

**GROVE CITY COUNCIL  
REGULAR MEETING  
TUESDAY, AUGUST 6, 2019  
6:00 PM  
MINUTES**

The Grove City Council met in regular session on Tuesday, August 6, 2019 at 6:00 PM with Mayor, Ed Trumbull presiding. Members present were Josh McElhaney, Matt Henderson, Marty Dyer and Ivan Devitt. Also present was City Manager, Bill Keefer; Attorney, Darren Cook; Assistant City Manager, Debbie Bottoroff; Public Works Director, Jack Bower; City Treasurer, Lisa Allred and City Clerk, Bonnie Buzzard.

**PUBLIC COMMENT:**

Mr. Michael Hart addressed the City Council with an updated to the Leadership Grove Class Project on the fund raising efforts for a digital sign. Hart announced that he is happy to report that the project has been fully funded through monies received and pledges. Hart noted that the class project is scheduled to meet next Friday to put together a set of plans on moving forward with the implementation of the project. Keefer reported that the Staff will remove the current signage structure and relocate it out at the YMCA / Sports Complex for utilization of events around that facility. The Council congratulated Hart on doing such a great job with the project.

Ms. Rebecca Turner addressed the Council to respectfully ask if the City could redirect the traffic flow on Highway 10 from the stop light to the Ford Road intersection for the morning commute the opening day of school session next week. The Staff indicated that area is a State Highway and that the City of Grove has no jurisdiction along that area. Therefore, any changes would need to be addressed to the Oklahoma Department of Transportation.

Devitt made the motion to approve the minutes from the July 16, 2019 meeting. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

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

Trumbull opened the floor for discussion with respect to an Ordinance amending Part 18 of the City of Grove Code of Ordinances and repealing Ordinance # 765 pertaining to medical marijuana establishments. Bottoroff reported that the new medical marijuana laws created by legislature will become effective August 28<sup>th</sup> and November 1, 2019 which requires amendments to the City of Grove Code of Ordinance current medical marijuana Ordinance in order to comply. Bottoroff discussed the following summary of changes needed to comply with the new laws effective August 28, 2019:

1. *Amend and add definitions to mirror the definitions established by the OK Medical Marijuana Association.*
2. *Establish where newly licensed facilities may be located*
3. *Establish fees for newly licensed facilities*
4. *Add 'Certificate of Compliance' requirements and establish a fee*
5. *Add pre-school to types of schools to the 1000' distance restriction*
6. *Add Waste Disposal Facilities to the 1000' distance restriction from schools*

7. *Remove restriction permit requirements for marijuana growing facility for personal medical use*
8. *Add restrictions for using certain chemicals to process medical marijuana for personal use within a residential district, and*

Summary of changes needed to comply with the new laws effective November 1, 2019:

1. *Add medical marijuana waste disposal requirements, prohibit the use of incineration or open burning to dispose of plant parts that do not require using a licensed waste facility.*

Bottoroff entertained questions, comments and concerns from the Council. Devitt made the motion to approve the Ordinance as presented and discussed. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

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

Trumbull opened the floor for discussion with respect to a Resolution amending the Employee Substance Abuse Policy. Bottoroff reported that due to the new medical marijuana laws created by legislation it will cause for the City to amend the current Substance Abuse Policy in order to mirror the new medical marijuana legislature on the following subjects:

1. *Employees Safety Sensitive Duties*
2. *Types of Testing*
3. *Testing Procedure*
4. *Grounds for Substance Abuse Disciplinary / Denial of Employment*
5. *Action when positive tests are indicated*

Bottoroff again entertained questions, comment and concerns from the Council and Staff. Devitt made the motion to approve the Resolution as presented and discussed. Seconded by Dyer. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull then opened the floor for discussion with respect to an Ordinance amending Part 12, Chapter 5 of the City of Grove Code of Ordinances as it pertains to Flood Damage Prevention. Bottoroff reported that the Staff created an Ordinance that included the updates made by the Federal Emergency Management Agency (FEMA) to the National Flood Insurance Program (NFIP) which goes into effect September 13, 2019. Bottoroff added that a copy of the City Flood Damage Prevention Ordinance indicating adoption of the new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) must be submitted to FEMA Region 6 prior to the effective date. Therefore; on July 10, 2019 she had e-mailed a draft of the proposed Ordinance to FEMA Region VI Hazard Mitigation Emergency Management Specialist for proofing, and as of time the packet were released the Staff had not received direction from FEMA to amend the Ordinance. Bottoroff reported that she finally received notification from FEMA and that they suggested the following changes be made to the proposed Ordinance:

