

The McAlester City Council met in a Regular session on Tuesday February 24, 2015, at 6:00 P.M. after proper notice and agenda was posted, February 5, 2015 at 11:24 A.M.

Call to Order

Mayor Harrison called the meeting to order.

Ward 5 Councilman Buddy Garvin, gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Leroy Alsup, Community & Economic Development Director; Toni Ervin, Chief Financial Officer; Gary Wansick, Police Chief; William J. Ervin, Sr., City Attorney and Cora Middleton, City Clerk

Ceremony and Awards

Mayor Harrison presented Jennifer Santino with her certificate as Certified Floodplain Manager that she earned from the Oklahoma FloodPlain Managers Association, Inc.

Citizens Comments on Non-Agenda Items

There were no comments.

Consent Agenda

- A. Approval of the Minutes from the February 3, 2015, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 4, 2015 through February 17, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$91,691.22; Parking Authority - \$123.70; Nutrition - \$971.16; Tourism Fund - \$588.00; SE Expo Center - \$9,597.45; E-911 - \$6,845.72; Economic Development - \$6,940.00; CDBG Grants Fund - \$7,360.00; Fleet Maintenance - \$12,826.08; CIP Fund - \$8,864.89 and Technology Fund - \$3,300.50.
- C. Consider and act upon, approval and signing of a lease with Miller Office Supply and Canon Financial Services, Inc. for one high volume printer for the Utility Billing Office. *(Toni Ervin, Chief Financial Officer)*
- D. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #2", in the amount of \$490,161.35, for the construction of road and infrastructure improvements related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- E. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 141642-KW. *(Cora Middleton, City Clerk)*

- F. Concur with the Mayor's re-appointment of Primus Moore, 417 North 10th Street, to the McAlester Planning Commission for a term to expire on May 31, 2018. *(Steve Harrison, Mayor)*
- G. Concur with the Mayor's re-appointment of Karl Scifres, 302 Rock Road, to the McAlester Planning Commission for a term to expire on May 31, 2018. *(Steve Harrison, Mayor)*
- H. Concur with the Mayor's re-appointment of Karen Stobaugh, 1 Miller Road, to the McAlester Planning Commission for a term to expire on May 31, 2018. *(Steve Harrison, Mayor)*
- I. Concur with the Mayor's re-appointment of Carl Gullick, 1425 Timber Lane, to the McAlester Planning Commission for a term to expire on May 31, 2018. *(Steve Harrison, Mayor)*
- J. Concur with the Mayor's re-appointment of Karen Stobaugh, 1 Miller Road, to the McAlester Board of Adjustment for a term to expire on March 31, 2018. *(Steve Harrison, Mayor)*

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the Consent Agenda.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Titsworth, Karr, Garvin, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Garvin and seconded by Councilman Karr to open a Public Hearing to address an Ordinance amending Chapter 62, Sections 62.203, 62.204 and 62.205.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Titsworth, Read, Barnett, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:06 P.M.

Public Hearing

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

- **AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY AMENDING SECTIONS 62-203, 62-204 AND 62-205 PERTAINING TO AUTOMOBILE SALES AND SERVICE AS A USE PERMITTED AFTER REVIEW IN THE C-3 GENERAL COMMERCIAL DISTRICT, AND AS A PERMITTED USE IN C-4 RESTRICTED COMMERCIAL DISTRICT, AND C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.**

There were no comments from the Council or the citizens in attendance and a motion was made by Vice-Mayor Read to close the Public Hearing. The motion was seconded by Councilman Smith.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:07 P.M.

Scheduled Business

1. McAlester Regional Health Center discussion concerning Propositions to be voted on in the upcoming election. (*David Keith, CEO, MRHC*)

Executive Summary

Discussion only.

McAlester Regional Health Center CEO David Keith addressed the Council reviewing the items on the coming Charter Election and how they would affect the hospital's ability to borrow funds for purchases and improvements to the facility. He stressed that this was not a tax.

Councilman Smith emphasized that the language in one (1) of the propositions regarding "5% of net assets" had been taken from State Statute

There was no action taken of this item.

2. Presentation and discussion of a Stormwater Utility Fee. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Discussion and possible action, to authorize staff to proceed with development of a Stormwater Utility Fee.

Director Modzelewski addressed the Council regarding the possibility of implementing a Storm Water Utility Fee in the future. He briefly commented on the advantages of having such a fee in place. He then introduced Brandon Claborn with Meshek & Associates, PLC.

