



CITY OF NORMAN, OK CITY COUNCIL CONFERENCE

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Tuesday, October 25, 2022 at 5:00 PM

MINUTES

Virtual meeting of the City Council, Norman Utilities Authority, Norman Municipal Authority, And Norman Tax Increment Finance Authority

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CALL TO ORDER

PRESENT

Mayor Larry Heikkila
Councilmember Ward 2 Lauren Schueler
Councilmember Ward 3 Kelly Lynn
Councilmember Ward 4 Helen Grant (arrived 5:18 p.m.)
Councilmember Ward 5 Rarchar Tortorello
Councilmember Ward 6 Elizabeth Foreman
Councilmember Ward 7 Stephen Holman
Councilmember Ward 8 Matthew Peacock

ABSENT

Councilmember Ward 1 Brandi Studley

AGENDA ITEMS

1. DISCUSSION REGARDING AMENDMENTS TO THE SMOKING ORDINANCE.

Mr. Anthony Purinton, Assistant City Attorney, said the City of Norman has consistently updated its Smoking in Public Ordinance with changes consistent with State law that include:

Item 1, continued:

- 2009 – prohibited smoking on public property (excluding Westwood Golf Course and park parking lots);
- 2020 – changed minimum age to purchase tobacco or vapor products from 18 years to 21 years; and
- 2021 – expanded the definition of “public place” and added a prohibition on smoking marijuana in public.

After a multi-state master settlement between State governments and large tobacco companies, the Tobacco Settlement Endowment Trust (TSET) was created after approval of Oklahoma voters in 2000. Mr. Purinton said the State created a trust to protect the funding with TSET being the administrator of those funds. He said 75% of annual settlement funds are deposited in the trust and the interest earnings are used to provide grants and programs aimed at reducing tobacco use and obesity. The City of Norman was awarded a \$50,000 grant in 2012 and 2013 after meeting TSET’s criteria for the Healthy Incentive Grant Program and this year, the Healthy Incentive Grant Program has revised its criteria to receive maximum funding. Previous funds of \$50,000 were used to purchase playground equipment, a fountain for Eastridge Park, and to construct a fitness walking trail in Saxon Park.

Due to an increased cap on funds in 2019, the City of Norman could potentially receive up to \$100,000 in additional funds if the City meets criteria prior to the application deadline. The City could potentially use the funds for Americans with Disabilities Act (ADA) improvements in Reaves Park, update the Kids Space at Reaves Park to a more accessible playground, and add a fully accessible “Miracle Field” (baseball field). He said Council will ultimately decide how to earmark the funding.

On June 9, 2022, the Cleveland County Program Coordinator of the Healthy Living Program (who works in partnership with TSET) gave a presentation to the Council Oversight Committee regarding the TSET Healthy Incentive Grant Program. On September 1, 2022, TSET gave a presentation to the Parks Board, which included data from an additional survey effort at Westwood Golf Course and the Parks Board was supportive of the request to modify the City’s ordinance. On October 13, 2022, another presentation was provided to the Council Oversight Committee by TSET, which included survey data and proposed ordinance changes.

The City of Norman is eligible to receive additional grant funds once criteria is met that includes updating the ordinance to prohibit use of ALL tobacco products on City-owned/operated property; City adopting/supporting workplace wellness policy for employees; City would need to conduct compliance checks for underage tobacco sales; City would need brick-and-mortar locations with healthy food options; and City would need to engage in efforts to increase active living.

Mr. Purinton said the City will most likely not be able to meet the November application window because the proposed ordinance needs revision; the City has not drafted or adopted an Employee Wellness Policy, but is working on a policy; it is unknown if compliance checks have been made, but it is unlikely; however, the City is likely to meet access to fresh foods and criteria to encourage an active lifestyle.

Item 1, continued:

Councilmember Tortorello asked how much time would be added to Staff's daily work schedule if the City performed compliance checks and Mr. Purinton said he does not know how involved the Police Department would need to be or what the manpower would look like. He said he would need to do more investigating.

Councilmember Peacock wondered if the City should postpone this item in order to work on getting the ordinance right.

Councilmember Lynn asked how many complaints have been received regarding tobacco use at Westwood Golf Course because he believes the survey data was unscientific and false. Mr. Purinton said he does not have that information, but can look into that. Councilmember Lynn said he would also like to know how many citations have been issued for smoking in public for tobacco and marijuana. Mr. Purinton said citations are generally only issued if someone is warned that smoking is not permitted, but they refuse to stop smoking. He estimated there have been less than five citations issued.

Councilmember Holman said he did not have a problem with Staff taking more time to work on the ordinance and revisiting the issue later.

Mr. Purinton said his recommendation would be to postpone adopting the ordinance because, as written, the ordinance would not meet criteria. To be eligible for the grant, the City's ordinance must meet certain minimum elements and to date, TSET does not have clear guidance on minimum eligibility requirements for ordinances, but is currently working on creating better guidance. Guidance should be out prior to the March application period so Staff is recommending postponing the adoption of the proposed amended ordinance until clear guidelines are established by TSET.

Councilmember Schueler agreed with postponing the ordinance, but said she would have liked to have this information in previous meetings because the conversation would have gone differently. She asked if the postponement would be to a date certain or until the guidelines are completed and Ms. Kathryn Walker, City Attorney, said she recommends postponing the ordinance indefinitely only because Staff does not know what amendments need to be made to the ordinance. She said waiting and getting it right is better than trying to make amendments to the ordinance on the floor.

