

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

November 3, 2010

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 3rd day of November, 2010, 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 Atkins, Griffith, Kovach, and Chairman Dillingham

ABSENT: None

OTHERS PRESENT: Ms. Susan Connors, Director of Planning and Community Development
Ms. Mary Francis, Enforcement Authority Chair
Ms. Brenda Hall, City Clerk
Mr. Ty Hardiman, Enforcement Authority Member
Dr. Richard Hilbert, Enforcement Authority Member
Ms. Leah Messner, Assistant City Attorney
Ms. Syndi Runyon, Administrative Assistant IV

DISCUSSION REGARDING ENFORCEMENT AUTHORITY PROPOSED PUBLIC ELECTION EDUCATION PROCESS.

Dr. Richard Hilbert, Enforcement Authority Member, said the Enforcement Authority's duties have been expanded to include public education and submitted the Authority's Public Service Announcement (PSA) prepared for the education process, which could be published in the local newspapers if funds are available. He said the PSA is the first step in the educational process and Enforcement Authority duties include reviewing all campaign contribution and expenditure reports for accuracy and internal consistency, investigating all substantial discrepancies between contributions and expenditures, and submitting a final report to the City Council after each municipal election.

Dr. Hilbert said the Enforcement Authority's has the function of curbing the influence of money by limiting contributions to candidates in City Council races to \$500 per person or \$1,000 per family and to candidates for mayor to \$1,000 per person. He said another function is to make available to the press, political opponents, and the general public, prior to an election, the names, addresses, and occupations of all persons who contribute more than \$50 to a given candidate.

Under enforcement functions, Dr. Hilbert had also included the statement, "and BY INFERENCE, functions to provide information relative to the interests of those who support that candidate, i.e., environmentalist, developer, liberal, conservative, etc.; however, that statement was questioned by Ms. Kathryn Walker, Assistant City Attorney, and he would like to visit with her to determine if her concern is political or legal. Ms. Brenda Hall, City Clerk, said Ms. Walker's concern was that in a PSA, the Committee would be better served to restrict the content to language contained in the Code and not try to apply an inference in the PSA. She said that could be done in a separate document such as the Frequently Asked Questions (FAQ) document. Dr. Hilbert said the Enforcement Authority's goal is to promote the most democratic election possible and he would like to leave the statement in, but would understand if that was not plausible. Chairman Dillingham suggested placing the statement in another document and reword it to say, "The Enforcement Authority strives to assist the public in determining the interests of those who support candidates." She felt the current statement is not appropriate to mix in with the section illustrating the legal parameters of the Enforcement Authority. She said the Enforcement Authority has limited legislative authority, but can aspire to assist the public in understanding what a candidate is talking about or what a group supporting or opposing a candidate is trying to accomplish. Councilmember Kovach suggested stating "who support

that candidate or issue" and Dr. Hilbert felt that would be fine. Ms. Hall said "issue" was not included because, under the Code, the Enforcement Authority only reviews campaign contributions and expenditures reports for Council elections, not City municipal issue elections so they do not have the purview to review those reports. Chairman Dillingham said there are specific issues that are targeted and felt it would not hurt to add another bullet point that the Enforcement Authority desires to assist the public in understanding the interests of candidates or those who support a candidate or issue. Ms. Mary Frances, Enforcement Authority Chair, said the terms liberal and conservative are rather subjective, so she would prefer not to use those words, but identify their occupation, which is in the Code.

Councilmember Kovach asked what the Enforcement Authority thought about omitting the specific examples of contributors as he is concerned there will be people who would want to be included or omitted from the list and rather than being specific, the list could be more general.

Dr. Hilbert said the Enforcement Authority would like to make the information available to the press in hopes they would do an opinion piece. Chairman Dillingham said if someone wrote their own item and submitted to The Norman Transcript, the paper usually publishes the piece. Councilmember Kovach asked if the Enforcement Authority had discussed other media options and Dr. Hilbert said no. Ms. Hall said they had talked about utilizing Channel 20 and the City's website. Councilmember Kovach said KGOU often airs PSA's as well the Voice of Reason radio. Chairman Dillingham suggested flyers that could be obtained at City Hall and candidates packets. Councilmember Kovach suggested sending the PSA to the Chamber of Commerce and political parties headquarters even though Norman Council races are non-partisan and Chairman Dillingham agreed. Ms. Hall said she provides election information to the Chamber and will add the PSA to that and felt it was a great suggestion.

Ms. Frances suggested adding the question, "If a person coordinates their activities with the candidate or the candidates campaign, who reports?" to the FAQ and Chairman Dillingham agreed.

Chairman Dillingham felt the Enforcement Authority could move forward with the PSA with changes as discussed and said the Committee would also welcome any other FAQ's the Enforcement Authority had in mind.

Councilmember Kovach said he would like, in a future meeting, to discuss regulations on the size of political signs as some have become billboard size. He said the City regulates every other type of sign and it should be easy to include political signs and Councilmembers agreed. Ms. Hall said, once the PSA and FAQ are refined, they will be distributed to Council in their weekly packets.

Items submitted for the record

1. Enforcement Authority's Public Service Announcement
2. Frequently Asked Questions regarding Campaign Contribution and Expenditure Reports for City of Norman Municipal Elections

DISCUSSION REGARDING PROPOSED MODIFICATIONS TO TEMPORARY/MOBILE FOOD PERMIT REQUIREMENTS.

Ms. Hall said in 2005, due to requests for sno cone stands and coffee kiosks, Council adopted a requirement that all new commercial buildings be faced with some type of masonry material and must submit a site plan if the original site plan did not depict the structure.

