

**GROVE CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 21, 2022
6:00 PM
MINUTES**

The Grove City Council met in regular session on Tuesday, June 21, 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.

Devitt made the motion to approve the minutes from the June 7, 2022 regular meeting. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve the minutes from the June 16, 2022 special meeting. Seconded by Henderson. AYE: Thomas, Henderson, Devitt and Trumbull. NAY: None. Dyer abstained. Motion carried.

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

Trumbull opened the floor to consider and take action with respect to a Resolution approving the incurrence of indebtedness by the Grove Municipal Services Authority (the "Authority") issuing its promissory note, Taxable Series 2022 (the "note"); providing that the organizational document creating the Authority is subject to the provisions of the indenture, authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the authority pertaining to the sale of said note; approving and authorizing execution of an agreement of support; and containing other provisions relating thereto. Rick Smith – Municipal Finance Services addressed the Council to report the City of Grove has determined a need to assist developers with certain infrastructure improvements as part of an effort to provide additional housing within the community. The assistance would involve the City constructing utilities and sidewalks in new residential development areas and then having the developers repay such costs as lots are sold and developed. Smith reported that the purpose of the 2022 Note is to provide funds for the purpose of constructing gas and water lines and connections and curbs and gutters along with sidewalks and drainage improvements to undeveloped housing sites to enhance residential development. Smith added that the Promissory Note, Taxable Series 2022 has a not-to-exceed amount of \$1,000,000, and is a draw down note for the purpose of creating infrastructure assistance for residential housing and costs of insurance. Smith presented and discussed the following estimated loan components:

- Project Funds \$ 949,250.00
- Bond Counsel Fees & Expenses \$ 27,500.00
- Financial Advisor Fee & Expenses \$ 20,000.00
- Trustee Bank Acceptance Fee \$ 750.00
- Total Loan Amount: \$1,000,000.00

Smith added that the Staff advertised for interest rate bids from local banking institutions and that the following bids were received:

- ✓ Grand Savings Bank 3.790%
- ✓ Bank of Grand Lake 3.970%
- ✓ BancFirst 4.125%

Smith entertained questions, comments and concerns from the Council and Staff. Smith reported that the GMSA Board met earlier this afternoon and approved the Promissory Note, Taxable Series 2022 by Resolution by a 5-0 vote. Devitt made the motion to approve a Resolution approving action taken by the Grove Municipal Services Authority authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the authority pertaining to the sale of said note; approving and authorizing execution of an agreement of support; and containing other provisions relating thereto which includes the awarding of interest rate bid to Grand Savings Bank at 3.790%. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to awarding the bid(s) for the 2022 Pavement Rehabilitation Plan. P.E. Jim Hemphill addressed the floor to report that only one bid was received for this project, and that the following bid submitted by Emery Sapp and Sons is considered responsive and contained no mathematical errors:

- Base Bid \$1,100,775.16
- Alternate I \$ 50,742.67
- Alternate II \$ 70,875.81
- Alternate III \$ 35,891.59

Hemphill noted that the bid came in \$178,290.00 over the Engineers estimate, and recommended awarding the base bid only to Emery Sapp & Sons in the amount of \$1,100,775.16. Hemphill entertained questions and comments from the Council. Bottoroff reported that this is a \$1.2 million designated line item in the 2022-2023 Street Capital Outlay budget. Devitt made the motion to approve the recommendation from Hemphill and award the 2022 Street Repair Program low bid to Emery Sapp & Sons as presented and discussed. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an Economic Development Agreement with the Grove Area Chamber of Commerce. Chamber of Commerce President, Donnie Crain addressed the Council to report that the Chamber is respectfully requesting an increase in the annual fee from \$30,000 to \$37,500. Devitt made the motion to approve the Economic Development Agreement with the Grove Area Chamber of Commerce as presented. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve a Performers Agreement with CJ Newson to provide Entertainment at the July 3rd Celebration. Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to a Resolution authorizing the City of Grove to participate in Oklahoma Municipal Assurance Group Gas Study group. Cook reported that this Resolution only authorizes the City of Grove participation in meetings to discuss subjects like bulk gas purchasing, distribution of grant funds, applying for grants, and forming of co-op. Devitt made the motion to authorize the City of Grove to participate in OMAG Gas Study group. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Dyer made the motion to approve the OMAG Workers' Compensation Plan renewal, and to utilize the Escrow amount of \$2,092.00 as a credit towards the 2022-2023 premium for renewal. Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Henderson made the motion to approve a Resolution amending multiple City Funds in the 2021-2022 Fiscal Year Budget as presented and discussed by Allred. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to declare the accumulation of asphalt millings as surplus property and authorize staff to dispose of such items. Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 6:29 PM Thomas made the motion to open a Public Hearing to receive comments regarding a Special Use Permit (SUP) application submitted by Eric D. and Sara M. Acosta requesting to use the property located at 1208 Red Bud Drive as a Vacation Rental Home (VRH). Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. Bottoroff reported that the Planning and Zoning Commission met and approved this application upon recommendation to the Mayor and City Council. No Public Comments were heard.

