or any action of Council requires a minimum of five votes, but does not require more than that. Councilmember Allison said the street name cannot be changed unless the name is offensive or derogatory so a super majority vote should not be needed.

Mayor Miller does not believe there will be many Mayors or Councilmembers looking for offensive street names to change because it impacts people very directly and it is similar to eminent domain in the sense that there are things the City does not want to force people to have to do and this is one of them. She said in the renaming of DeBarr Avenue, Council was very convinced of the offensiveness of the name, but believes future requests will only come from citizens who really know Norman's history.

Councilmember Hickman asked if there could be a requirement for 50% of property owner approval and a majority of Council for approval so there would be an understanding among Council that many people wanted the name changed. He felt this would help alleviate any unintended consequence if five Councilmembers decided to vote to change a street name that a clear majority of property owners did not want. Mr. Bryant said any threshold percentage could be set in the policy; however, once an item comes to a vote of Council, the Charter states that any Council action requires five votes of Council to pass and that cannot be changed.

Councilmember Hickman asked how Section 7-101(a) would be applied to a street name because a footnote in the policy states, "It 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." He said these are Civil Rights issues more aligned with housing.

Item 2, continued:

Councilmember Allison said the section also states, "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" so if someone thinks they cannot reach their potential and feel comfortable in the community because a street name is named after something or someone derogatory toward their race, color, culture, etc., then the policy has been violated. Councilmember Hickman would like that to be clearer and Mayor Miller said it is discrimination against the delineated minority groups which would include racial groups who are saying that if the City thinks it is okay to have the name of a Ku Klux Klan member as a street name then the City is being discriminatory and offensive.

Mr. Knighton said the policies Staff reviewed from other municipalities across the nation tied the power to change a street name to their Civil Rights ordinances and what that is really meant to reference is the protective classes in that ordinance. He said if someone feels like a street name is offensive or derogatory based on one of those protected classes identified in the ordinance, then that is the purpose of putting that information in the policy. He said that can be clarified to refer to those protected classes in the policy, but the intent was to tie the policy to the Civil Right ordinance. Councilmember Hickman felt placing that language in the policy instead of in a footnote would be better for future Council interpretation.

Councilmember Wilson said she would like to have seen an opportunity for citizens to override Council, tenants, and the Mayor in the policy. She would like to see a petition option in which if people living on that street like the name and Council likes the name, but other citizens do not have the same viewpoint then those citizens would have the ability to petition the name change. She asked if there could be an administrative action to not allow streets to be named after people because statues of famous people are being pulled off their pedestals and their names are being removed from buildings nationwide. Councilmember Holman said he would support a citizen petition to initiate the process. Mayor Miller said the reason for the Mayor, three Councilmembers, or Human Rights Commission to initiate a name change would be because citizens requested it.

Councilmember Hickman said if the City is changing a street name because it is important to the community and it is not a request of the property owners on the street, the City should consider compensating them for any inconvenience of changing the street name. Councilmember Allison said discussion from the Oversight Committee was that doing that would open a much larger can of worms and issues because there are some very long streets in Norman with several intersections. He said this process will be citizen driven because someone will come to the Mayor or a Councilmember or the Human Rights Commission with the request. He did not believe the Mayor or members of Council are going to drive around and begin a list of streets they feel needs the name changed.

Mayor Miller said changing street names does inconvenience people, but if the City started looking at every instance in which the City has inconvenienced people, such as installing or repairing water lines, resurfacing streets, etc., it could become problematic.

Mayor Miller asked if Council wanted to make any changes to the policy and give Staff direction on the next step.

Item 2, continued:

Ms. Ellen Frank said the rights of all the citizens in Norman should be taken into consideration when street names are changed and she likes Councilmember Wilson's suggestion for adding a citizen petition process.

Mayor Miller said there seems to be consensus to move forward to a Council agenda. Councilmember Hickman asked if his earlier suggestions would be incorporated in the policy to be reviewed in a Study Session or Conference. Mayor Miller said there was not a consensus among Council to make changes to the policy.

Mayor Miller said the policy will be scheduled as an agenda item and the Legal Department will prepare a memorandum regarding clarification of protected classes and Council will have an opportunity discuss amendments at the Council meeting.

Items submitted for the record

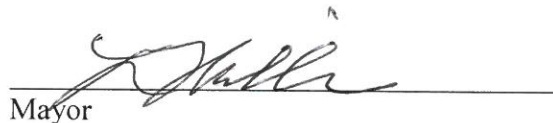
1. Memorandum dated December 8, 2017, from Rickey J. Knighton II, Assistant City Attorney, to Jeff H. Bryant, City Attorney
2. PowerPoint presentation entitled, "Street Renaming Designations," dated December 12, 2017

* * * * *

The meeting adjourned at 6:57 p.m.



City Clerk



Mayor