Mr. Claborn addressed the Council informing them that Meshek & Associates had been working with the City for several years on their Stormwater discharge permits and drainage problems. He reviewed the floodplain analysis that had been conducted and the costs to the City caused by the Stormwater problems and briefly commented on the possibility of implementing a fee.

There was discussion among the Council concerning obtaining ideas from the Council, if a fee was required, expanding the capacity of the City's canals, if it was possible for the City to recycle Stormwater, the capacity of the City's current system, the length of time this subject had been discussed, the information that had been gathered on the south side of McAlester, having a study of the entire City for a master plan, what the money collected from a fee could be used for, how common Stormwater fees were in the State, what time frame the City was looking at to get an analysis of the entire City, the different options to calculate a Stormwater fee, the best way to implement a Stormwater fee, which fee option would generate more revenue, if there could be any exceptions that the City would have ability to make, and the use of pervious concrete.

Manager Stasiak commented that staff would begin steps to draft an ordinance to implement a Stormwater fee and present it to Council at a later date.

There was no action taken on this item.

3. Consider and act upon, approval to purchase thirty-nine (39) new and unused compact wearable video systems. (*Gary Wansick, Chief of Police*)

Executive Summary

Motion to approve the purchase of thirty-nine (39) compact wearable video systems from Digital Ally.

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve the purchase thirty-nine (39) new and unused wearable video systems from Digital Ally.

Before the vote, Chief Wansick addressed the Council explaining that since he had become Police Chief he had wanted to implement body cams. He commented that this would help with complaints, officer calls and transparency. He added that there was software that streams video back to hot spot and Dispatch could see call in real time. He then informed the Council that he had been able to get help with a grant that the Department had received in the amount of \$9,730.00 and there was a possibility of receiving some aid through a program that OMAG had. He added that information would be submitted to the City Manager this week for his review.

After discussion among the Council and Chief Wansick concerning if the cameras would be recording all of the time, what the Union thought of the cameras, how long the warranty, if any, was, where the videos would be stored, how long the videos would be kept and who would have access to the video storage system, the vote was taken as follows:

AYE: Councilman Garvin, Smith, Karr, Barnett, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

4. **TABLED FROM PREVIOUS MEETING:** Consider and act upon, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining to automobile sales and service as a use permitted after review in the C-3 general commercial district, and as a use permitted in C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency. (*Leroy Alsup, Community & Economic Development Director*)

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining automobile sales and service as a use permitted after review in the C-3 general commercial district, and as a permitted use in C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

ORDINANCE NO. 2530

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY AMENDING SECTIONS 62-203, 62-204 AND 62-205 PERTAINING TO AUTOMOBILE SALES AND SERVICE AS A USE PERMITTED AFTER REVIEW IN THE C-3 GENERAL COMMERCIAL DISTRICT, AND AS A PERMITTED USE IN C-4 RESTRICTED COMMERCIAL DISTRICT, AND C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve **ORDINANCE NO. 2530.**

Before the vote, Director Alsup addressed the Council explaining that this had been tabled at the previous meeting and Council had asked staff to change some language. He added that the changes had been made.

There was no other discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

Councilman Garvin moved to approve the EMERGENCY CLAUSE, seconded by Councilman Karr.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the City had been awarded a grant in the amount of \$92,000.00 through the "Healthy Community" Program, and he and the committee were working with MDSA on selecting a firm to develop the Defense Sector Strategic Plan and they would be interviewing a firm tomorrow.

Remarks and Inquiries by City Council

Councilman Barnett, Read, and Titsworth did not have any comments for the evening.

Councilman Smith inquired about the status of CIP #2 and CIP #3 projects.

Manager Stasiak updated the Council on each of the projects.

Councilman Karr asked about how the Salt Truck had performed during the recent snow and ice.

Manager Stasiak and Public Works Operations Supervisor Timmy Don Adams commented on how much better the response time had been and the department was waiting on receiving the snow plow. Supervisor Adams also commented that as soon as the weather permitted the construction on the Salt Shed would begin.

Councilman Garvin asked if when the Oklahoma Department of Transportation began their temporary work on 69 Bypass they could lengthen the left turn lanes at Comanche.

Manager Stasiak said he would look into that with the local representative.

Mayor's Comments and Committee Appointments

Mayor Harrison had no comments for the evening.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Read.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Titsworth, & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:34 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:35 P.M.

Adjournment

There being no further business to come before the Council, Councilman Garvin moved for the meeting to be adjourned. The motion was seconded by Councilman Karr.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Smith, Titsworth, Read, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:36 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk