

CITY COUNCIL SPECIAL SESSION MINUTES

September 1, 2020

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a virtual Special Session at 5:30 p.m. hosted in the Municipal Building Council Chambers on the 1st day of September, 2020, And notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Bierman, Foreman, Hall, Holman, Peacock, Petrone, Mayor Clark
----------	--

ABSENT:	None
---------	------

Item 2, being:

CONSIDERATION OF THE MAYOR’S APPOINTMENTS TO THE WARD 2 CANDIDATE SELECTION COMMITTEE.

GABRIEL BIRD
MELISSA HOUSTON
ELLEN KANAK
JULIE KNUDSEN
JERMAINE PETERSON

Councilmember Bierman moved to confirm the appointments, which motion was duly seconded by Councilmember Holman; and the question being upon confirming the appointments, a vote was taken with the following result:

YEAS:	Councilmembers Bierman, Foreman, Hall, Holman, Peacock, Petrone, Mayor Clark
-------	--

NAYES:	None
--------	------

The Mayor declared the motion carried and the appointments were confirmed.

* * * * *

Item 3, being:

DISCUSSION AND POSSIBLE ACTION RELATED TO THE PANDEMIC CAUSED BY THE CORONAVIRUS.

Mr. Jason Smith, Assistant Fire Chief, said there are 1,937 total cases of COVID-19 (COVID) in the City of Norman that include 38 new cases, 34 deaths, and 251 current active cases. He said as of August 30, 2020, 15 people were hospitalized with three needing Intensive Care Unit (ICU) care.

Councilmember Bierman asked if these numbers include University of Oklahoma (OU) students and Assistant Chief Smith said the City has limited information on OU COVID numbers. Mayor Clark said there are concerns regarding the number of cases at OU because many students list their home address when being tested, which can be outside of Norman. She said students are being encouraged to be tested at Goddard Health Services (Goddard) to better track the numbers and she has been told the State Health Department’s case numbers include students.

Dr. David Surratt, OU Vice-President of Student Affairs and Dean of Students, said OU created the OU.edu/together/dashboard to provide data that represents local data, state data, student data, and zip code data. He said there is also separate data that reflects Goddard test data, which is predominantly students, but could be inclusive of students, faculty, Staff, or their families.

Councilmember Petrone asked how outbreaks are handles in student housing or Greek housing and Dr. Surratt said before move-in, OU requires students to provide proof of a negative COVID test before they are given keys to the door. He said, based on research, students were coming from

Item 3, continued:

regions with at least one to two percent positive rates. He said once on campus, OU is aware that students are going places where they socialize and can contract the virus bringing it back to campus. In positive cases, OU Health Services Staff members contact the student and contract tracing is done and anyone exposed is contacted. While positive, students are asked to self-quarantine and are provided food, support, etc. He said in regard to Greek housing, the same procedures are followed although some organizations may be more relaxed than others.

Mayor Clark asked Dr. Surratt to explain the relationship between OU and fraternities/sororities and Dr. Surratt said Greek affiliated houses are privately owned and operated so there are limitations on what OU can mandate in terms of actions and behaviors; however, there is a close consulting and advising relationship because Greek houses have an affiliation with OU. He said OU will continue to work with them to influence certain behaviors and hold organizations responsible. Ms. Kristen Partridge, OU Student Services, said OU has a highly collaborative relationship with the Greek houses because OU works really hard to cultivate that relationship.

Councilmember Holman said he has heard from several restaurants and bars around the campus area that are confused about capacity and groups of students coming into restaurants and bars, for example, if a fraternity/sorority rents a patio at a restaurant/bar and 100 people show up stating they all live together in one household how should that be handled? Dr. Surratt said the basic understanding of how the virus is spread is through oral droplets, close person-to-person contact, and how quickly it can be spread among this age population, the idea is to reduce the number of people considered to be a "household." He said that has been communicated to the Greek houses as well as all students and there should be a limited amount of people gathered together without a mask or the ability to social distance, which is well below 100. Personally, he does not have contact with more than 20 people outside of his household at any given time due to the risk. He said the mask mandate has been the most helpful tool in complementing what is being done by OU and students are very good about wearing masks if it is required.

Mayor Clark said the issue is not so much in the classrooms as it is in social gatherings so she requested the Norman Police Department (NPD) perform a status check on Campus Corner restaurants and bar establishments that might not be following the mask mandate, which requires physical distancing and reduced capacity. She said Stillwater, Oklahoma, had problems with bars and restaurants and their Council approved an ordinance that limits capacity to no higher than 50%, prohibits groups of people joining other groups of people already occupying an area, no more than ten persons can be seated at a single booth, and closes areas where bar patrons could end up standing, i.e., next to occupied tables, dance floors, or other open areas.