The State Department Health Department will not issue a permanent annual license to temporary or mobile units (units with wheels) because they are not connected to City water and sewer services and/or they are on wheels. They also require all mobile units to move off the property for a 24 hour period every 17 days. She said the City incorporates State food regulations into the Code of Ordinances, therefore, the City cannot license these facilities annually either.

Ms. Hall said Council has expressed concern about the Temporary and mobile food vendors in Norman such as the taco trucks. She said proposed changes in the State law should take effect in July 2011. She said the changes will be beneficial to Norman changing their regulations and said the City can be more restrictive than State law, but not more relaxed. She said the new state regulations will allow mobile vendors to be a true mobile unit. She said they would be allowed to set up at construction sites or in parking lots of larger businesses for a couple of hours then move on. Current City regulations will not allow this as the City requires the unit be on commercially zoned property with written permission from the property owner and the license is issued to a specific location.

Ms. Hall quoted new State regulations as follows:

Mobile food service establishment means a facility that prepares food and is vehicle mounted (is Department of Transportation road approved, including wheels and axles), is readily moveable and remains at one physical address for no more than 12 hours at one time. Mobile food service establishments are required to return to a commissary daily to dispose of waste water, refill with fresh water, and service the mobile unit. The mobile food service establishment is required to remain at the commissary for a time period necessary to adequately service the unit; or shall operate and can remain stationary in conjunction with a single event or celebration. The name of the business and the Oklahoma State Department of Health license number shall be clearly visible on the outside of the vehicle during hours of operation.

Ms. Hall said the Health Department proposes to inspect and license the commissary. She was not sure what the regulations will be for the commissary, but feels it will affect those mobile vendors that service their units from their residences because the commissary will probably be required to be in an industrial zone. Chairman Dillingham said the "roach coach" explosion has become a nationwide trend and other states having problems are New York, California, Houston, and Chicago who require either a commercially license commissary type kitchen or a home kitchen, if the home kitchen is licensed commercial kitchen. She said these new regulations would be a great opportunity for someone to start a commissary business.

Ms. Hall said she envisions Norman continuing to require mobile units to have permission of the property owner, but Staff has not yet had discussions with developers or businesses that are not commercially zoned to see if they would be supportive of the new regulations. Councilmembers did not want vendors to be able to set up on public streets or schools. Ms. Hall said the only true mobile the City licenses is an ice cream truck and even though they are on public streets, they can only stop for point of sale and move on.

Ms. Hall said, after surveying several cities, Staff found regulations to be all over the place and many cities do not regulate mobile or temporary food unit, but leave that to the State's Health Department, which is not unusual as the City of Norman requires approval from the Cleveland County Health Department prior to licensing these units.

Councilmember Griffith asked if the Health Department would have a "mobile inspector" to inspect the mobile units and Ms. Hall said yes, the Health Department has several inspectors that currently inspect all food establishments including mobile units. She said the City's Food Service and Temporary Food Service applications require signatures from the Health Department inspectors and City Staff works closely with the Health Department on all food related businesses. She said the Health Department enforcement regulations can be cumbersome and inspectors will often turn to the City for help in enforcing compliance issues. Ms. Hall said the inspectors check stationary mobile units regularly and mobile units setting up for an event gets inspected the first day of the event prior to selling.

Councilmember Kovach said the complaint he has received has been more along the lines of the aesthetics and, was concerned that if a property owner gave a mobile taco truck permission to set up in the University North Park Tax Increment District (UNPTIF), for instance, there would be numerous complaints and mad business owners. He felt special events and festival regulations should be more flexible, but believed regulating one segment of the food industry, sno cone stands versus mobile units, creates an unlevel playing field. Chairman Dillingham agreed and felt there would be fewer problems with mobile units actually being mobile stopping at construction sites or businesses for a short period of time and she liked the idea of having a commissary instead of a home kitchen.

Councilmember Kovach asked about the hours of operations and Chairman Dillingham said they would have to have a time limit and should not stay in one location more than so many hours or between the hours of X and Y then move. Ms. Hall said most vendors have shown interest in working the lunch hour period without being restricted to the same location everyday. Councilmembers felt a time limit of no more than two hours at any location would be adequate. Ms. Susan Connors, Director of Planning and Community Development, suggested a three hour limit and said the ordinance could always be amended if needed and Chairman Dillingham agreed. She also suggested looking at ordinances from other cities. Chairman Dillingham said the City needs to accommodate mobile vendors with appropriate limitations to avoid an overabundance of mobile units setting up in one location for long periods of time.

Councilmembers felt that three hours was an adequate amount of time. Chairman Dillingham wanted defined locations to keep vendors from leaving a location, driving around the block, and returning to that same location for another three hours. Councilmember Atkins felt that could be regulated through the property owner and Ms. Hall said that language could be placed in the ordinance to be reiterated to the licensee at the time the license is issued. Councilmember Kovach said he would like to give the existing vendors a head's up about the new regulations and Ms. Hall said Staff is currently visiting with the mobile vendors when they come in for their temporary renewals.

Councilmembers discussed tiered licenses and fees, expiration period of license, proof of sales tax payment, and requiring bonds and/or insurance. Chairman Dillingham wanted the City to mirror State Statutes and asked Staff to draft terms and fee structures for the Committee to review in January.

Items submitted for the record

1. Memorandum dated October 28, 2010, from Brenda Hall, City Clerk, to Honorable Mayor and Councilmembers, Norman City Council
2. State Health Department definition for Mobile Food Service Establishment
3. Temporary/Mobile Food Permit Information for other cities

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:48 p.m.