

**GROVE CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 5, 2021
6:00 PM
MINUTES**

The Grove City Council met in regular session on Tuesday, January 5, 2021 at 6:00 PM with Vice-Mayor, Ivan Devitt presiding. Members present were Josh McElhaney, Matt Henderson and Marty Dyer. Mayor, Ed Trumbull was absent. Also present was City Manager, Bill Keefer; Attorney, Darren Cook; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Deric Douthit and City Clerk, Bonnie Buzzard.

PUBLIC COMMENT:

Devitt present each of the following Police Department employees a plaque of appreciation for their devoted years of service:

- Tracy Bloss, 25 years;
- Mark Sheridan, 35 years; and
- Jerry Bohannon, 35 years (was absent)

Dyer made the motion to approve the minutes from the December 1, 2020 meeting. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

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

Devitt opened the floor for discussion with respect to review of Resolution #20-024 Declaring a State of Emergency and Implementing Mandatory Emergency Provisions as amended adopting the Governor's Open Up and Recover Safely Plan. McElhaney asked for a status update on the enforcement of the "Mask Mandate" ordinance. Keefer reported that the Staff has entertained various options on how to implement reminder(s) to the businesses. Keefer added that he has consulted with Chief, Morris who advised that he has made contact with businesses owners to let them know that they are going to start taking a more active role in implementing the Ordinance. Devitt added that he felt like the Ordinance enforcement would be challenging upon passage. Henderson reported that he struggles with the mandate Ordinance, and the possibility of issuing citations to business owners due to the strain they already have incurred due to the pandemic. Dyer commended the Grove Rotary Club for setting the tone with their current advertisement. Dyer made the motion to extend the Resolution until the January 19, 2021 City Council meeting. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

At 6:20 PM Dyer made the motion to open a Public Hearing to take public comments regarding an application submitted by Ruth Ann Barnhart to rezone the following described property from R-1 Single-Family Residential Zoned District to C-2 General Commercial (Downtown) Zoned District:

LEGAL DESCRIPTION: Lots 23, 56, 57, 58, 59, 60 and the East 30 feet of the South 75 feet of Lot 72 and Lots 73 and 74 and the Vacated Alley Lying West of said Lots 23, 56, 57, 58, 59 and 60, Block 2,

Commercial Annex to the Town of Grove, a Subdivision According to the Recorded Plat thereof, Delaware County Oklahoma (AKA Corner of Hazel and 1st Street).

Seconded by Henderson. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Bottoroff reported that the described property is an unimproved vacant lot that is currently zoned R-1 Single Family, and that the request is to rezone it to a C-2 General Commercial. Bottoroff presented the Council with a copy of the 'Permitted Use Table' outlining all of the proposed businesses that could potentially be located upon the described property. Barnhart addressed the Council to report that she has a sale contract pending on this property, and that the proposed buyer is wanting to construct a metal structure to utilized as a "Hobby Shop" which is a permitted use in a C-2 Zoned District. The Council heard the only opposition on the rezoning request from adjacent property owner Steven Bratcher. Barnhart then entertained questions, comments and concerns from the Council.

At 6:32 PM Dyer made the motion to close the Public Hearing. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Devitt then opened the floor for discussion with respect to approval of an Ordinance re-zoning the above referenced property from R-1 Single Family Residential Zoned District to C-2 General Commercial (Downtown) Zoned District as recommended by the Planning and Zoning Commission. Dyer made the motion to approve the application for re-zoning as presented. Seconded by Henderson. AYE: Henderson and Dyer. NAY: McElhaney. Devitt abstained. Motion failed due to a lack of support from $\frac{3}{4}$ of the voting members present.

At 6:34 PM Dyer made the motion to open a final Public Hearing to review the status of compliance with an Administrative Order for a dilapidated structure located at 609 S. Cherokee. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Code Enforcement Officer, Calvin Igney reported that he assessed the property earlier today and that he felt like to the property owner has met the Administrative Order requirements with only a small amount of trim work to be completed. Igney suggested a follow up in 30 days to the February 2nd City Council meeting. Property Owner, Steve (Donn) Nelson was present to entertain any questions from the Council and Staff.

At 6:39 PM Dyer made the motion to close the Public Hearing. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Devitt opened the floor for discussion with respect to the Administrative Order for a dilapidated structure located at 609 S. Cherokee. McElhaney made the motion to grant a 30 day continuance to direct the Staff to update at the February 2nd meeting. Seconded by Dyer. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Devitt then opened the floor for discussion with respect to holding a Final Hearing to review the status of compliance with an Administrative Order for a dilapidated structure located at 615 S. Cherokee. Keefer announced that the Staff had recently learned that the property owner of 615 S Cherokee, Rickie Farmer had passed away the first of November, and that a Letter of Representation of the Estate has been received by Attorney, Susan A. Muscari requesting that this matter be extended to the March 2nd City Council meeting.

Devitt opened the floor for discussion with respect to the Administrative Order for a dilapidated structure located at 615 S. Cherokee. Dyer made the motion to continue the final hearing on this property to the March 2, 2021 City Council meeting. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Devitt opened the floor for discussion with respect to the review of the status of the Administrative Orders for the following properties located in Grove, Oklahoma:

Dilapidated Structure located at 301 E 5th Street – Code Enforcement Officer, Igney reported that the property owner has been working diligently on the project, and that he has got the structure hooked up to water and sewer. Dyer reported that it appears that the bottom is blocked in, the doors are safe, and asked about the status of the removal of the steel beams. Property Owner, Don Nelson reported that the contractor has assured him that they will be removed next week. McElhaney reported that this project has been ongoing for months with very little progress being made, and that he would like to see this structure be dilapidated, and made a motion to move to demolition the structure. Motion died due to a lack of second. Dyer made the motion to grant a 30 day extension to the Administrative Order to allow the property owner sufficient time to complete the following project(s):

- Complete the block work
- Finish siding
- Hook up electrical service, and
- Remove the steel beams

Seconded by Henderson. AYE: Henderson, Dyer and Devitt. NAY: McElhaney. Motion carried.

