

**GROVE CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 19, 2022
6:00 PM
MINUTES**

The Grove City Council met in regular session on Tuesday, April 19, 2022 at 6:00 PM with Mayor Ed Trumbull presiding. Members present were Steven Thomas, Matt Henderson, Marty Dyer and Ivan Devitt. Also present was City Manager, Debbie Bottoroff; Attorney, Darren Cook; City Treasurer, Lisa Allred; Public Works Director, Deric Douthit and City Clerk, Bonnie Buzzard.

PUBLIC HEARING:

At 6:04 PM Devitt made the motion to open a Public Hearing to take public comments regarding a Special Use Permit application submitted by ACB Dream LLC – property owner, Rhett Minson to submit an application to use 1441 Lakeside Drive, Grove, OK as a Vacation Rental Home. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Bottoroff reported that the Planning and Zoning Commission conducted a Public Hearing during their April 12, 2022 meeting and voted to approve the SUP upon recommendation to the Mayor and City Council. The Council entertained public comments from the following individual(s):

- Rhett Minson (property owner) – 1441 Lakeside Drive addressed the Council to report that he purchased this property approximately one (1) year ago and is currently undergoing a total remodel of the property. Minson added that he also owns the home located at 1437 Lakeside Drive that is presently licensed with the City of Grove as a VRH. Minson noted that he has respectfully heard the concerns from his neighbor Ms. Parson and that he assured her that he adheres to all of the guideline and policies in accordance to the City Ordinances. Minson added that he has shared with her all of his personal contact numbers should she experience any type of problem from his renters. Minson then entertained questions and comments from the Council.
- Judy Parson – 1445 Lakeside Drive addressed the Council to respectfully express her opposition against the SUP application due to the fact that her neighborhood already host several other VRH and the uncertainty of people coming in and out of the neighborhood. Parson noted however that the construction work that Minson is doing on the premises is an improvement to the neighborhood. Parson remarked that she had visited with City Attorney, Darren Cook and that he was very patient in explaining the process of the proposed draft Ordinance pertaining to the 5% density limit of vacation rental homes within her subdivision to her. Parson entertained questions, comments and concerns from the Council and Staff.

At 6:16 PM Thomas made the motion to close the Public Hearing. Seconded by Devitt. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to approval of a Special Use Permit Application submitted by ACB Dream LLC – property owner, Rhett Minson for the said location of 1441 Lakeside Drive, Grove, OK. Dyer made the motion to approve the application submitted by ACB Dreams LLC – property owner, Rhett Minson requesting a Special Use Permit for a Vacation Rental Home at the said location of 1441 Lakeside Drive, Grove, OK – Delaware County. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve the minutes from the April 5, 2022 regular meeting. Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

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

Trumbull opened the floor for discussion with respect to a Property Agreement with Grove Public Schools to transfer the Jim Beauchamp Field by Quit Claim Deed and use of unimproved property located at 601 Joplin Street, Grove, OK. Bottoroff reported that:

- For many years the Jim Beauchamp Field has been exclusively used by the Grove High School baseball organization for training and games, and that transferring the property will remove the responsibility of maintenance and repairs from the City of Grove plus will allow the use of the school funds for maintenance and improvements; and

- The unimproved property located on Joplin Street is not being used by the City in any capacity. The property is located across the street from the Upper Elementary School therefore it could be better utilized by the Grove Public School for over flow parking during busy events / activities.

Devitt made the motion to approve the Property Agreement with Grove Public High Schools as presented and discussed pertaining to the Jim Beauchamp Field and the property located at 601 Joplin Street. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve a Quit Claim Deed transferring Jim Beauchamp Field to Grove Public Schools. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an Agreement with Meshek & Associates, LLC for Professional Services to update the City of Grove Multi-Hazard Mitigation Plan. Emergency Management Director, Frank Close reported that upon assuming the responsibilities of the Emergency Operation Center it was discovered that there was no active mitigation plan in place. Close mentioned that the plan is required for the application process to FEMA in order to receive any kind of federal grant funding. Close added that this is a budgeted line item at \$65,000 and will be subject to 80% reimbursement from FEMA. Dyer made the motion to approve the Agreement with Meshek & Associates LLC for professional services to update the City of Grove Multi-Hazard Mitigation Plan as presented and discussed. Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull then opened the floor for discussion with respect to an Ordinance amending Chapter 3 Special Use Permit requirements and amending Chapter 5 Special Conditions Section 5-13 Vacation Rental Homes of the Zoning Ordinances. Bottoroff reported that the current Ordinance regulations limit the density of Vacation Rental Homes (VRH) allowed within the City of Grove to 5% of the total household but it does not address the concentration of VRH in neighborhoods. Bottoroff added that the proposed Ordinance creates a distance requirement between existing and new VRH; and provides exceptions when properties are physically separated by certain barriers or when a VRH is located in Lake Front Resort, R-2 Two-Family and R-3 Multi-family districts. Bottoroff introduced the following changes to the current Ordinance:

Chapter 3 – Section 3-1 Special Use Permit

Paragraph 3 – NON-TRANSFERRABLE

EXCEPTION: If the property is for sale, and the sale is contingent upon the buyer being able to obtain a Special Use Permit, the application can be signed by both the buyer and the seller, or the seller can provide written permission to allow the buyer to submit the application. The Special Use Permit will be issued to the buyer upon proof of ownership of the property.

