**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, DECEMBER 4, 2012**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, December 4, 2012 at 6:00 PM with Mayor Marty Follis presiding. Members present were Ed Trumbull, Ileta Bray, and Marty Dyer. Member Berwin Kock was absent. Also present was Acting City Manager, Debbie Bottoroff; Attorney, Brandon Watkins; Public Works Director, Jack Bower; City Treasurer, Lisa Allred and City Clerk, Bonnie Buzzard.

**PUBLIC COMMENTS**:

Mr. Robert (Bob) Daggett addressed the City to strongly express his concerns with the following:

* Street Lights:
  + $1.75 Street lighting fee that all residents are currently paying for, and for the most part the street lights are operating. However, on the short distance on Baycrest from Rockwood to S 595 Road there are eleven (11) street lights out.
  + At the South end of Patricia Island there are three (3) street lights that are out. Therefore it felt like it would unfair for the residents to pay for something that they are not getting.
* Safety Issues:
  + At the SE corner of E 293 and 598 Road there are some huge pot holes that are in need of repair.
  + The E side of E 595 Road from the entrance of Harris Farms, North up Baycrest up to E 293 Road the high weeds needs to be sprayed. That area has poor visibility and is a major traffic hazard.
  + The intersection of S 295 and E 293 Road is very dark and is need of some possible street lights. The electric poles are already in place at that intersection.
  + The present intersection of Baycrest and 295 Road is extremely narrow. Drivers have to be very careful while making a right hand turn or they will end up in the South bound land in the lane of oncoming traffic.

Daggett end by saying that he felt like there is a cloud hanging over this City Council by them not being completely forthright in the reasoning for the dismissal of / resignation of the former City Manager. There is a lot of rumor circulating that the City Council has not fully addressed to the residents on any criminal intent leaving the residents wondering have exactly happened and why. Daggett felt like the citizens of Grove are entitled to a better explanation than what they were given. Bray strongly expressed her thanks to Daggett for addressing the City Council with his concerns. Bray noted that some of the issues Daggett addressed before the Council had been previously discussed with her and that very little has been done to deal with those concerns.

Mr. William Bunn addressed the Council to strongly express his personal opinion against the incompetent employment of Chief of Police Mark Morris. Bunn stated that he has filed numerous complaints with the Police Department in regards to his granddaughters fighting incident at the Cross Teen Center with negative results, and another incident while existing the old Harps facility onto Har-Ber Road, a police unit came barreling across with no lights or sirens on attempting to get into the new Harps parking lot when there was already two other units had a vehicle stopped almost hitting him in the process. Bunn added that he felt like Morris is not capable of taking control of his job.

Follis asked that the minutes of the previous meeting be tabled for the next meeting for a possible ¾ vote of the attending members.

Bray made the motion to approve the purchase order register excluding PO #13-30271 to Trench Brothers in the amount of $1,376 for explanation of quantity from the City Treasurer. Seconded by Dyer. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to the bids received for the construction of Wolf Creek Park Expansion - Dock Improvements. Rose & McCrary P.C. President – Rick Rose addressed the Council to say that Project Engineer, Tim McCrary was unavailable to attend the meeting to discussed the propose bids received for this project. Rose reported that the City received two (2) bids for this project:

1. Bru-Con, LLC of Grove $444,400.00

(Base bid=$129,900/Alt #1=$104,000/Alt #3=$210,500)

1. England Docks of Grove Unresponsive

The apparent low bidder on the project is Bru-Con, LLC. It our recommendation that the Base Bid of $129,900, Alternate #1 of $104,000, and Alternate #3 of $210,500 be awarded for a total of $444,400, which has been determined to be responsive and contains all required documentation. Trumbull made the motion to award the bid to Bru-Con, LLC in the amount of $444,400 for the construction of Wolf Creek Park Expansion – Dock Improvements. Seconded by Dyer. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding the Audited Financial Statements for the fiscal year ending June 30, 2012 as presented by Wingard, Ragsdale, Langley, CPAs’, PLLC. Floyd Langley – Certified Public Accountant from Wingard, Ragsdale, Langley, CPAs’, PLLC presented and discussed in detail his report on the Audit of Financial Statement for the year ending 06.30.12. Langley added that this audit was conducted for the purpose of forming opinions on the financial statement that collectively comprise the City of Grove’s financial statements as a whole. Langley reported no major discrepancies in the audit being presented, and complimented the City of Grove Staff and Employees on their workmanship displayed to him during his performance of the audit. Langley fielded questions from the Council and Staff. The audit presentation last for approximately 15 minutes. Langley noted that the City of Grove is unique by having their City Treasurer Lisa Allred on its Staff because she compiles all of the financial statements from all departments for the Auditor where all other cities hire outside firms to conduct that service for the Auditors purposes. Langley added that this is an unqualified opinion of the audit, and that it contains no issues. Dyer made the motion to accept the Audited Financial Statements for the fiscal year ending 06.30.12 as presented by Floyd Langley – Certified Public Accountant from Wingard, Ragsdale, Langley, CPAs’, PLLC. Seconded by Bray. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Bray made the motion to authorize the Staff to solicit bids for a single supplier on asphaltic materials for the second half of the fiscal year ending June 30, 2013. Seconded by Trumbull. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding authorization to bid for any individual parties interested in leasing a 5,000 square foot building located at 206 Elk Street, Grove, Oklahoma aka previous YMCA Building. Bottoroff reported that the YMCA has officially cleared out of that facility as of November 30th, and that the City has received some interest in leasing that facility. Therefore, in order to be fair to all interested parties Bottoroff respectfully request that the Council authorize the Staff to solicit bids for this plan. Trumbull made the motion to authorize the Staff to solicit bids from any individual party interested in leasing the facility located at 206 Elk Street – Grove, OK aka YMCA Building. Seconded by Dyer. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding an amendment to the Economic Development Agreement between the City Of Grove, Grove Economic Development Authority, and R and S Moritz. Bottoroff reported that the Moritz’s made contact with her wanting to change the names in this agreement to R and S Moritz Investment, LLC. After review from the City Attorney he recommended that the following be added:

