

**GROVE CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 4, 2018
6:00 PM
MMINUTES**

The Grove City Council met in regular session on Tuesday, September 4, 2018 at 6:00 PM with Mayor, Ed Trumbull presiding. Members present were Josh McElhaney, Don Nielsen, Marty Dyer and Ivan Devitt. Also present was City Manager, Bill Keefer; Attorney, Darren Cook; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard.

PUBLIC COMMENT:

Mayor, Trumbull read in its entirety, and presented a Proclamation recognizing Grove resident Geraldine Ford Matthews as a Centenarian.

Dyer made the motion to approve the minutes from the August 21, 2018 regular meeting. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Nielsen made the motion to approve the minutes from the August 22, 2018 Special Meeting. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve the purchase order register. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an Ordinance adding Part 18, Chapter 1 to the Code of Ordinances of the City of Grove, Oklahoma as it pertains to Medical Marijuana establishments. Keefer reported that the Council entertained the proposed Ordinance from the Staff in its entirety during the Wednesday, August 22nd special meeting, and during that meeting the Council entertained questions and concerns from the participating audience. The Council suggested some minor changes to the proposed Ordinance, which Bottoroff took back to the table for revision, and implementation. Bottoroff reported that the following suggested changes were inserted into the proposed draft Ordinance for presentation back to the Council:

18-103: BUSINESS LICENSE AND PERMIT REQUIRED

- A. All operators of commercial Medical Marijuana Establishments are required to submit an application (provided by the City)....
- B. The commercial Medical Marijuana Establishment License Fee shall be six hundred dollars (\$600.00) per year and payable at the time the application is submitted.
- C. Upon submission of an application, payment of fee, and verification of a satisfactory inspection by a city official (set-forth in Section 18-104 of this Ordinance)...

18-105: LOCATION RESTRICTIONS

- B. Marijuana Growing Facility for Personal Medical Use: All medical marijuana for personal use will be allowed to be grown only on the *primary residence* of the licensee, and shall be prohibited from all other locations. If a primary residence is on rented real property,

licensee must provide written permission from the property owner authorizing the growth of medical marijuana on said premise.

All Marijuana grown for personal medical use must be grown so that the marijuana is not accessible to a member of the general public and is only accessible to the licensee or caregiver. If grown outdoors, it must be grown behind an opaque fence that is at least six feet (6') in height. The marijuana plants must be completely enclosed by the fence and the fence must be secured with a lock and key. No marijuana plants may be visible from any street adjacent to the property.

18-108: PENALTY

A. Failure to Comply.

Any person, firm or corporation who engages in any business, profession, trade or occupation, or exercises any privilege, for which a license or permit is required by this Ordinance without a valid license or permit as hereby required, or who otherwise violates any provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction,

...

Devitt made the motion to approve the Ordinance as presented and discussed. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Dyer made the motion to approve the Emergency Clause to the above-mentioned Ordinance. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull then opened the floor for discussion with respect to an Ordinance amending Part 3, Chapter 1 of the Code of Ordinances of the City of Grove, Oklahoma as it pertains to Alcoholic Beverages and Tax. Bottoroff reported that the Council also entertained the amended Ordinance from the Staff in its entirety during the August 22ns special City Council meeting, and directed the Staff to research other cities' justification for charging a higher Occupational Tax fee for businesses associated with alcohol. Bottoroff noted that the research indicates the fee is higher to cover the costs related to the additional requirements for licensing as required by ABLE, additional administration such as reporting to ABLE and enforcement relating to incidents involving the use of alcohol. Bottoroff added the proposed Ordinance includes the following fees:

1. On premises consumption Mixed Beverages, Beer and/or Wine	<u>\$ 600.00</u>
2. Retail Beer and/or Wine	<u>\$ 600.00</u>
3. Retail Package Store	<u>\$ 600.00</u>
4. Winemaker	<u>\$ 600.00</u>
5. Oklahoma Winemaker	<u>\$ 50.00</u>
6. Caterer	<u>\$ 600.00</u>
7. Special Event (per day)	<u>\$ 50.00</u>
8. Wholesaler – Beer, Wine & Spirits	<u>\$ 600.00</u>
9. Exempt Organization Under IRS 501(c) (19)	<u>\$ 500.00</u>
10. Distiller	<u>\$ 600.00</u>
11. Rectifier	<u>\$ 600.00</u>
12. Brewer	<u>\$ 600.00</u>

Trumbull suggested changing the proposed fees to reflect a flat \$100 for licenses, and opened the floor for discussion. The Staff entertained questions and comments from the Council and Donnie Crain of the participating audience. After hearing various options between the Council and Staff, Dyer suggested that the proposed fees (not to include Oklahoma Winemakers & Special Event per/day) start at \$200, and beginning July 1, 2019 the occupational tax will increase \$100 per year, and will continue to increase on an annual basis until the tax reaches the maximum amount. Bottoroff reported that the only other change is:

3-102-B.....The licensee shall provide a copy of his current state license before payment of an Occupation License will be accepted. Thereafter, the licensee shall pay the tax annually on or before July 1. The fee is non-refundable; and shall be used to offset municipal expenses covering the costs related to licensing, inspection, administration and enforcement relating to alcoholic beverage establishments.

