**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, AUGUST 17, 2010**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, August 17, 2010 at 6:00 PM with Vice-Mayor, Marty Follis presiding. Members present were Ed Trumbull, Larry Parham and Mike Davenport. Member Gary Trippensee was absent. Also present was City Manager, Bruce Johnson; Attorney, Dave Jones; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard.

**PUBLIC COMMENTS**:

Mr. Will Winder addressed the Council to report that he has researched the recent calculation of Sales Tax collected on grocery (food) items from the City of Grove, and that it sums up to approximately $250,000 per year. Winder reported that he is proposing to circulate a petition asking that the sales tax be abolished from the sales of grocery (food) items. Winder further asked that the Council authorize the City Attorney to assist him in the preparing of the petition. Johnson reported that the sum of $250,000 per year as reported by Winder is incorrect. The Sales Tax report ending as of June 30, 2010 groups a sum total of $273,727.66, however that amount does not include the total sum of $1,980,906.42 that was collected from Wal-Mart for 2009-2010. The Wal-Mart stores are categorized as a Department Store not a grocery (food) store. Therefore, by eliminating the sales tax on grocery items for the 2009-2010 FY would have resulted in the following:

City General Fund (reduction of approximately) $ 627,145.35

City Capital Fund (reduction of approximately) $ 313,572.67

GMSA Debt Service Fund (reduction of approximately) $ 125,372.21

Total Sales Tax Reduction: $1,066,090.23

Winder discussed this item in detail with the Council, Staff and Audience. After much discussion, Winder indicated that it is still his intentions to proceed with the petition.

At 6:17 PM Davenport made the motion to open the Public Hearing regarding an application submitted by William and Vera Cackler to re-zone the following legally described property from R-1 to C-4 to construct an office complex, barber shop:

Legal Description

Lot 1, Block 53, Original Town of Grove, Delaware County, Oklahoma, a subdivision, according to the recorded plat thereof, aka 600 Grand Street, Grove, OK.

Seconded by Parham. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried. No public comments or concerns were presented.

At 6:17 PM Davenport made the motion to close the public hearing. Seconded by Parham. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Trumbull made the motion to approve the minutes of the previous meeting as corrected. Seconded by Follis. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Parham made the motion to approve the purchase order register as amended. Seconded by Davenport. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Davenport made the motion to approve an Ordinance rezoning the property legally described above in Item B - Public Hearing from R-1 to C-4 as requested by property owners William and Vera Cackler upon recommendation from the Planning and Zoning Commission. Seconded by Parham. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Follis made the motion to approve the Emergency Operation Plan with the State Of Oklahoma / Delaware County. Seconded by Trumbull. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Davenport made the motion to approve the request received from the Grove Economic Development Authority for annexation of the following described property:

Legal Description

Part of the N ½ SW ¼ of Section 34, Township 25 North, Range 24 East, Delaware County, Oklahoma, being more particularly described as follows: beginning at the SW corner of the NW ¼ SW ¼; thence N 89◦58’83” East 1322.22 feet; thence N 89◦58’36” East 1237.23 feet; thence N 08◦31’22” West 402.14 feet; thence N 85◦20’36” West 287.03 feet; thence N 52◦21’14” West 106.55 feet; thence N 20◦09’57” West 303.90 feet; thence N 37◦37’00” West 247.36 feet; thence N 23◦43’25” West 125.06 feet; thence N 75◦23’32” West 118.76 feet; thence N 14◦23’05” West 216.93 feet; thence N 89◦52’57” West 332.26 feet thence S 00◦06’44” East 495.06 feet; thence N 89◦59’17” West 701.33 feet; thence S 00◦01’38” East 186.88 feet; thence N 89◦59’13” West 42.76 feet; thence S 40◦08’09” West 87.64 feet; thence S 23◦24’51” West 56.04 feet; thence S 28◦01’52” West 117.28 feet; thence S 15◦29’27” West 197.10 feet; thence N 89◦53’53” West 392.85 feet to a point on the West line of said N ½; thence S 00◦01’38” East 230.75 feet along said West line to the point of beginning, subject to a 16.5 foot statutory easement along the West line and any and all easements of record.

Seconded by Trumbull. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Follis reported that due to the absence of Mayor, Trippensee, a letter of Mayor’s appointment of Trustee – Trustee Position #5 to the Grove Municipal Airport Managing Authority was read in its entirely announcing his person of interest to fulfill the office of trustee to be Paul E. Beyer, therefore Follis made the motion to appoint Beyer as Trustee #5 to the Grove Municipal Airport Managing Authority. Seconded by Davenport. AYE: Parham, Davenport and Follis. NAY: Trumbull. Motion carried.

Parham made the motion to authorize the Staff to advertise for request for proposals for City Attorney services. Seconded by Davenport. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to the proposed Delaware County Public Facilities Authority proposed financing plan and funding sources for expanded jail facility. Parham reported on his research pertaining to the Jail Tax Proposition vs. the Resolution that was approved by the Delaware County Commissioners. Parham reported that he understood the Resolution to state a ten (10) year sales tax increase at 0.5% for a 100 beds facility, and that the Proposition, that is proposed to be placed upon the ballot, reads a maximum of eight (8) year sales tax increase at 0.5%, then upon the completion of eight (8) years, the 0.5% sales tax percentage will decrease down to 0.25% for maintaining and operating expenses. Parham strongly encourage all citizens to get out and vote “NO” on this proposition. The Council entertained questions and comments from the following individuals:

* Bill Miller
* Judith Read
* John McCarter
* Cindy McCarter

No action was taken.

**CITY MANAGERS REPORT**:

Johnson reported that a few weeks ago the Grove Municipal Services Authority had issued a ‘Voluntary’ water rationing. However, since that time GMSA has been able to continue filling the tanks, and because of the recent rains GMSA is now able to clean out their basins.

**WARD REPORT**:

Parham reported that the City of Grove sales tax report in down from the previous month by approximately 3%.

At 6:57 PM Davenport made the motion to adjourn. Seconded by Parham. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.