

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

December 1, 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 1st day of December, 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, Cubberley, Griffith, Kovach, and Chairman Dillingham

ABSENT: None

OTHERS PRESENT: Ms. Susan Connors, Director of Planning and Community Development
Ms. Brenda Hall, City Clerk
Mr. Doug Koscinski, Current Planning Manager
Ms. Leah Messner, Assistant City Attorney
Ms. Syndi Runyon, Administrative Assistant IV

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

Ms. Leah Messner, Assistant City Attorney, said the proposed ordinance is a rough draft and she highlighted the proposed language for temporary and mobile food vendors. She said the Committee had requested a tiered license and fee system and she is proposing a 30 day permit for \$100 or a six month permit for \$500. She said the 30 day permit would allow vendors to "test the market" prior to committing to six months. She said there will be two types of permits; Temporary Food Service, which would be acquired by vendors such as sno cone stands that are at a fixed location with masonry facade required by Zoning Codes and can only be at the location a maximum of 180 days. The other license would be a Mobile Food Service for units on wheels that can move around such as ice cream and taco trucks and could only be set up at a location for a maximum of three hours per day. Ms. Messner said the licenses would have to be obtained 24 hours prior to selling and the license must be displayed in public view. She said the original idea was to have the permit fees mirror the proposed changes for the solicitor/peddler fees, but after speaking to Ms. Brenda Hall, City Clerk, she believed those fees were extraordinarily high. Ms. Hall said the City charges restaurants \$50 annually for a Food Service License and, currently, temporary and mobile vendors can obtain a 14 day permit for \$20 that can be renewed indefinitely every 14 days for another \$20; consequently, \$100 for 30 days and \$500 for six months seemed very high in comparison. Councilmembers discussed various fees and Councilmember Kovach suggested \$50 for a 30 day permit and \$250 for a six month permit and Councilmembers agreed.

Ms. Hall said the Committee had discussed requiring a bond for tax purposes or property damage, but felt this would be unnecessary since there were multiple checks and balances already in place. She said temporary and mobile food vendors must have an Oklahoma sales tax permit number and be licensed by the Cleveland County Health Department. The City checks tax records frequently to make sure the vendors are not delinquent, but would like Council's input on bonding. She said other language in the ordinance requires mobile vendors to be on commercially zoned property, but they would not necessarily be in commercially zoned areas if they are setting up at construction sites.

Chairman Dillingham said the Committee had proposed a bond be required for property damage or health and welfare issues, but felt that could be covered with proof of vehicular insurance and vendors should provide a certificate of appropriate insurance at the time of application. She said she would also like proof of general liability in case of food poisoning or other health issues to protect the public. Ms. Hall said the City requires public transportation companies to provide certificate of insurance and could incorporate that language into the proposed ordinance. Councilmember Atkins said the ordinance has language in Section 13-810 (11) requiring a certificate of insurance from the appropriate insurer that the applicant has general liability and workers compensation insurance in the amount required by the State of Oklahoma. Councilmember Kovach agreed and felt that since these vendors would be mobile the City would want a greater threshold of protection from them in case of personal injury claims.

City Council Oversight Committee Minutes

December 1, 2010

Page 2

Ms. Messner said the mobile vendors would need permission of the property owner to sell and the language states they cannot remain at a "single location or address" more than three hours in a 24 hour period, but said many parking lots have multiple addresses and asked for input on what language to use to keep vendors from moving from one side of a parking lot to the other when the City would consider that a single location. Mr. Doug Koscinski, Current Planning Manager, suggested using the language "common parking lot" to cover multiple addresses in a single parking lot and Councilmembers agreed.

Councilmember Kovach felt that, in some instances, there are brick and mortar businesses located in Norman that have mobile units for catering purposes or special events, does the City want to require general liability insurance from them. Chairman Dillingham felt that was a valid point and a provision could be added that if a business has a permanent commercial location in Norman and operated a mobile unit for limited purposes they would be exempt from insurance requirements.

Ms. Hall said when the Committee reviews the final draft of the solicitor/peddler, temporary food, and mobile food ordinances, she would like the Committee to also review adding regulations for panhandling under the licensing section of the Code. She said there are no requirements for licensing churches or non-profit agencies that solicit donations on the street so there is no legal way to stop or deter them from coming into Norman. She said all they have to do is register their tax exempt paperwork with the City Clerk's Office and stay out of the right-of-ways; otherwise, there is nothing in the Code to regulate what they can and cannot do. She said the Clerk's Office explains to them that they cannot be in the right-of-ways, in the street or the medians, and cannot block vehicular or pedestrian traffic, but if they do not comply the only recourse is to issue a citation for obstructing a public way or access. She said the City is dealing with a specific organization, at this time, that is continually in violation. Chairman Dillingham said she knew of panhandling issues on Campus Corner as well and she has intended to pursue the subject and this would be a good time to take action. Ms. Messner felt there needed to be some legal research done as far as religious groups and First Amendment rights and Chairman Dillingham agreed.

The Committee talked about when to bring these ordinances back for review as well as other topics for discussion and Chairman Dillingham said the Committee could review the ordinances in February as well as discussion on the Special Event ordinance, due to issues that have come to the City's attention since its adoption. Ms. Hall said the Committee also talked about reviewing the sign ordinance prior to the next election to regulate the size of political signs and placement in site triangles.

Items submitted for the record

1. Memorandum dated November 30, 2010, from Brenda Hall, City Clerk, and Leah Messner, Assistant City Attorney, to Oversight Committee Members
2. Draft Ordinance No. O-1011-33
3. Draft legislatively notated copy of Ordinance No. O-1011-33

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 5:53 p.m.

ATTEST:

City Clerk

Mayor