**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, OCTOBER 18, 2011**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, October 18, 2011 at 6:00 PM with Mayor Marty Follis presiding. Members present were Ileta Bray, Marty Dyer and Berwin Kock. Member Ed Trumbull was absent. Also present was City Manager, Bruce Johnson; Attorney, Brandon Watkins; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard.

**PUBLIC COMMENTS**:

Mr. Eddie Rose – 602 E 9th Street – Grove, OK addressed the Council to respectfully report that since last year at this time Cornerstone Church has scheduled the Grove Civic Center for Monday, October 31st for their annual ‘Hallelujah Party’ event. The event coordinators has called City Offices several times prior to this date inquiring on the proposed date for trick-or-treating in the City of Grove, and was told each time that it will be scheduled for Halloween night. Therefore Cornerstone Church has kept their event as scheduled. Now, the event has learned that City of Grove is advertising trick-or-treating in Grove for the evening of Saturday, October 29th. Rose added that where he lives, which is Littlegate Addition, he received approximately 800 kids trick-or-treating last year, and that he always takes that day off to help his wife prepare for and receive the trick-or-treaters. Rose respectfully asked the City Council and Staff what is the official day for trick-or-treating for the City of Grove. Johnson responded by saying that the City of Grove has no official policy stating what particular day of the week or date of the month is permitted for that event. Johnson added that Halloween is officially Monday, October 31st, which is a school night this year, therefore after visiting with Police Chief, Mark Morris he expressed his personal concerns for the safety of the kids on the street, therefore it was his recommended that the City utilize Saturday, October 29th for that event instead of Monday, October 31st, which is a school night for the kids. Discussion was made between the Council, Staff and Audience. Johnson ended by saying that the City of Grove would remove any advertisement from both of their marquees, and that it would be the resident’s preference to accept trick-or-treaters on either Saturday, October 29th or Monday, October 31st.

At 6:14 PM Kock made the motion to open the Public Hearing regarding an application submitted by Racheal Lowe to rezone the following legally described property from C-2 to R-1 for Single Family Residential:

**Legal Description**

Lot 8, Block 38 in the Original Town of Grove, Oklahoma, according to the recorded plat thereof, Delaware County, Oklahoma; AKA 410 S. Center, Grove, OK

Seconded by Dyer. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried. Bottoroff reported that the property owner is respectfully requesting to take the existing property and remove it from the Commercial District zoning, and convert it back for residential use. The Planning and Zoning Commission met an approved this item for recommendation to the Mayor and City Council. No public comments were heard. At 6:15 PM Dyer made the motion to close the public hearing. Seconded by Bray. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Mayor Follis presented a plaque and a certificate of appreciation to Jera Bidwell for ‘Employee of the Quarter’.

Bray made the motion to approve minutes of the previous meeting. Seconded by Dyer. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis made the motion to approve the purchase order register. Seconded by Dyer. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve the Ordinance to rezone the property legally described in the above Public Hearing Item B.1 from C-2 to R-1 for Single Family Residential. Seconded by Bray. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding a Resolution approving the incurrence of indebtedness by the Grove Municipal Services Authority (The “Authority”) issuing its Sales Tax Revenue Note, Series 2011 (The “Note”); providing that the organizational document creating the authority is subject to the provisions of the note 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; ratifying and confirming a sales tax agreement by and between the City Of Grove, Oklahoma (The “City”) and The Authority pertaining to the year-to-year pledge of certain sales tax revenues; establishing the city’s reasonable expectation with respect to the issuance of tax-exempt obligations by or on behalf of said city in calendar year 2011, and designating the note as a qualified tax-exempt obligation; and containing other provisions relating thereto. Johnson reported that the Grove Municipal Services Authority met earlier this afternoon and entertained this Resolution in detail by Financial Advisor, Rick Smith of Municipal Finance Services, Inc. GMSA approved this Resolution upon recommendation to the Mayor and City Council. Smith addressed the Council to briefly describe the contents and manner for this resolution. Smith entertained questions, comments and concerns from the Council, Staff and participating audience. Dyer made the motion to approve the Resolution authorizing the incurrence of indebtedness by the Grove Municipal Services Authority as presented and discussed. Seconded by Bray. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve the Purchase of Service Agreement by and between Grand Gateway Economic Development Association/Pelivan Transit and the City of Grove, Oklahoma for a flat rate of $48,840 annually for a one year term beginning on October 1, 2011 through September 30, 2012. Seconded by Follis. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to annexing territory into the corporate limits of Grove, Oklahoma. Johnson reported that the residents of Meghan Coves Association have petitioned to be annexed inside the corporate limits of Grove. Johnson respectfully requested that their petition be placed upon the City Council agenda for presentation and discussion from the property owners. Johnson also added that he requested City Attorney Brandon Watkins to review the proposed project for opinion to the Council and Staff. Watkins reported that he has researched the proposed annexation, and found that according to new State of Oklahoma set of laws an annexation cannot occur if a bridge or a body of water is involved, and that the proposed annexed property is segregated by a large parcel of land that is not integrated in the proposed annexation. The property owners addressed the Council and Staff to respectfully ask what would be the next step they need to achieve before the Council may consider annexing them inside their corporate limits. The Council and Staff strongly suggested that the proposed property owners contact their local State Representatives to voice their opposition against the new legislative laws. Milburn Smith – President of the Meghan Coves Association, Inc reported that there is a ‘Contract & Agreement’ between the developers of Meghan Coves Association and GMSA dated the 20th day of January 1983 that states that once the developer(s) fulfills the conditions of the contract the developer will file a petition with the City Council of the City of Grove, Oklahoma, annexed to, and make a part of, the corporate limits of the City of Grove on or before October 1, 1983. The Council asked Watkins if he had the opportunity to fully review the described contract and agreement document. Watkins reported that he has not, and that he would research that document for possible any legal binding by and between GMSA and the developer of Meghan Coves Association Inc. The Council entertained questions, comments and concerns from the following individuals in regards to the proposed annexation:

* Rich Davis
* Larry Hestand
* David Lee
* Leonard Haux
* Donna Kue
* Jim Ford, and
* Milburn Smith

No action was taken from the Council.

Follis opened the floor for discussion regarding an Ordinance amending Chapter 5, Section 5-8 Signs and Billboards of the Zoning Ordinances. Bottoroff reported that due to the upcoming shopping mall located at the old hospital facility, it was recommended that the Planning and Zoning Commission re-visit this issue to define a ‘Shopping Center’, and its design requirements. Bottoroff reported that the Planning and Zoning Commission met and approved this Ordinance upon recommendation to the Mayor and City Council. Dyer made the motion to approve the Ordinance as presented and discussed. Seconded by Bray. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis reported that the Staff advertised for Letters of Application from anyone wishing to serve as Trustee to the Grove Municipal Services Authority, and that the following two applications were received:

1. Ivan Devitt
2. John McArtor III

Follis appointed Ivan Devitt as Trustee to the GMSA Board for a five (5) year term. Seconded by Dyer. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis reported that the Staff advertised for Letters of Application from anyone wishing to serve as Trustee to the Grove Economic Development Authority. The Board has three Trustees whose term has expired. The Staff received Letters of Applications from the following individuals:

* Bob Henkle
* Ron Lay, and
* Mike Lewandowski

Follis appointed each of the above-mentioned individuals as Trustees to the Grove Economic Development Authority for an additional term. Seconded by Bray. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to appointment of Trustee to the Grove Municipal Airport Managing Authority. Johnson reported that several months ago the Mayor appointed Eric Pearson as Trustee to the GMAMA. It was later discovered that Pearson did not meet all of the requirements in accordance to Exhibit A, Section VI of the Declaration of Trust which states that ‘The Trustee…shall be a bona fide resident citizen of Delaware County, Oklahoma…”. Pearson currently resides at 61895 E 220 Road, Fairland, OK, which is listed as Ottawa County. The GMAMA is respectfully requesting that the Council authorize the Staff to re-advertise this position for Letters of Application. Follis made the motion to authorize the Staff to advertise for the vacant position to the GMAMA. Seconded by Kock. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

**CITY MANAGER’S REPORT**:

Discussion with respect to Economic Development Agreement with All State Tank Manufacturing, L.L.C. – Johnson announced that the Grove Economic Development Authority met yesterday afternoon and approved an Economic Development Agreement for All-State Tank Manufacturing, LLC which present an incentive to All State Tank Manufacturing LLC in the amount of $25,000 for the construction, erection, and equipping of the industrial manufacturing site located at 511 Industrial Park Road A. One particular agreement is that All State shall maintain an employment level of 80 full-time employees at the site until October 31, 2013. If employment level falls below eighty employees for any calendar quarter then a directly proportional amount of incentive shall be returned to the Authority until such time that employment levels rise to 80 employees.

Discussion with respect to Oklahoma Aeronautics Commission Fiscal Year 2011-2013 Capital Improvement Plan. – Johnson reported that the City of Grove has received notification from the Oklahoma Aeronautics Commission that during its regularly scheduled meeting on September 8, 2011 they approved an amendment to the FY 2011-2013 Capital Improvement Program (CIP). The City of Grove was originally identified in that CIP as being eligible to receive State grant funds amounting to a maximum of $275,000 for a terminal building construction project at the Grove Municipal Airport. The amendment increases the Commission’s share in the project up to a maximum of $500,000. The funding shares of the project cost will remain at 50%, therefore a possible budget will be forthcoming before the Council in the near future to compensate for this cost sharing funding amount.

Johnson announced that on October 20, 2011, a resident of the City of Grove named Jesse Doublehead will officially turn 105 years of age. Johnson suggested that the City Official’s recognize her during an event in her honor on Saturday, October 22, 2011.

Johnson also announced that Council Representative Ed Trumbull wishes to express his thanks to all of the Council, Staff and Employees for their compassionate thoughts and prayers during their time of loss. Johnson added that it was good to see the overwhelming attendance of the community for the Trumbull/Richardson family, and a special thanks to Gary Bishop for his heart felt thoughts expressed during the time of remembrance.

At 7:16 PM Kock made the motion to adjourn. Seconded by Bray. AYE: Bray, Dyer, Kock and Follis. NAY: None. Motion carried.