**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, SEPTEMBER 6, 2011**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, September 6, 2011 at 6:00 PM with Mayor Marty Follis presiding. Members present were Ed Trumbull, Marty Dyer and Berwin Kock. Member Ileta Bray 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**:

Pastor Sam Smith and Pastor Wayne Shaw - Representative of the Grove Ministerial Alliance addressed the Council with a commemorative presentation to the victims of the upcoming 10th Annual 9/11 Memorial event.

At 6:08 PM Kock made the motion to open Public Hearing #2 for Tax Increment Financing District – proposed Increment District #1, City of Grove in order to allow for the opportunity for public comment regarding the proposed creation of Increment District #1 and the Harbor Point Economic Development Project Plan. Seconded by Dyer. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried. Johnson addressed the Council, Staff and audience with the proposed details of the above mentioned project. No comments from the participating audience were presented.

At 6:11 PM Trumbull made the motion to close the Public Hearing. Seconded by Dyer. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

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

Dyer made the motion to approve the minutes of the Joint Special Meeting of Tax Increment District Review Committee and the Grove City Council Monday, August 29, 2011. Seconded by Kock. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve the Purchase Order Register. Seconded by Dyer. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to an Ordinance approving utilization of apportioned tax revenues authorized by statewide vote adopting Article 10, Section 6C of the Oklahoma Constitution and implemented by the Local Development Act, 62 O.S. §850, Et Seq.; approving and adopting The Harbor Point Economic Development Project Plan and expressing intent to carry out the project plan; ratifying and confirming the actions, recommendations and findings of the review committee and the Planning and Zoning Board; creating and establishing Increment District No. 1, City of Grove; designating and adopting the increment district boundaries and the project area boundaries; adopting certain findings; reserving to the City Of Grove the authority to make minor amendments to the Project Plan; authorizing the City Council of the City of Grove, Oklahoma to carry out and administer the Project Plan; establishing a Tax Apportionment Fund; authorizing directions for prospective apportionment of Tax Increments; establishing an allocation of use for Tax Increments; declaring apportionment funds to be funds of the City and limiting the pledge of apportioned increments to increments actually apportioned by the City; authorizing the City Council of the City Of Grove, Oklahoma, or a Public Trust designated thereby, to implement the Project Plan utilizing apportioned Tax Increments to pay or reimburse project costs directly and/or to issue bonds or notes, if feasible and desirable, to pay project costs and to retire said bonds or notes from apportioned Tax Increments; providing for severability; declaring an emergency; and containing other provisions related thereto. Nate Ellis of the Public Finance Law Group PLLC entertained questions, comments and concerns from the Council, Staff and participating audience. Randy Wheeler – Project Developer / Owner was present to entertain any questions, comments and concerns from the Council, Staff and audience. Dyer made the motion to approve the Ordinance as presented and discussed creating and establishing Increment District No. 1, City of Grove pertaining to the Harbor Point Economic Development Project Plan. Seconded by Trumbull. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis made the motion to approve the Emergency Clause to the above- mentioned Ordinance. Seconded by Kock. AYE: Trumbull. Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to an Ordinance levying and assessing a sales tax of five percent (5.0%) in addition to present sales taxes upon the gross proceeds or gross receipts derived from rents received from occupancy of hotel rooms, providing for use of tax funds; providing for tax rate; providing exemptions; providing tax to be separately designated on bills; providing for operator’s duties; providing for bond requirements; providing for assessment and determination of tax; providing for refunds; providing for notices; providing for remedies exclusive; providing for general powers of the City Manager; requiring certificates of registration; making records confidential; providing for criminal penalties; providing for civil remedies; requiring approval of Ordinance by majority of registered voters voting at an election held for such purpose as provided by law; fixing effective dates; providing for severability; and containing other provisions related thereto. Johnson addressed the Council with the history details of this project from the last public election, which failed, to the current proposition being presented, and the comparable changes made by the Staff between the previous proposition and the most recent version. Trumbull made the motion to approve the Ordinance levying and assessing a sales tax of five percent (5.0%) in addition to present sales taxes upon the gross proceeds or gross receipts derived from rents received from occupancy of hotel rooms. Seconded by Dyer. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to a Resolution authorizing the calling and holding of an Election in the City of Grove, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of Ordinance No. 622 of the city relating to a five percent (5.0%) excise tax (Sales Tax), in addition to all present City, County, and State excise taxes, upon the gross receipts derived from rents received from occupancy of hotel or motel rooms to provide revenues for tourism development, as more specifically set out in Ordinance No. 622 of said city; and containing other provisions relating thereto. Johnson reported that the City of Grove will submit this to the Delaware County Election Board for Tuesday, November 8, 2011 ballot. Follis made the motion to approve the Resolution called for election for Tuesday, November 8, 2011 pertaining to Ordinance #622. Seconded by Kock. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to request from Grand Lake Association to close certain Streets on Saturday, September 24, 2011, for the Pelican Festival Parade. David Helms – Representative of the Grand Lake Association Parade Committee addressed the Council to respectfully request authorization to close a portion of Broadway and 4th Street(s) on Friday, September 23rd from the hours of 4PM to 9PM for a ‘Street Concert’, and the following streets for the proposed parade route on Saturday, September 24th for approximately one hour beginning at 10:30 AM (staging line will begin @ 9:00 AM):