Mr. Ricky Jackson, Deputy Police Chief, said some Campus Corner Merchants have concerns regarding game day crowds, particularly in establishments that were not enforcing the mask mandate. He was asked to look into establishments that may not be in compliance so he assembled a team to discuss strategies in addressing these concerns. He said NPD wanted to be fair and equal so they decided to check establishments throughout the City for a more rounded perception of who is complying and who is not. He said Mayor Clark wanted a more surgical approach as far as enforcing the mandate on establishments not following the mask requirement. He said NPD decided to perform a three-day check (Thursday, Friday, Saturday) of restaurants/bars at various locations throughout Norman so four officers in two-man teams went to each establishment working four blocks at a time. He said officers were in plain clothes and checked approximately 25 establishments each night. He said all locations had the same social distancing at varying levels and the establishments were restricting entrance via enforcement of the occupancy capacity mandated. He said most establishments located on Campus Corner were successfully complying with the ordinance mandates; however, some minor incidents were observed that fell short of the mandate, which were addressed through educational efforts with the owners. He said overall, all establishments throughout Norman were attempting to comply with the ordinance and there were no establishments willfully or purposely ignoring the restrictions.

Mayor Clark asked how the City should move forward with education and enforcement because the ordinance does allow for an enforcement tool to make sure the ordinance is being followed and Deputy Chief Jackson suggested a "response team" make periodical checks over the next few months. He would also suggest doing something that could be accomplished without NPD being involved as most of the minor violations were Code violations so perhaps the Code Enforcement Division or the Fire Marshall, who establishes occupancy capacity, could check establishments for

Item 3, continued:

compliance. He recommended targeting establishments that are consistent violators versus trying to enforce a citywide mandate for establishments that are complying as well as staggering days and times of inspections, so there is not a pattern.

Mayor Clark said the goal is to keep students in Norman and businesses open and operating safely. She asked if response team overtime would qualify for CARES Act funding and Mr. Darrel Pyle, City Manager, said that would absolutely qualify and Staff will soon share an update on COVID draw down capabilities on dollars reserved for the City of Norman.

Councilmember Bierman said there are establishments with high rates of transmission, i.e., churches, gyms, etc., so only targeting restaurants and bars does not seem to be the right approach for a citywide mandate. She asked if Code Enforcement and/or Fire Marshall employee schedules would be adjusted to work evenings and weekends since that is when the violations are taking place and Mr. Pyle said there could be a combination of compensation time, overtime, and schedule adjustments throughout the fall semester.

Councilmember Bierman said most business owner concerns seem to be centered around Campus Corner and suggested closing Asp Avenue on weekends to allow the street to be turned into an open air patio setting to help alleviate indoor capacity limitations. She has spoken with some restaurant owners on Campus Corner and they seem to be in support of a 50% capacity limitation especially if Asp Avenue could be closed on weekends for additional capacity.

Councilmember Hall asked how citizens would report large gatherings they are concerned about and Mayor Clark said they should call the non-emergency police number and the response team would be notified to check for a violation.

Councilmember Nash asked if the ordinance allows an exception or exemption for businesses, particularly smaller mom and pop establishments, that do not have a lot of capacity to begin with and Ms. Kathryn Walker, City Attorney, said the ordinance as currently written does not grant an exception or exemption. She said the ordinance does allow bars that do not have a lot of seating, to add tables set six feet apart to gain space in a way that complies with the ordinance.

Mayor Clark said home and game day gatherings need to be addressed tonight and asked how to clarify the ordinance to address dangerously large gatherings in terms of being a health concern during a pandemic. Ms. Walker said an ordinance regarding nuisance parties was adopted in 2004, which allows the Police Department to step in and if there are three violations, i.e., furnishing alcohol or narcotics, consuming spirits in a public place, disturbing the peace, etc., the police can file three charges. She said others at the party could be fined for attending a nuisance party, but the ordinance basically allows the Police Department to shut down the party and if the home continually has violations, it can be declared a public nuisance after three convictions in a one-year period for violation of the ordinance.