Councilmember Foreman asked how much it would cost for a City Wellness Program and would the costs outweigh the amount of the grant. Mr. Darrel Pyle, City Manager, said the City recently requested its health insurance program and Blue Cross and Blue Shield's (BCBS) quote included a \$540,000 Wellness Program cash incentive. He said the City agreed to use BCBS and create a robust Wellness Program that will go into effect on January 1, 2023. He said Staff talked with local fitness club operators about how to easily administrate employee participation through the Wellness Program as well as verify participation of employees. He said this is uncharted territory for the City and Staff is excited about its ability through the health insurance quote to implement an Employee Wellness Program without having to use General Fund money.

Mayor Heikkila said there seems to be consensus to postpone the ordinance indefinitely until clear guidelines are established by TSET.

Item 1, continued:

Items submitted for the record

1. Memorandum dated October 24, 2022, from Jason Olsen, Director of Parks and Recreation
2. Legislatively notated copy of Ordinance O-2223-18
3. Healthy Incentive Grant for Communities Criteria and Resources – Fiscal Year 2023 (7/1/2022 through 6/30/2023)
4. PowerPoint presentation entitled, “O-2223-18 Smoking in Public Places,” dated October 24, 2022

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2. DISCUSSION REGARDING THE USE AND OWNERSHIP OF WHITTIER AND IRVING RECREATION CENTERS.

Ms. Kathryn Walker, City Attorney, said the City owns and operates recreation centers adjacent to Irving Middle School and Whittier Middle School and uses the recreation centers for youth sports, after-school programs, and summer camps. Because of the connection to Norman Public Schools (NPS) System, the schools have often worked cooperatively with the City to use the recreation centers for school programs. She said NPS recently approached the City about entering into a Memorandum of Understanding (MOU) to transfer the Irving and Whittier Recreation Centers to NPS so they can make improvements to the centers if the next NPS bond election in February is successful.

Ms. Walker highlighted the history of the recreation centers stating that in 1974, a successful bond election in the amount of \$750,000 was approved by voters to purchase land and construct/furnish/equip recreational buildings and structures to be owned exclusively by the City. The City purchased 3.2 acres in 1975 from NPS for \$150,000 and the buildings were constructed in 1975 at a cost of \$660,700. A 2011 appraisal valued the recreation centers at \$632,000 (total for both centers) and the City has spent over \$500,000 for additional improvements and maintenance over the last ten years that include roof replacement, gym floor replacement, lighting, bleachers, heat and air units, etc.

The Bond Issue Proceeds Act serves to guarantee that the proceeds of bond issues approved by them will be expended only for the purposes or projects for which any such bond issue was approved. Public property funded with bond funds generally cannot be disposed of without consideration (by gift) and proceeds from the sale of bond-funded improvements must generally be paid into the Sinking Fund (toward the bond). The required consideration for such a transaction, so that it is not a gift, must be determined by considering a variety of factors, including the amount of bond funds expended, the purpose for which the bond funds were authorized, etc.

Ms. Walker said NPS requested an MOU in November that would authorize the transfer of the Irving and Whittier Recreation Centers subject to a successful bond election. If Council desires to explore this, Staff needs to work with bond counsel and examine the logistics for such a transfer to ensure it would not violate the Bond Proceeds Act.

Item 2, continued:

Councilmember Foreman asked what would happen to the after school and recreation programs currently being provided by the City and Mr. Jason Olsen, Director of Parks and Recreation, said part of the purchase agreement could be the continued use of the recreation centers for City programs.

Councilmember Schueler asked if NPS is proposing to purchase the recreation centers and Ms. Walker said Staff has not seen the bond election information to know if NPS is including funds for purchase of the centers, but that is something that needs to be discussed. Councilmember Schueler asked how the City would protect its interest moving forward into perpetuity and Ms. Walker said the MOU would set the framework for their bond election, but the City would have a more formal agreement covering all points within the agreement if the bond election was successful.

Councilmember Schueler asked what costs are currently being incurred for maintenance and operations of the centers and Mr. Olsen said the operating budget is approximately \$250,000 including Staff. He said the larger costs come from capital costs, such as heat and air units, roofs, etc.

Councilmember Holman said he wants to protect the City's programs, specifically because the centers are both located in the middle of neighborhoods where children frequently use the centers. He said he used to shoot hoops at the Irving Recreation Center when he was a child and understands how important the centers are to the neighborhoods. He said although the Young Family Athletic Center will be a great facility, it is not located near family neighborhoods. He understands the factor of NPS potentially being able to invest capital needs into both centers, but the City has invested a lot of money in the centers over the years. He said last year, the City offered to trade the centers to NPS for the original Post Office building, but NPS was not receptive to that idea. Mr. Olsen said open gym time is very limited due to NPS and City programs, which is steering people to the 12th Avenue Recreation Center.

Councilmember Peacock asked if NPS has to own the centers to invest in capital improvements and Mr. Pyle said yes, NPS cannot include capital improvements in their list of projects for voter approval without owning the centers. Ms. Walker said the cleanest way to move forward is to sell the centers to NPS, but she would need to speak to Bond Counsel to make sure the City is not running afoul of the City's bond provisions.

Councilmember Peacock asked if new appraisals would be needed and Ms. Walker said yes, it would be a quick turn around for the NPS February bond election, but the City can use the same appraiser they used in 2011. Councilmember Peacock said he supports this if Staff believes it is the best idea and relieves the City of potential future debt obligations.

Mayor Heikkila thanked Staff for the presentation.

Items submitted for the record

1. PowerPoint entitled, "Whittier and Irving Recreation Centers," Council Conference dated October 25, 2022

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ADJOURNMENT

The meeting was adjourned at 5:43 p.m.

ATTEST:

City Clerk

Mayor