* Main & Broadway @ City Hall side
* 4th & Broadway (East side of 4th)
* 4th & Main (West side of Main)
* 5th & Main (West side of Main)
* 5th & Broadway (East side of 5th)
* Grand & Main (South side of Main)
* Grand & Broadway (South side of Grand)

Dyer made the motion to approve the request from the Grand Lake Association for closing certain street pertaining to the Pelican Festival events as presented and discussed by Helms. Seconded by Trumbull. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding appointment of Trustee to the Grove Municipal Airport Managing Authority. Follis reported that the Staff advertised for letters of application for this position and received only one letter of interest from current Trustee Eddie Rose. Follis made the motion to re-appoint Eddie Rose as Trustee to the GMAMA. Seconded by Kock. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to a Resolution vacating public easements located within Wilson Addition, City of Grove, Delaware County, State of Oklahoma. Johnson announced that this Resolution pertains to the old hospital property. Resident Judith Read addressed the Council to respectfully request that the Council strongly consider to following amendment to the Resolution prior to approval:

Page 1 – 5th WHEREAS paragraph:

*…Office of the Delaware County Clerk on Book 216, Page 604; Book ~~216~~ 1645, Page ~~604~~ 846; and Book 222, Page 199; and…*

Kock made the motion to approve the Resolution as presented and amended. Seconded by Dyer. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to Facility Operating and Cooperative Agreement between the City of Grove, Oklahoma and Tri-State Family Young Men’s Christian Association. Johnson reported that the previous Council entertained this contract and approved to table due to disreputable issues, and was never placed back upon the agenda for consideration; therefore Johnson announced that the contract has been re-visited by the City Staff, City Attorney and YMCA Butch Christy, and has been placed back upon the City Council agenda for consideration. The Council and Staff discussed the proposed ‘Term – Renewal’ as described in Article 3 of the proposed Facility Operating & Cooperative Agreement to conclude that the term exercise of the agreement for three (3) successive option periods of ten (10) years each might be shortened somewhat. Johnson indicated that he would take this contract back for further review from the Staff, City Attorney and YMCA. Not action was taken.

Dyer made the motion to approve the contract between Grove Area Chamber of Commerce and the City of Grove, Oklahoma for Economic and Tourism Development. Seconded by Trumbull. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Trumbull made the motion to approve the contract between Grand Lake Association, Inc. and the City of Grove, Oklahoma for Tourism Promotion and Development. Seconded by Dyer. AYE: Trumbull, Dyer, and Kock. NAY: None. Follis abstained. Motion carried.

