**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, JULY 17, 2012**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, July 17, 2012 at 6:00 PM with Mayor Marty Follis presiding. Members present were Marty Dyer and Berwin Kock. Members Ed Trumbull and Ileta Bray were 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. Ben Hynum addressed the Council to express his appreciation to them for allowing him to organize the entertainment again this year for the City of Grove Annual 4th of July event. Hynum extended his appreciation to all of the City of Grove employees who participated in making this event a success, KGVE Radio Station, and to all of the local newspaper media. Hynum then presented a refund check to the City of Grove in the amount of $2,180. Hynum then respectfully requested that the City Council consider allocating an additional budget of approximately $3,000 for a ‘Veteran Show” event.

Mr. Charlie Wallace – President of the Grove Rotary Club addressed the City Council to say that the Grove Rotary Club has entertained discussions on conducting another community project. The Rotary Club has decided to upgrade the Grove Kiwanis Park located on the northeast corner of 10th and Mill Street, and has respectfully asked that the City of Grove partner with them on this project. Wallace added that the organization would suggest demolishing all of the old equipment and replace it with newer / larger equipment, install safety fall material (wood texture) of approximately 8”. The estimated cost for this project will be $80,000, which will be made up of private donation, and all of the labor will be donated from members of the Rotary. Wallace indicated the following projects are what they would respectfully request from the City:

1. Assist with demolition of some of the play structures
2. Dirt work site preparation for safety fall surfaces
3. Demolish & construct new restrooms
4. Pave & stripe a new parking lot (South side along 10th Street)
5. Relocating the chain link fencing along the south edge of the park to accommodate the parking lot as appropriate , and
6. Construction the pavilions w/picnic tables

Wallace entertained questions, comments and concerns from the Council, Staff and participating audience members. Wallace added that they would start the private donation collections around the 15th of August with ground breaking hopefully in early Spring 2013. No action was taken.

Mayor Follis presented a plaque and Certificate of Appreciation to Employee of the Quarter – Craig Criger.

At 6:20 PM Dyer made the motion to open the Public Hearing regarding an application submitted by Joseph and Brenda Nowlin to rezone the following legally described properties from R-1 to A-1 for agriculture use:

Legal Description:

Part of the E ½ SE ¼ of Section 1, Township 24 North, Range 23 East of the I.B. &M., Delaware County, Oklahoma, being more particularly described as follows: Beginning at the NE corner of said SE ¼ of Section 1; thence South 339.09 feet along the East line of said SE ¼; thence N 82◦24’ 42” West 251.37 feet to a found 5/8” iron pin; thence South 355.76 feet to a found 5/8” iron pin; thence N 89◦ 34’ 14” East 249.17 feet to said East line; thence South 341.73 feet along said East line; thence S 89◦ 26’ 25” West 345.75 feet to a found 5/8” iron pin; thence S 00◦ 02’ 33” East 352.00 feet to a found 5/8” iron pin; thence S 89◦ 26’ 25” West 20.00 feet to a found 5/8” iron pin; thence S 00◦ 02’ 33” East 123.60 feet to a found 5/8” iron pin; thence N 89◦ 26’ 25” East 220.00 feet to a found 3/8” iron pin’ thence S 00◦ 02’ 33” East 132.52 feet to a found 3/8” iron pin; thence S 89◦ 31’ 06” West 200 feet to a found 5/8” iron pin; thence S 00◦ 02’ 33” East 132.27 feet to a found 5/8” iron pin; thence N 89◦ 37’ 24” East 345.14 feet to a found pk nail; thence South 30.00 feet to a found rr spike; thence 89◦ 37’ 24” West 621.34 feet to a found 5/8” iron pin; thence S 21◦

09’ 17” East 428.21 feet to a found 5/8” iron pin; thence South 466.69 feet to the South line of said SE 1/4 ; thence S 89◦ 37’ 24” West 72.00 feet along said South line; thence N 00◦ 00’ 21” West 198.00 feet to a found 5/8” iron pin; thence S 89◦ 37’ 24” West 220.00 feet to a found 5/8” iron pin’ thence S 00◦ 00’ 21” East 198.00 feet to said South line; thence 89◦ 37’ 23” West 566.48 feet to the SW corner of said E ½ SE ¼; thence N 00◦ 00’ 59” East 2640.14 feet to the NW corner of said E 1/2 SE 1/4; thence N 89◦ 39’ 04” East 1324.35 feet to the point of beginning, being subject to easements thereof.

and

Part of the E ½ SE ¼ of Section 1, Township 24 North, Range 23 East, Delaware County, Oklahoma, being more particularly described as follows: Commencing at the SE corner of said SE ¼ of Section 1; thence S 89◦ 37’ 24” West 466.69 feet to a found rr/spike along the South line of said SE ¼; thence N 00◦ 00’ 21” West 466.69 feet for the point of beginning; thence N 00◦ 00’ 21” West 400.37 feet; thence S 89◦ 37’ 24” West 154.50 feet; thence S 21◦ 09’ 17” East 428.21 feet to the point of beginning, being subject to easement thereof.

and

The SW ¼ SE ¼ and the S ½ NW ¼ SE ¼ and the NW ¼ NW ¼ SE ¼ of Section 1, Township 24 North, Range 23 East, Delaware County, Oklahoma, subject to any and all easements.

