

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

March 2, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Multi-Purpose Room of the Municipal Building on the 2nd day of March, 2011, 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. Brenda Hall, City Clerk  
Ms. Syndi Runyon, Administrative Assistant IV

### DISCUSSION REGARDING POSSIBLE REVISIONS TO THE FESTIVAL/SPECIAL EVENTS ORDINANCE. (ALSO KNOWN AS THE MASS GATHERING ORDINANCE)

Chairman Dillingham said the Festival/Special Events ordinance has been in effect since February 2009, and applies to public events that last longer than two hours with attendance of more than 1,000 people expected. She said the Norman Music Festival is such an event that includes a street closure, which has garnered a few complaints. The Committee would like the public's input on their perceived problems and/or suggestions regarding the ordinance. She said there has been some consternation over acquiring signatures for the street closure petition process that may require legal research on the City's limits of police power in terms of solving some of the issues. She said tonight's meeting is an informational gathering session regarding the ordinance, not a specific event, and City Clerk and Legal Staff will document tonight's complaints and/or suggestions for the Committee's review in June. She said if the Committee amends the ordinance, a public meeting will be held prior to any action taking place by Council.

Mr. Robert Ruiz, Norman Music Festival, felt the ordinance and permit process was fair and solid. He said the City provides a list of all properties requiring the property owner's signatures for a street closure. He said the only problem he needs clarification on is the requirement of obtaining signatures for vacant properties. He said there has always been an overwhelming majority of property owners approving the street closure for the Music Festival.

Mr. Kurt Pfenning, Attorney at Law, said the ordinance does not contain a provision for the Municipality to provide a list of appropriate property owners to sign the street closing petition, but the City of Norman does it anyway and he wants to know why. He said there is no statutory basis for that and felt it is the responsibility of the event organizer to give notice to affected parties surrounding the event. He said the ordinance reads, "affected properties" and he would like the ordinance to make the distinction between "affected" and "effected." He believes the ordinance violates laws regarding use of private property for public use. He said there is no neighborhood association for downtown Norman and treating a Merchants Association as if it has the authority of a Neighborhood Association is inappropriate. He suggested the City of Norman get their list straight as some property owners listed in the 100 block of East Main Street are no longer in business or are deceased. He said the petition system has been repeatedly abused and is reaching a level in the signature collection where it would give the appearance of collusive fraud on the part of the organization and the permit granted.

Mr. Pfenning said the ordinance requires an emergency fire lane for street closures, but feels that is not enforced for all events. He said according to the ordinance, violation of the code restricts reapplication for two years and also states if fire access, egress, or exits are blocked as part of the event, the permit will be denied for two years.

Chairman Dillingham asked property owners to please report specific ordinance violations to the City Clerk when they occur.

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Mr. Pfenning said safety is another issue as his building is very old and there is a chance of bricks or part of the building façade falling off onto people below. He said a rash of lawsuits would bankrupt the City. He said other problems include no follow-up on clean-up, vandalism, theft, public urination, graffiti, etc.

Mr. Rainey Powell, 1926 Pin Oak Circle, said the ordinance works well for Campus Corner events, but there are a couple of issues. He said the Campus Corner Association is not able to control what types of vendors can sell on the street or what product they sell as that is decided by individual merchants. He said the Association would like the authority to determine who and what is allowed to be sold in the street. He said the Association does not have the authority to remove or move a vehicle parked in a metered space during an event and would like to have that capability as well.

Ms. Brande Kauffman, who maintains a law office in the 100 block of East Main Street, said problems she has encountered at her business are trash, public urination, graffiti, and drug use, but her biggest concern is public safety. She said 37,000 people in a three-block area are dangerous and there is no police within ten blocks at any direction. She said there is also no control over businesses selling food or beer on the sidewalks. She suggested a centralized, well lit, marked security station with police visible on each block be required. She said the City has an ordinance prohibiting the sale of alcohol in public parks and would like that requirement to pertain to street closures as well. She said any security personnel should be well trained and identification scanners be used for beer sales with violators being heavily fined. She said Norman is a family oriented community and if the City wants to be "family friendly," fewer street closures should be granted and large events should be held in parks with appropriate parking.

Mr. Steve Boaz, Breathing Rhythm Studio, said he rents property on Main Street and appreciates the safety concerns brought up tonight. He said Tulsa has a D Fest, which is similar to the Music Festival, but does not seem to have the problems he has heard tonight. He said Norman is not the first town to have festivals and feels there are solutions to these problems. He suggested having visible security personnel wearing black shirts with "SECURITY" written across the upper back of the shirts. He said having well marked security that is highly visible would help decrease drug use, urinating in public, graffiti, etc.

Ms. Aimee Rook, Norman Groovefest, questioned how organizers determine attendance and how that affects vendor fees being paid up front. She said the solicitor/peddler permit fee of \$150 prevents vendors from taking part in events and asked how that fee was originally determined. She said she thought the fee was originated for tax purposes if a vendor did not report sales tax, but is now convinced it is to deter competition and suggested lowering the fee. She said she did appreciate the ordinance requiring insurance, but questioned if the amount required was enough to cover some accidents. She said she had heard larger events attract vendors from out of state because local vendors cannot accommodate crowds of 1,000 or more and she was concerned about that.

Ms. Christian Pitt, Norman Arts Council, said she likes the ordinance as festivals bring in more business and allows out of state artists to perform and allow audiences to participate in the fun.