Dyer made the motion to approve the Ordinance as presented to include the amendments as discussed. Seconded by Nielsen. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

McElhaney made the motion to approve the Emergency Clause to the above-mentioned Ordinance. Seconded by Dyer. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve a Resolution amending Section 12 of the Wolf Creek Park Policy as it pertains to alcohol. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion regarding an Ordinance amending Part 5, Chapter 3 of the Code of Ordinances of the City of Grove, Oklahoma, pertaining to Building Codes and Regulations. Bottoroff reported that the purpose of the next few agenda items is to acknowledge that the City is adopting the latest edition of the codes as adopted by the Oklahoma Uniform Building Code Commission. McElhaney made the motion to approve the Ordinance as presented. Seconded by Dyer. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve an Ordinance amending Part 5, Chapter 4 of the Code of Ordinances of the City of Grove, Oklahoma, pertaining to Plumbing and Mechanical Codes. Seconded by Dyer. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Dyer made the motion to approve an Ordinance amending Part 5, Chapter 5 of the Code of Ordinances of the City of Grove, Oklahoma as it pertains to Electrical Codes. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

McElhaney made the motion to approve an Ordinance amending Part 5, Chapter 6 of the Code of Ordinances of the City of Grove, Oklahoma as it pertains to Gas Piping Codes. Seconded by Nielsen. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve an Ordinance adding Part 5, Chapter 13, to the Code of Ordinances of the City of Grove, Oklahoma pertaining to Swimming Pool and Spa Codes. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

McElhaney made the motion to approve an Ordinance amending Part 13, Chapter 1 of the Code of Ordinances of the City of Grove, Oklahoma as it pertains to Fire Code and Regulations. Seconded by Nielsen. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to a Resolution amending Section 5, Private Parties and Section 8, Pool Rules of the City of Grove Pool Policy. Bottoroff reported that the current policy allows consumption of alcohol during private pool parties. This change of policy would prohibit the consumption of alcohol and the use or smoking of marijuana at the pool at all times. Devitt made the motion to approve the Resolution as presented. Seconded by Dyer. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to bids related to Lease-Purchase Financing for the following equipment. Keefer reported that the City recently opened bids from local banks to provide lease-purchase financing for each.

- a) **Street Department Dump Truck** – Keefer reported that the low bid (interest rate) for this equipment was from Grand Savings Bank. Keefer added that Grand Saving Bank adds a documentation fee to the principal and their first quarterly payment starts in October 2019 versus July 2019 at an interest rate of 3.14% for a total payback of \$79,044. In turn, Bank of Oklahoma Finance has the second lowest interest rate for a 36 month term at 3.77% with a total payback of interest and principal of \$78,929.78, which is a total difference of \$114.22 between the two bidders. Dyer made the motion to award the lease-purchase financing from BOKF as presented and discussed. Seconded by McElhaney. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.
- b) **Street Sweeper** – Keefer reported that the low bid (interest rate) for this item was from Bank of Oklahoma Finance for a 48 month term at an interest rate of 3.62% which would equate to an annual payment of \$31,000.48. Nielsen made the motion to award the financing bid to BOKF as presented. Seconded by Dyer. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.
- c) **Brush Fire Engine** – Keefer reported that the low bid (interest rate) for this item was from Bank of Oklahoma for a 60 month term at an interest rate of 3.68% which would equate to an annual payment of \$22,876.92. McElhaney made the motion to award the financing bid to BOKF as presented. Seconded by Dyer. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to appointment of Trustee to the Grove Municipal Airport Managing Authority. Trumbull announced that the Staff advertised for letter of application for this position and received only one application from Berwin Kock. Trumbull then made the motion to re-appoint Kock back to the GMAMA Board for an additional term. Seconded by Nielsen. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Dyer made the motion to approve a Resolution amending the 2018-2019 City Capital Fund Budget. Seconded by Nielsen. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

CITY MANAGER'S REPORT:

Keefer reported that a professional tree trimmer will be working on the trees to the downtown area on a Sunday in September to take advantage of reduced traffic and parking in the area.

Keefer then added that the City has been contacted by the American Society of Composers, Authors, and Publishers (ASCAP) in regards to acquiring a license from their organization to cover the use of the recorded music and / or live music at public venues or events at city facilities, etc. The City Attorney is reviewing this and will contact ASCAP regarding their inquiry.

WARD REPORTS:

McElhaney expressed his personal thanks to Chamber Director, Donnie Crain for all of his hard work he displayed on behalf of the recent election to the City/GMSA 4/10th Sales Tax incentive.

Dyer expressed his thanks to the City Staff for all of their hard work on the marijuana and alcohol Ordinances. Keefer reported that it was all Debbie Bottoroff who got that done. Keefer added that she compiled a lot of research on from other cities and towns, and work very diligently on articulating these two subjects.

Devitt echoed the thanks to Crain, and expressed his thanks to Bower and his crews for the recent work to the streets.

At 7:02 PM Devitt made the motion to adjourn. Seconded by Nielsen. AYE: McElhaney, Nielsen, Dyer, Devitt and Trumbull. NAY: None. Motion carried.