Less and Except

Part of the W ½ NW ¼ SE ¼ and part of the NW ¼ SW ¼ SE ¼ of Section 1, Township 24 North, Range 23 East, of the I.B.M., Delaware County, Oklahoma, more particularly described as follows: From the SW corner of SW ¼ of said Section 1 run N 00◦ 46’ 28” East 1320.52 feet along the West side of said SW ¼; thence S 89◦ 39’ 16” East 2649.60 feet to the SW corner of said W ½ NW ¼ SE ¼ to the point of beginning; thence S 89◦ 39’ 16” East 81.06 feet; thence along the arc of a curve to the left 733.10 feet, said curve having a radius of 535.00 feet and a delta angle of 78◦ 30’ 42”; thence N 00◦ 44’ 18” East 360.70 feet; thence along the arc of a curve to the right 269.51 feet, said curve having a radius of 595.00 feet and a delta angle of 25◦ 57’ 08” to the East line of said W ½ NW ¼ SE ¼; thence S 00◦ 44’ 18” West 578.13 feet along said East line; thence along the arc of a curve to the right 914.90 feet, said curve having a radius of 585 feet and a delta angle of 89◦ 36’ 25”; thence N 89◦ 39’ 16” West 81.58 feet to the West line of said NW ¼ SW ¼ SE ¼; thence N 00◦ 44’ 44” East 50.00 feet to the point of beginning.

and

TRACT 3:

Part of the E ½ SW ¼ of Section 1, Township 24 North, Range 23 East of the I.B.& M., Delaware County, Oklahoma, being more particularly described as follows: Beginning at the SE corner of the NE ¼ of said SW ¼; thence S 89◦ 39’ 16” West 365.80 feet; thence 274.26 feet along a curve to the left, having a radius of 625.00 feet and a central angle of 25◦ 08’ 33”; thence 31.87 feet along a curve to the right, having a radius of 575.00 feet, a central angle of 03◦ 10’ 33”, and a chord of S 66◦ 47’ 27” West 31.87 feet; thence N 15◦ 35’ 35” West 265.83 feet; thence N 39◦ 07’ 28” West 103.54 feet; thence N 17◦ 37’ 41” West 135.14 feet; thence N 89◦ 38’ 58” East 843.94 feet; thence S 00◦ 45’ 12” West 402.39 feet to the point of beginning, being subject to 10 foot easements along all sides and easement thereof. Property address: 2501 Baycrest Ave., Grove, OK 74344.

and

TRACT 4:

Part of the SE ¼ SW ¼ of Section 1, Township 24 North, Range 23 East of the I.B. & M., Delaware County, Oklahoma, being more particularly described as follows: Commencing at the NW corner of said SE 1/4; SW ¼; thence S 00◦ 45’ 36” West 71.43 feet to THE POINT OF BEGINNING; thence 215.06 feet along a curve to the right, having a radius of 575.00 feet a central angle of 21◦ 25’ 46” and a chord of S 77◦ 44’ 25” East 213.81 feet; thence 297.50 feet along a curve to the left having a radius of 625.00 feet a central angle of 27◦ 16’ 22” and a chord of S 80◦ 39’ 43” East 294.70 feet; thence S 03◦ 24’ 58” West 779.48 feet; thence N 89◦ 32’ 26” West 464.80 feet; thence N 00◦ 45’ 36” East 867.66 feet to the point of beginning, being subject to a 10 foot easement along all sides.

and

TRACT 5:

Part of the SE ¼ SW ¼ of Section 1, Township 24 North, Range 23 East of the I.B.& M., Delaware County, Oklahoma, being more particularly described as follows: Commencing at the NE corner of said SE ¼ SW ¼; thence S 00◦ 45’ 12” West 50.00 feet to THE POINT OF BEGINNING; thence S 00◦ 45’ 12” West 891.74 feet; thence N 89◦ 32’ 26” West 860.22 feet; thence N 03◦ 24’ 58” East 779.48 feet; thence 223.61 feet along a curve to the left having a radius of 625.00 feet a central angle of 20◦ 29’ 56” and a chord of N 75◦ 27’ 08” East 222.42 feet; thence 252.32 feet along a curve to the right having a radius of 575.00 feet a central angle of 25◦ 08’ 33” and a chord of N 77◦ 46’ 26” East 250.30 feet; thence S 89◦ 39’ 16” East 365.44 feet to the point of beginning, being subject to a 10 foot easement along all sides. Property address: Bay Crest Dr., Grove, OK 74344.

and

TRACT 1:

Part of the E ½ SW ¼ of Section 1, Township 24 North, Range 23 East of the I.B. & M., Delaware County, Oklahoma, being more particularly described as follows: Beginning at the NW corner of said E ½ SW ¼; thence S 89◦ 38’ 54” East 1324.47 feet; thence S 00◦ 45’ 12” West 917.83 feet; thence S 89◦ 38’ 58” West 843.94 feet; thence S 17◦ 37’ 41” East 135.14 feet; thence S 39◦ 07’ 28” East 103.54 feet; thence S 15◦ 35’ 35” East 265.83 feet; thence 60.11feet along a curve to the right having a radius of 575.00 feet a central angle of 05◦ 59’ 23” and a chord of S 71◦ 22’ 25” West 60.08 feet; thence N 15◦ 35’ 35” West 256.52 feet; thence N 39◦ 07’ 28” West 102.43 feet; thence N 17◦ 37’ 41” West 164.83 feet; thence S 89◦ 01’ 46” West 418.36 feet; thence N 00◦ 45’ 36” East 938.93 feet to the point of beginning, being subject to 10 foot easements along all sides.

and

A tract of land located in the S ½ SE ¼ SE ¼ of Section 1, Township 24 North, Range 23 East, Delaware County, Oklahoma, more particularly described as follows to-wit: Starting at a point 538.69 feet West of the SE corner of said Section 1; thence West 220.00 feet; thence North 00◦ 22’ 15” East 198.00 feet; thence East 220.00 feet; thence South 00◦ 22’ 15” West 198.00 feet to the point of beginning. Property address: 1701 Harber Road, Grove, OK 74344.

Seconded by Kock. AYE: Dyer, Kock and Follis. NAY: None. Motion carried. Bottoroff reported that the Planning and Zoning Commission met and approved this rezoning upon recommendation to the Mayor and City Council by a 5-0 vote with only one response of opposition received. Property owner Joe Nowlin was present to entertain any questions from the Council and Staff. No public comments were heard. At 6:21 PM Dyer made the motion to close the Public Hearing. Seconded by Kock. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.

Follis requested that the minutes of the special meeting June 26, 2012 be tabled for the next regular meeting in order to allow for at least a ¾ vote of the attending members of the Council.

Follis requested that the minutes of the special meeting July 6, 2012 be tabled for the next regular meeting in order to allow for at least a ¾ vote of the attending members of the Council.

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

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

Dyer made the motion to approve an Ordinance rezoning the property legally described above in item A. 1 from R-1 to A-1 for agricultural use & upon recommendation from the Planning and Zoning Commission. Seconded by Kock. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to a Resolution approving the incurrence of indebtedness by the Grove Economic Development Authority (formerly named “The Grove Industrial Development Authority” and referred to herein as the “Authority”) issuing its promissory note, series 2012 (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; 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 2012, and designating the note as a qualified tax-exempt obligation; and containing other provisions relating thereto. Johnson announced that this item Resolution authorizes GEDA to incur the indebtedness for the 16th Street Public Access Facility improvements. Johnson added that GEDA met in regular session on 07-16-12 and approved their Resolution for this project for recommendation to the Mayor and City Council. Kock made the motion to approve the Resolution authorizing the incurrence of indebtedness by the Grove Economic Development for the16th Street Public Access Facility improvements. Seconded by Dyer. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.

Dyer made the motion to approve a Resolution amending the City of Grove’s Comprehensive Pay Plan as presented and discussed by Johnson. Seconded by Kock. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.

Dyer made the motion to approve an Ordinance amending and renumbering Part 4, Chapter 1, and Section 4 Animal Regulations, of the Code of Ordinances of the City of Grove, Oklahoma by adding definitions, confinement and tethering requirements. Seconded by Kock. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve an Ordinance amending Chapter 5, Section 5-8.4M (Prohibited Off-Premise Signs) of the Zoning Ordinances of the City of Grove, Oklahoma, by adding and exception for Garage Sale Off-Premise Signs upon recommendation from the Planning and Zoning Commission. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve an Ordinance amending Part 10 – Offenses and Crimes against the Public – Chapter 3 Section 10-309 (Amplified Sound, Loud Noise or Music Prohibited) of the Code of Ordinances of the City of Grove, Oklahoma. Seconded by Dyer. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.

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

Follis announced that the City advertised for letter of application from anyone interested in serving as Trustee to the Grove Library Board. The City received only one letter of interest from:

* Madolyn J. Tryon – 63870 E 297 Lane – Grove, OK 74344

Kock made the motion to appoint Madolyn Tryon as Trustee to the Grove Library Board. Seconded by Dyer. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.

**CITY MANAGERS REPORT**:

Johnson announced that Wayne Crouse – General Manager of Bernice Sanitation, LLC has graciously donated $15,000 to the 16th Street Public Access Facility improvement project. Johnson added that Crouse has made other charity donations throughout the community.

Johnson added that the Grove Municipal Services Authority met earlier this afternoon, and entertained preliminary discussions from Engineer Tim McCreary in regards to the GMSA Water Treatment Plant expansion schedule.

**WARD REPORTS**:

Follis reported that he travels all around the lake area for his business, and generally fueled up around Langley where today gas prices was $3.35 per gallon but today he fueled up at Harps today where gas was cheaper at $3.27 per gallon.

At 6:52 PM Kock made the motion to adjourn. Seconded by Dyer. AYE: Dyer, Kock and Follis. NAY: None. Motion carried.