Ms. Rebecca Bean, Stash, said "The Arts" create business and asked everyone to support that. She said she would be happy to volunteer for clean-up after the festival.

Ms. Debra Clark, Sandalwood and Sage, said the Music Festival raised her annual revenue by 4.8%. She said safety is a concern and urinating in public could be curtailed by more security. She said for every \$100 spent, \$68 goes back into the community.

Mr. Mark Campbell, Member of the Norman Arts Council, suggested promoting local businesses by presenting slideshows on the various stages during breaks in venues.

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Mr. Quentin Bumgarden, Norman Music Festival, urged everyone to be conservative and keep a pro business stance. He said the Music Festival brought in \$2.5 million in 2009 and \$3.4 million in 2010.

Ms. Kara Joy McKee, Norman Music Festival Chair, said festivals are a great opportunity to learn and grow as a community. She said, at the first Music Festival, she and volunteers were picking up trash at 2:00 a.m. and now hires professional staff for the job. She said it is unfortunate that some people are combining issues they have had in the past with the present. She said organizers are willing to work with businesses to increase security using volunteers. She said more than 80% of trash generated at the festival is recyclable and the Norman Arts Council will be supplying more recycling bins for this year's festival. She said she disagreed that all events should be held in parks because there is nothing that makes communities feel more ownership and pride than having the festival on downtown Main Street.

Mr. Ray McGaskey, Norman Convention and Visitors Bureau, suggested clarifying the process for a street closure in the ordinance as well as explaining its purpose. He said many issues heard tonight could be addressed differently such as through zoning requirements or through the Fire and Police Departments for public safety issues.

Mr. Jonathan Fowler, Norman Music Festival, said organizers are required, by the ordinance, to work with the Police and Fire Departments regarding security and safety issues. He said organizers strive to improve the event each year. He said security is increased each year with a large, visible, well marked security and first aid station onsite.

Mr. Ryan Robertson, Manager of Blu 201, said he also manages Coach's Brewhouse, The Library Bar and Grill, and Blackbird Gastropub. He said he enjoys his business' participation in special events as well as the community's involvement. He said, if not directly involved in an event, his business donates beer for fundraising purposes for Jazz in June, Downtown Art Walk, Norman Arts Council, etc. He said special events bring energy to Norman that help businesses grow and flourish. He said Coach's Brewhouse was not in a healthy financial position before the first Music Festival and without that event he feels the business would have closed leaving another empty store front on Main Street. He said concerns brought forward tonight can be easily remedied. He feels alcohol is being sold responsibly, but to alleviate concerns, suggested Norman follow State Fair of Oklahoma rules, which consists of posting a bond and if cited for selling to minors, the bond goes to the State. He said some businesses may not want to do that, but he felt comfortable with that as he believes his employees are responsible when selling alcohol.

Ms. Bonnie Amspacher, The Diner, said she has watched the downtown area come alive in the last couple of years and credits that to the Music Festival. She said she has never had any problems with trash not being cleared away after the event.

Mr. Joe Hopper, Norman Arts Council President, asked the Committee not to lose sight of the economic impact of special events. He said many business leaders invest sponsorship dollars for events.

Mr. Robert Ruiz, Norman Arts Council, said someone stated the Council charges a fee to businesses to sell items on the street or sidewalk and that is not true. He said businesses are encouraged to sell items in front of their property. He said no outside commercial vendors are allowed to sell beer, water, or other beverages because there is no way to monitor that they are selling responsibly or following health regulations. He said the Council appointed a Concession Committee with members consisting of local business owners that have experience with food and alcohol sales to organize and educate vendors wanting to sell those products. He said free water is available at the first aid station. He said the Council has continued to increase personnel for trash clean-up and security and always spray down sidewalks, streets, and alleys. He also said a site plan with a designated fire lane is always submitted to the Police and Fire Departments as part of the application process. He suggested the permit application process require contact information be given to affected businesses so they can report any problems, concerns, or damages to the Council.

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Ms. Marion Nunez, Opolis, said she loves special events and, as a business owner, she realizes participating businesses have responsibilities for clean up and security as well as the event organizers.

Chairman Dillingham wondered if there is an industry standard for security, trash, porta potties, etc. and said if anyone knew of any standards, please contact City Staff.

Mr. David Kittredge, The Idea Collective, felt the Music Festival is a very organized event and encouraged its continuance. He said businesses should be able to find a creative way to work together.

Mr. Rhett Jones, Don Armstrong C.P.A., said he approved the street closure and lives on Main Street as well as works there. He said businesses are affected by trash and security during other events such as Second Friday Arts Walk and are not specific problems tied to a single event.

Mr. Rick Fry, Norman Arts Council, acknowledged Brenda Hall, City Clerk, for her help with the event application process.

Ms. Megan Hensley, Abner's Ale House General Manager, said Abner's promotes a St. Patrick's Day event on Main Street and she would like the signature petition list to be updated as many businesses on the list were no longer valid making it hard to track them down.

Chairman Dillingham thanked everyone for their time and encouraged them to contact the City Clerks' Office if they have any other concerns or suggestion prior to the June review of the ordinance.

Items submitted for the record

1. Special Events Ordinance
2. City Council Oversight Committee minutes of December 3, 2008; December 17, 2008; January 7, 2009; and January 21, 2009
3. Flyer announcement of City Council Oversight Committee public meeting
4. Norman Music Festival 2009-2010 Event Summaries with 2011 forecast
5. Meeting Sign In Sheet

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 7:05 p.m.

ATTEST:

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City Clerk

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Mayor