*NOW THEREFORE. Paragraph 7 – It is further understood that if R and S Moritz Investment, should become insolvent or cease to exist, that the principal owners, Rudy and Susan Moritz, shall be legally liable for all aspects of this Agreement.*

Bottoroff added that the Grove Economic Development Authority met earlier this afternoon and approved the changes to the Economic Development Agreement with R&S Moritz Investments, LLC as presented and discussed to include the addition of Paragraph 7 as above-mentioned upon recommendation to the Mayor and City Council. Trumbull made the motion to approve the changes to the Economic Development Agreement with R&S Moritz Investments, LLC as presented and discussed to include the additional of Paragraph 7 as above-mentioned Seconded by Bray. AYE: Metcalf, Lay and Lewandowski. NAY: None. Motion carried. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Dyer made the motion to approve a Resolution amending the Fiscal Year 2012-2013 Budget. Seconded by Trumbull. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Follis made a motion to approve the denial of Claim #32704-TW by Claimant Tedra Palladino upon recommendation from the Oklahoma Municipal Assurance Group. Seconded by Bray. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Dyer made the motion to approve the denial of Claim #33001-ME by Claimant Leland M. Robinson upon recommendation from the Oklahoma Municipal Assurance Group. Seconded by Bray. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to an Ordinance amending Chapter 1, Section 6 Interpretation of Words and Terms of the Zoning Ordinances of the City of Grove, Oklahoma by adding a definition. Bottoroff reported that she had an inquiry from an individual expressing an interest in opening a winery inside the corporate limits of Grove, and she was not fully able to discuss the proposed terms with them due to the fact that a winery was not described in the permitted use table. Therefore; this ordinance is simply amending interpretation of words and terms by adding the following definitions:

**WINERY WITH RETAIL SALES**: an establishment where wine is made and sold on site. The vineyard area, and the area used to manufacture, bottle, package, and store wine on premises shall be less than sixty percent (60%) of the total area of the establishment. The establishment must be licensed by Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) as a winemaker.

**WINERY WITHOUT RETAIL SALES**: a vineyard area used to grow fruit for the purpose of manufacturing, bottling, packaging, and storing wine on premises to be sold to wholesales. The establishment must be licensed by Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) as a winemaker.

Bottoroff entertained questions, comments and concerns from the Council. Trumbull made the motion to approve the Ordinance as presented and discussed to include the date of passage to 4th of December. Seconded by Dyer. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Dyer made the motion to approve an Ordinance Amending Chapter 3 Uses Permitted In Districts of the Zoning Ordinances of the City Of Grove, Oklahoma by repealing and replacing the ‘Permitted Uses Table’ to include the above mentioned definition pertaining to Winery Sales to include the date of passage to 4th of December. Seconded by Bray. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding an Ordinance amending Chapter 5 Special Conditions of the Zoning Ordinance of the City of Grove by amending Chapter 5-12.14 Miscellaneous Uses – Screening of Open Storage. Bottoroff mentioned that that the following amendments are a minor housekeeping of the Zoning Ordinances:

Section 3 – Screening of Open Storage

*Commercial ……~~or such other design or method as may be approved by Planning and Zoning Commission.~~*

*Industrial …… ~~or such other design or method as may be approved by Planning and Zoning Commission.~~*

*All sides which are visible from a public road easement or right-a-way shall be screened with a fence or wall of at least six (6) feet in height.*

Trumbull made the motion to approve the Ordinance as presented and discussed to include the date of passage for 4th of December. Seconded by Dyer. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with request for Notice of Posting of regular scheduled meeting for the 2013 Calendar Year. Trumbull noted one change to the 2nd meeting for June 2013 that should read the 18th of June. Bray made the motion to approve the Notice of Posting of regular scheduled meeting as presented to include the change of June 16th to June 18th. Seconded by Trumbull. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.

**ACTING CITY MANAGERS REPORT**:

Bottoroff reported that a ‘Wall of Honor’ packet has been made for each of the Council Members to review for appointment at the first meeting of January 2013.

Bottoroff reported that the Fire Department has received official authorization for demolition from the property owners of the dilapidated structure known as the old Ballerina Motel that is located along the right side entrance of Sailboat Bridge. The Fire Department will utilize that as a training session within the next 2-3 weeks.

Bottoroff reported that the Staff has been in contact with representatives from CNG in regards to a Central Natural Gas service stations. They have requested presentation before the City Council for the December 18th meeting.

**WARD REPORTS**:

Follis complemented the Staff on the Christmas light display, and Buildings and Grounds on the tree lighting in the downtown area.

Dyer expressed thanks to the Staff on the audit report, and a special thanks to Lisa Allred for her works on the financial reports.

At 7:21 PM Dyer made the motion to adjourn. Seconded by Bray. AYE: Trumbull, Bray, Dyer and Follis. NAY: None. Motion carried.