Follis made the motion to approve the contract between Lendonwood Gardens, Inc. and the City of Grove, Oklahoma for Tourism Promotion and Development. Seconded by Kock. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Dyer made the motion to approve a Resolution amending the City of Grove Personnel Policies and Procedures Manual Section 2-17: Workers Compensation and Section 2-20: Retirement Plan. Seconded by Trumbull. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis made the motion to approve an Ordinance amending Part 10, Chapter 6, Section 10-609 “Emergency Barricades” of the City of Grove, Oklahoma Code of Ordinances. Seconded by Dyer. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Dyer made the motion to approve an Ordinance amending Part 10, Chapter 3, Section 10-304 “Fireworks Regulated” of the City of Grove, Oklahoma Code of Ordinances. Seconded by Trumbull. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

Trumbull made the motion to approve a Resolution amending FY 2011-2012 budget. Seconded by Dyer. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

**CITY MANAGER’S REPORT**:

Discussion with respect to Grove Emergency Medical Services District Resolution directing the District staff of Grove EMS to investigate combination of Fire/EMS service for the City of Grove and the surrounding area – Johnson reported that the City has been made a formal request to the Grove EMS District to investigate combination of Fire/EMS service for the City of Grove and surrounding areas. The City has received a response from Attorney Phil Thompson, Chairman of the Grove EMS District Board reporting that the EMS Board of Trustees recently considered a combination of Fire/EMS organization, and that the Board concluded that it was well satisfied with the services provided by Integris Grove General Hospital, and that a combination of Fire/EMS services was not in the best interest of the members of the district.

Discussion with respect to VIPS and Emergency Management volunteers work on behalf of the City of Grove and Grove Public Schools – Johnson announced that the city has received a ‘Letter of Recognition’ from Mark Morris – Chief of Police requesting that the VIPS (Volunteers In Police Service) and the Emergency Management be recognized for their hard work at the beginning of the school year during the extreme heat, standing on the streets around the schools directing an enormous amount of both vehicle and pedestrians traffic, and the confused drivers looking for the right campus.

**WARD REPORTS**:

Trumbull asked for an update on the Baycrest Utility project. Bower reported that project is approximately half way complete.

Trumbull then asked for an update on the 4th Street drainage project. Bower reported that project is complete with only some minor asphalt work.

Trumbull last asked for any update on any future demolition projects like what was recently conducted at the Don Swap Shop site along Highway 59 North. Johnson reported that the City has sites on approximately 20 other structures that need to be burned under the volunteer demolition program possible starting with the structure located along 10th Street.

Trumbull at last asked for an update on the deer hunting certification testing. Johnson reported that Officer John Sherman is in charge of that program, and that he has not announced his testing schedule for this year.

Follis commended the Staff on the ‘Adopt A Street’ program, and asked for an update on that program. Bottoroff reported that there are currently 13 groups committed to that program.

Follis asked if the Grove Municipal Pool is officially closed. Johnson reported that it officially closed after hours on Monday, September 5th.

Dyer reported that the traffic around the school facilities appears to be operating effortlessly.

Kock reported that the signs are down around the Shundi Bridge area.

Kock reported that he has received a minor complaint from a resident saying that he submitted his burn permit application on-line, and never received a response back from any City Official. Johnson indicated that he would look into that matter.

Kock then questioned who is in charge of sounding the tornado sirens. Johnson reported that it is a combination of several entities from the Police, Fire, Emergency Management and City Staff who are all watching on site locations, and local television radars.

At 7:24 PM Dyer made the motion for the Council to recess into Executive Session concerning confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with 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.; Civil Action No. 11-CV-472-GKF-PJC Michael Yeary and Sharon Yeary v. City of Grove, et al., United States District Court for the Northern District of Oklahoma. Seconded by Follis. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

At 7:43 PM Dyer made the motion for the Council to come out of Executive Session with no action taken. Seconded by Follis. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.

At 7:43 PM Kock made the motion to adjourn. Seconded by Trumbull. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Motion carried.