Dilapidated Structure located at 505 S. Grand Street – Code Enforcement Officer, Russ Schmidt addressed the Council to report that he had assessed the property earlier this afternoon and reported that the roof has been secured, and that the work looks great. Schmidt added that the property condition is close to being released from dilapidated, and that the property owners is continually making progress. Property Owner, Brad Daftari was present to entertain question and comments from the Council and Staff. Dyer made the motion to grant a 30 day extension to the Administrative Order for a report back before the City Council February 2, 2021 with a status update. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Dilapidated Structure located at 102 Lennel Drive (Whoops Surplus) - Code Enforcement Officer, Schmidt reported that he has lost contact with the property owner, and that citations has been issued. Attorney Cook reported that the property owner failed to appear on his reported court date of 12-31-20, therefore, the Judge issued a bench warrant for his arrest. Cook discussed with the Council the possibility of having the property owner served with the orders. Cook indicated that he would review the process and report back to the City Council at the next meeting. No action taken.

Dyer made the motion to approve a Resolution directing filing and notification of the publication of the November 2020 Supplement No. S-1 to the City of Grove Code of Ordinances. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Devitt opened the floor for discussion with respect to the bid received for the sale, removal and relocation of a single slip un-covered boat dock and walkway at Wolf Creek Park. Keefer reported that this item was advertised, and that only one bid was received from David W. Lowe in the amount of

\$3,001. Keefer reported that this item was scheduled on the December 15th meeting, and then announced its cancellation, the bidder indicated that he has confirmed an arrangement to remove and relocate the dock and that they wanted to move forward with those plans. The Staff solicited the opinion from the City Attorney on how to proceed with the issue. It was his recommendation that the City could move forward with the sale of the surplus dock. The City has received payment, and the bidder has removed the dock. Dyer made the motion to officially award the bid to Lowe as presented and discussed. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Dyer made the motion to approve a Resolution amending the 2020-2021 CARES Act Fund Budget. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Devitt opened the floor for discussion with respect to assisting the Grove School District with a road paving project. Keefer reported that as per the State statutes municipalities may support any public school located in whole or in part within the corporate limits of the municipality or any public school system located outside and completely surrounded by the corporate limits of the municipality, including without limitation by the expenditure of municipal revenues for construction or improvement of public school facilities. Therefore, if the Council is open to working with the school district on this project, Staff would need directions to negotiate the details and for the City Attorney to prepare an agreement with the school outlining the scope of the project as well as the responsibilities for both parties for consideration from the Council in a future meeting. Dyer made the motion to authorize the City of Grove Staff support to the Grove School District, and to authorize the City Attorney to prepare an agreement for both parties. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Devitt opened the floor for discussion with respect to the bid received for two (2) Utility Terrain Vehicles for the Emergency Management and Fire Departments. Keefer reported that the Staff advertised for this new equipment, and that the Staff received only one bid from Eubanks Outdoor Power in the amount of \$25,040 which meets all specifications. Keefer announced that EOC Director, Frank Close is present to entertain any questions or concerns from the Council. Dyer made the motion to approve the bid from Eubanks Outdoor Power as presented and discussed for 2 UTV's. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

Dyer made the motion to approve a Resolution calling for a nonpartisan general election, if needed, for the purpose of electing officers of said City of Grove. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.

CITY MANAGER'S REPORT:

Keefer reported that the City has an ongoing dilapidated structure project located at 1023-C S. Cherokee Street for the Bergman family. Keefer respectfully announced that the Staff received word that Mr. Bergman has recently passed, and that the City Council consider allowing the family time prior to moving forward.

Keefer reported that the swim beach has been identified by the placement of buoys with thanks to the assistance from GRDA.

Allred and Cook updated the Council on the ongoing situation that the current owners of the Harbor Point Development property have not made their payment for the TIF district debt to make up the difference between the ad valorem tax revenue collected from the benefit district and the debt

payment. Allred reported that in order to make the full debt payment, funds were withdrawn from the debt reserve fund. Cook reported that they need to make that payment and that he would attempt to make contact with Harbor Point Development tomorrow, and would report back to the Council with any findings.

Douthit addressed the Council to report that TH Rogers Lumber Company has contacted the City asking for assistance with a drainage / flooding clean-up issue in behind their facility on the corner of Main and O'Daniel Parkway. TH Rogers advised that they would supply all of the necessary materials and equipment if the City would supply the labor. Douthit indicated that it is a much needed project.

Chamber of Commerce Director, Donnie Crain addressed the Council with an update on the Retail Attraction contract and the proposed prospect commercial visits. Crain indicated that good things are happening.

Devitt asked for any update from EOC Director, Frank Close on the upcoming vaccination program. Close reported that program is under the control of the Delaware County Health Department, and that tomorrow they are proposing to administer approximately 900 residents in the six (6) hours' time frame.

At 7:40 PM Dyer made the motion to adjourn. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer and Devitt. NAY: None. Motion carried.