At 6:30 PM Thomas made the motion to close the Public Hearing. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Henderson made the motion to approve the SUP application submitted by Eric D. and Sara M. Acosta requesting to use the property located at 1208 Red Bud Drive as a VRH. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 6:31 PM Dyer made the motion to open a Public Hearing to receive comments regarding a Special Use Permit (SUP) application submitted by Kelly Jean Planck requesting to use the property located at 919 S. Broadway Street as a Vacation Rental Home (VRH). Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. Bottoroff reported that the Planning and Zoning Commission met and approved this application upon recommendation to the Mayor and City Council. No public comments were heard.

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

Thomas made the motion to approve the SUP application submitted by Kelly Jean Planck requesting to use the property located at 919 S. Broadway Street as a VRH. Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 6:35 PM Devitt made the motion to open a Public Hearing to receive comments regarding a Special Use Permit (SUP) application submitted by Patrick and Sharla Hale requesting to use the property located at 1320 Leisure Road as a Vacation Rental Home (VRH). Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. The Council entertained public comments from the following individual(s):

- Janette Swafford – addressed the Council to express her opposition against the SUP application.
- Dustin Haffner – addressed the Council to respectfully express his pressing opposition against the SUP application due to the fact that the neighborhood already host several other VRH and the uncertainty of people coming in and out of the neighborhood. Haffner reported that a petition was circulated throughout the surrounding neighbors within the 300’ radius of the proposed property, and that the petition received 19 out of 31 signatures from property owners expressing their opposition against the Special Use Permit. Haffner strongly suggested that the City Council reconsider the density Ordinance once again. Haffner entertained questions, comments and concerns from the Council and Staff.

- Brady Haffner – addressed the Council to strongly express his opposition against the SUP application. Haffner addressed questions, comments and concerns from the Council.
- Patrick Hale – (property owner) – addressed the Council to report that his original intentions for this property was for a short-term rental but later decided to use it as a VRH. Hale entertained questions and comments from the Council and Staff.
- Lynn Barge – addressed the Council to express her opposition against the SUP application.

Bottoroff reported that the Planning and Zoning Commission met and approved this application upon recommendation to the Mayor and City Council. At 7:36 PM Devitt made the motion to close the public hearing. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Henderson made the motion to approve the SUP application submitted by Patrick and Sharla Hale requesting to use the property located at 1320 Leisure Road as a VRH. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

STAFF REPORT:

Bottoroff reported that the S 640 Road project has been completed with great appreciation to Delaware and Ottawa Counties for their partnership with this project. Bottoroff noted that the Staff is currently obtaining quotes on striping the road, and is eagerly anticipating working again with Delaware and Ottawa County on the Shundi Bridge project upon receipt of the engineer documents.

Bottoroff then announced that the City of Grove will have watermelons for the July 3rd celebration with thanks to Simmons.

WARD REPORTS:

Dyer questioned the Staff if there is a need for the City Council to revisit the density Ordinance of Vacation Rental Home(s) in subdivisions. Bottoroff indicated that if it is the Council’s desire she would place it upon a future agenda for discussion and possible consideration.

EXECUTIVE SESSION:

Trumbull announced that in regard to 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) No action required.

At 7:41 PM Devitt made the motion for the City Council to recess into an Executive Session for the purpose of conferring on matter pertaining to confidential communications between a 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. (Confidential Communication) to include participation from Bottoroff and Allred. Seconded by Dyer. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 8:15 PM Dyer made the motion for the Council to come out of Executive Session with no action taken. Seconded by Thomas. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

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

At 8:15 PM Devitt made the motion to adjourn. Seconded by Henderson. AYE: Thomas, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.