SECTION ONE:

Part 12, Chapter 5, Section 12-504 DEFINITIONS shall be amended by adding the following definition:

“Flood proofing” - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Part 12, Chapter 5, Section 12-512: FLOODPLAIN ADMINISTRATION, SECTION B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR, Subsection 8 shall be amended to read as follows:

In the absence of FEMA BFE, The City of Grove shall require the applicant or developer to provide the base flood elevation and other elevation data on the FEMA Elevation Certificate in order to administer the provisions of Sections 12-515 through 12-518 of this chapter.

**Accessory Structure** – Accessory structures to be placed on sites within Zones A and AE on the Delaware County FIRM shall comply with the following:

Structures exceeding 600 square feet in size will be required to meet all applicable standards of Chapter 3 Section 3.3, Chapter 4, Section 4.4, Chapter 5, Sections 5.1 and 5.2, including relevant subsections.

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

Trumbull opened the floor for discussion to the appointment to the Comprehensive Plan Citizen Advisory Committee. Keefer reported that the Staff had their first Comprehensive Plan Citizens Advisory Committee meeting last week and that the following two individuals has expressed interest on serving on the committee:

- Angel Hill, and
- Cathy Schaefer

Trumbull made the motion to appoint Hill & Schaefer to the Comprehensive Plan Citizen Advisory Committee. Seconded by Dyer. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

### **CITY MANAGER'S REPORT:**

Keefer reported that FEMA determined that the June 23<sup>rd</sup> flash flood event did not warrant its own disaster declaration. Therefore, the City continues to pursue reopening or extending the timetable for the current disaster declaration through the Oklahoma Department of Emergency Management to include the June 23<sup>rd</sup> event. Since the release of the Council packet, the City had been informed that this request was before FEMA and under consideration but that the State Emergency Management was not confident that the timetable would be extended. Keefer noted that he made contact with Robert Real earlier this date for a status update, and he reported no new updates.

Keefer added that the Staff met with GRDA to discuss their jurisdiction oversight in regards to potential hazard mitigation projects in drainage area, stream bed and creek channels that flow into Grand Lake. GRDA informed the Staff that they do not have oversight in that area, and supplied the Staff with name and contact information to the Corps of Engineers. Upon contact with the Corps it was determined that they have jurisdiction of the proposed areas of concerns, and that the Clean Water regulations and rules would apply but before any activity could occur, and that the Corps

would want to inspect the area and determine whether a wetland delineation study would be required.

Keefer updated the Council on the 2018 Street Rehabilitation Plan by noting that the project is narrowing. The contractor has additional work to complete along Hazel and Broadway Streets prior to closing with the stripping.

**WARD REPORT:**

McElhaney commended the Staff on the quick response in notifying the public on the recent 'Boil Order'.

**EXECUTIVE SESSION:**

At 6:36 PM Devitt made the motion for the City Council to recess into Executive Session for the purpose of confidential communication between the public body and its Attorney concerning a pending investigation, claim, or action if the public body, with the advice of its Attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest pursuant to Title 25 O.S. Section 307.B.4. (Bobby Warden vs. City of Grove Lawsuit; 10<sup>th</sup> Circuit Court of Appeal, Case # 14-5114) to include participation from Bill Keefer, and Debbie Bottoroff, and

for the Purpose of conferring on matters pertaining to discussing the purchase or appraisal of real property, Pursuant to Title 25 O.S. Section 307.B.3. (appraisal of real property) to include participation from Bill Keefer and Debbie Bottoroff. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 7:04 PM Devitt made the motion for the Council to come out of Executive Session with no action taken. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull announced that in regards to discussion with respect to the above-mentioned agenda item E-1. No action taken.

Trumbull announced that in regards to discussion with respect to the above-mentioned agenda item E-2. No action taken.

At 7:05 PM Devitt made the motion to adjourn. Seconded by Henderson. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.