

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

March 12, 2014

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 Multi-Purpose Room on the 12th day of March, 2014, 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 Holman, Jungman, Kovach, and Chairman Miller

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal
Councilmember Jim Griffith, Ward Six
Mr. John Carson, 315 Keith Street, Brewer Applicant
Mr. Jonathan Stapleton, 2609 Wood Hollow, Brewer Applicant
Mr. Terry Floyd, Development Coordinator
Mr. Jud Foster, Director of Parks and Recreation
Ms. Brenda Hall, City Clerk
Ms. Gala Hicks, Director of Human Resources
Mr. Steve Lewis, City Manager
Ms. Leah Messner, Assistant City Attorney
Ms. Linda Price, Revitalization Manager
Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

DISCUSSION REGARDING FEES FOR CITY BREWER PERMITS.

Chairman Miller said this item is simply updating the City's ordinance to align Norman's permit fees with the Alcoholic Beverage Laws Enforcement (ABLE) fee schedule. Ms. Brenda Hall, City Clerk, said Staff was asked why the permit fees were so inconsistent, e.g. Oklahoma Winemaker at \$50 per year and Brewer at \$1,000 per year. She said ABLE added a new license category for Oklahoma Brewer's, which is \$125 versus \$1,000. Currently, the City of Norman does not have that category in its ordinance and can amend the fee schedule for licenses issued by the City adding the category of Oklahoma Brewer's Permit with a fee of \$125; however, Council can charge a lower fee if desired.

Councilmember Griffith supports comparable fees for the Oklahoma Brewer Permit and Oklahoma Winemaker Permit. He said winemakers can sell their wares onsite giving them a competitive edge over the Brewer who will be selling strictly wholesale.

Councilmember Jungman asked if the amount of the permit mattered in terms of Staff time or resources and Ms. Hall said no, the cost of the permit would not cover the cost of processing the permit; however, the City has other licenses that would pay the processing costs and she has no reservations on charging the same fee for both licenses.

Mayor Rosenthal asked about other permit fees and Ms. Hall said the highest fee charged is the Mixed Beverage/Caterer Permit at a cost of \$1,250 that renews annually for \$1,250. She said a Mixed Beverage Permit is \$1,000 and renews annually for \$900.00. She said the City does not issue a general business license so the overall license revenues for City licenses are approximately \$125,000 annually with \$75,000 of that being liquor related.

Councilmember Jungman asked how many winemaker permits the City issues and Ms. Hall said two. Councilmember Jungman said given the low volume of permitting, he would not have problem with a \$50 permit fee.

Item 1, continued:

Councilmember Holman asked how much Coach's Brewhouse is charged for brewing onsite and Ms. Hall said Coach's Brewhouse brews 3.2 alcohol content beers so they are licensed through a Class II Low Point Beer license, which ABLE does not regulate.

Chairman Miller said since winemakers are not a significant income to the City she would like to have the Oklahoma Brewer Permit be the same fee as an Oklahoma Winemaker Permit.

Ms. Hall said Staff will amend the ordinance language to be considered by Council for First Reading on April 8th and Second Reading on April 22nd.

Items submitted for the record

1. Memorandum dated March 6, 2014, from Brenda Hall, City Clerk, to City Council Oversight Committee

Item 2, being:

DISCUSSION REGARDING SMOKING REGULATIONS ON MUNICIPAL PROPERTIES.

Ms. Leah Messner said the City of Norman adopted an ordinance in 2007, regulating smoking in indoor public places owned by the City of Norman and within twenty-five feet of the entrances to those buildings. At that time, Council voted down an amendment to include the ban of smoking in City-owned public parks. In 2009, there was new interest in adopting an ordinance to ban smoking in City owned parks but excluded adjacent parking areas and Westwood Golf Course. Council adopted the ordinance on June 23, 2009, and defined a public park as, "all enclosed areas of a park or playground that is owned and operated by the City of Norman to which members of the general public have been granted a right to access. Public parks shall exclude: parking lots located on the same property as a park or playground, and the Westwood Golf Course."

Ms. Messner said the Oversight Committee expressed interest in a possible amendment to the current ordinance to ban smoking on all municipal properties not just within the buildings, parks, and twenty-five feet of entrances to City buildings. She said adoption of such an ordinance might enhance the City's ability to receive grant funding from the Tobacco Settlement Endowment Trust.

Ms. Messner said the State of Oklahoma adopted the Smoking in Public Places Act that regulates where smoking may occur statewide. Previously, the Act preempted municipal ordinances that were more stringent than the smoking restrictions contained within the Act; however, in 2013, the State passed Bill 501 that amended the Act to authorize cities and towns to "enact laws restricting smoking on properties owned or operated by the respective governing bodies." She said municipalities are now able, at the discretion of their governing bodies, to prohibit smoking on any property owned or operated by the municipality. For that reason, Council may choose to amend the current ordinance to ban smoking on all City property.

Ms. Messner said fines for smoking in parks or within twenty-five feet of municipal building range from \$10 to \$20; however, not many citations have been issued.

Chairman Miller said one thing the State did not address in their standards is smokeless tobacco. She asked if smokeless tobacco should be considered if the City is going to make changes to the ordinance. Ms. Messner said Norman Regional Hospital (NRH) said in order to be eligible for grant funding chewing tobacco, vapor cigarettes (vaping), and e-cigarettes must be banned. Councilmember Kovach said it is one thing to tell someone they cannot smoke because they are affecting someone else's health, but it would be hard to tell someone that "dipping" is affecting another person's health.