Paragraph 5 – CONSIDERATION CRITERIA

- a. Documented impacts on ~~and opinions~~ of adjacent property owners;

Paragraph 6 – REVIEW AND NOTICE REQUIREMENT

Such Notice shall also be given in writing by mail to all property owners within a three-hundred foot (300') radius measured from the center of the boundaries of the subject property.

Paragraph 7 – HEARING PROCEDURE

When a Special Use Permit is opposed in writing by more than twenty (20) percent of the property owners located within a three-hundred foot (300') radius measured from the center of the boundaries of the subject property,

Paragraph 8 – REVOCATION

The City may revoke Special Use Permit, if the Use approved is not implemented within one-year of the date of approval.

SECTION 5-13 VACATION RENTAL HOMES

Paragraph 3 DENSITY OF VACATION RENTAL HOMES

Neighborhood Density: Using a residence as a VRH shall be prohibited if the location is within a five-hundred foot radius of an existing VRH. For the purpose of this section, the five-hundred foot radius shall

be measured from the entrance facing the street which constitutes the legal address of the proposed VRH.

EXCEPTIONS: The five-hundred foot radius requirement does not apply when the proposed VRH is physically separated from an existing VRH by any of the following barriers:

Grand Lake – including big waters and coves

Dense vegetation or timbered areas

US or State Highway

Designated Primary Arterial Streets, or

The VRH is not located in a Residential Estates District (RE-1) or Single Family Residential District (R-1 or R-1S)

Bottoroff noted that the Planning and Zoning Commission met and approved the proposed changes upon recommendation to the Mayor and City Council. Trumbull opened the floor for Public Comments from the following individuals who all expressed opposition against the proposed Ordinance:

- ✓ Chris Hill
- ✓ Sharon LeBow
- ✓ Mike Koon
- ✓ Leanna Walker
- ✓ Richard Smith

Henderson reported that he would like to see the Ordinance restrictions be removed and totally eliminated. Dyer suggested that the Council table this item for further research of the 500' radius depiction for a possible widening description. Bottoroff respectfully requested that the Council consider approval of the proposed Ordinance as it pertains to Chapter 3-1 Special Use Permit, as it is recommended by the Staff. Thomas made the motion to approve the Ordinance to include the proposed changes to Chapter 3-1 as presented and discussed and omitting the changes to Section 5-13 Vacation Rental Homes as presented and discussed. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to declaring items surplus and authorize Staff to dispose of such items. Bottoroff reported that Vehicle Maintenance Superintendent, Dale Younger created a list of surplus items from the fleet inventory for the Council to consider as surplus for auction to be scheduled around mid to later part of May 2022. Devitt made the motion to declare the listed items as surplus and authorize Staff to dispose of by auction. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve a Resolution amending the 2021-2022 fiscal year City General Fund budget as presented and discussed by Allred. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

STAFF REPORTS:

Bottoroff reported that she had a meeting earlier today with representatives from Grand Gateway, Cherokee Nation and Delaware County Commissioner, David Poindexter in regards to the availability of funds for the re-construction of the Shundi Bridge and S 640 Road. Bottoroff indicated that she would keep the Council updated with any new developments of these projects.

WARD REPORTS:

Trumbull welcomed the Scouts in attendance.

Henderson reported that he has been asked if the City could possible revisit the recycling options to include glass and other recycling products. Bottoroff reported that she would be glad to visit with the necessary representatives of that project.

Dyer expressed thanks to all in attendance for their public comments.

Devitt expressed thanks to Building & Grounds Superintendent, Craig Criger and his crew for supplying the mulch for the Rotary project.

Devitt asked for a status update on the restriping project to the Wolf Creek Park parking lot. Bottoroff reported that Criger is working on it.

EXECUTIVE SESSION:

At 7:23 PM Devitt made the motion for the Council to recess into an Executive Session for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or creation of a proposal to entice a business to locate within the jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business, pursuant to Title 25 O.S. Section 307.C.11. (Economic Development Proposal) to include participation from Bottoroff and Donnie Crain. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 7:58 PM Thomas made the motion for the Council to come out of Executive Session with no action taken. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

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

At 7:58 PM Devitt made the motion to adjourn. Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.