Councilmember Peacock asked if the citation would be on the property owner, not the resident, and Ms. Walker said it can be the resident if the home is rented because language is pretty broad; however, if the location receives three convictions in one year, it does impact the property owner by declaring the location a public nuisance. Councilmember Peacock asked if the property owner is notified of the violations if the home is a rental and Ms. Walker said if there are three violations in one year, a letter is sent to the property owner. She said, to her knowledge, this has never happened in Norman.

Mayor Clark said she would like to begin using this law to crack down on large social gatherings and although the City has been educating the public, there has not been much improvement on social gatherings.

Councilmember Holman said since OU changed their rules regarding consumption of alcohol on campus, there has been an increase in off-campus activity and large house parties. He does not really want to fine or cite people, but does want compliance in consideration of COVID.

Councilmember Hall said she lives across the street from a fraternity house and loves the energy and vitality students bring to the area, but the City is in a public health emergency and instances

Item 3, continued:

of large student gatherings have increased over the years in direct relationship to the change in policy at OU. She would encourage looking at a different tool kit to address this problem because up until now, it has been primarily put upon the neighbors to call and file a complaint when parties are too loud, have too many people, too much alcohol, too many cars, etc. She said over time, neighbors have become too intimidated to file a formal complaint and that is what has to happen for any action to be taken. She felt the code enforcement approach would be more beneficial for everyone and the City always wants to start by educating and disbursing parties, not issuing citations. She said some of the problems around campus over the last two weeks are chronic in nature and because the process is dependent on neighbors filing a complaint there has not been any disbursement of parties or reduction in numbers. She wants to take the burden off of the neighbors.

Deputy Chief Jackson felt this issue would be better served through the Police Department because complaints would be called in through dispatch and officers would respond, observe violations, and can issue citations on scene. He said that would not require a neighbor to file a complaint. He said the response team he mentioned earlier was specifically for violations of business establishments and would not be as effective for neighborhood nuisance parties.

Councilmember Holman said he would like to see what other college towns do to address large parties during the pandemic.

GAME DAY

Mayor Clark said OU is not allowing tailgating on OU property and no tailgating will be allowed in Reaves Park, but people will come to Norman for home game days; however, restaurants have shared concerns regarding being massively overwhelmed by large crowds. She said Campus Corner Merchants are working on a plan to create more outdoor seating and there are other establishments in Norman that will be providing outdoor venues that can be controlled and require facial coverings when not eating or drinking. She said restaurants are asking if there will be any sort of game day restriction, but away games are just as busy because people will go to bars and/or restaurants to watch the game on the big screen with other people. She said it has been suggested by restaurant and bar owners that there be a 50% capacity for restaurants and bars because they are concerned about being overwhelmed and they are having a hard time maintaining the current ordinance restrictions. She said it may be helpful to have a flat capacity reduction with increased outdoor seating areas that provide an option to counter balance the indoor reduction.

Mayor Clark asked if plans are being made for game days and Assistant Fire Chief Smith said Staff is definitely preparing for that surge because people not being allowed in the stadium will congregate at other places. He said capturing the tax dollars in a safe way is the City's goal.

Mayor Clark said she has also received concerns from churches with large parking lots that allow parking on games days for a fee and some people tailgate there. Should tailgating be allowed in church parking lots, which would give people more options for outdoor events?

Councilmember Bierman said she would be comfortable with a 50% capacity limit all day on game days for this issue.

Councilmember Peacock said, in terms of 50% occupancy, should it be based on the Fire Marshall's occupancy or 50% of the maximum number of people that can use a space? He is good with either as long as it allows expansion into the street or sidewalk space and still meet the ordinance guidelines.

Councilmember Holman said the City should revisit after the first home game to see what worked and what did not. He said game day without tailgating is a foreign concept to him and understands why OU decided not to allow it, but he also understands why churches with large parking lots would want to know what is allowed. He is not opposed to allowing churches to utilize their parking lots to host tailgating with certain parameters.

Item 3, continued:

Mayor Clark said tailgating could be allowed if there is only one entrance/exit, everyone wears a mask, capacity limitation, etc. She believes tailgating will happen and she would rather have a policy in place than not. She suggested a registration process so the City will know where these events are taking place.

Mayor Clark said 50% capacity on game days only sounds like something the City can utilize to help businesses not be completely overwhelmed and accommodating that with outdoor seating. She said in regard to churches, unless the City takes some action of limiting the number of people allowed in these types of gatherings, it is private property and the City does not have the authority to stop churches from using the lots as they see fit.

* * * * *

ADJOURNMENT

The Mayor adjourned the meeting at 7:43 p.m.

* * * * *

ATTEST:

City Clerk

Mayor