

The McAlester City Council met in a Regular session on Tuesday, January 10, 2017, at 6:00 P.M. after proper notice and agenda was posted, January 9, 2016 at 11:23 A.M.

Call to Order

Mayor Browne called the meeting to order.

Councilman Garvin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Leroy Alsup, Community & Economic Development Director; Jayme Clifton, Executive Assistant/Planning Tech; George Estrada, Building Inspector; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizens Comments on Non-Agenda Items

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

There were no citizen comments.

Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Approval of Claims for December 21, 2016 through January 3, 2017. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$74,364.69; Nutrition - \$805.66; Landfill Res./Sub-Title D - \$3,476.00; Tourism Fund - \$7,884.48; SE Expo Center - \$8,542.15; E-911 - \$740.75; Economic Development – 11,735.50; CDBG Grants Fund - \$5,810.00; Fleet Maintenance - \$10,069.74; CIP Fund - \$365,264.02; Technology Fund - \$289.97 and Stormwater Fund - \$43,605.00
- B. Concur with the Mayor's appointment of Justin Few, 1423 Timber Lane to a new three-year term on the Board of Adjustment to expire on March 31, 2020. *(John Browne, Mayor)*
- C. Concur with the Mayor's appointment of Mark Emmons, 1701 Boardwalk Avenue : Justin Few, 1423 Timber Lane; Chris Taylor, 108 Saunier Way; and Anthony (Tony) Korp, 601 Lampton Lane to new three-year terms on the Planning Commission to expire on May 31, 2020. *(John Browne, Mayor)*
- D. Consider and act upon, approval of a lease and contract by and between the Board of the Pittsburg County Regional Expo Authority and the City of McAlester. *(Joe Ervin, City Attorney)*
- E. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC, Invoice MC-15-02A-06, in the amount of \$10,078 .00 for Professional Services related to

Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

A motion was made by Councilman Garvin and seconded by Vice-Mayor Karr to approve the Consent Agenda.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Smith, Stevens, Read, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to open a Public Hearing to address an Ordinance to rezone certain property.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Stevens Read, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:04 P.M.

Public Hearing

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR ALL OF LOTS 1, 2, 3, 4, 5, 6, AND 7, IN BLOCK 10; AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, AND 9, IN BLOCK 27; AND THE ALLEY RUNNING THROUGH BLOCK 10; AND THE ALLEY RUNNING THROUGH BLOCK 27; AND ALL THAT PART OF THE WESTERLY 20 FEET OF EAST STREET LYING SOUTH OF ELECTRIC AVENUE, FORMERLY KNOWN AS GENE STIPE BOULEVARD, AND NORTH OF THE CENTER LINE OF BUCHANAN AVENUE; AND ALL THAT PART OF LINCOLN AVENUE LYING EAST OF STRONG BOULEVARD AND WEST OF EAST STREET; AND ALL THAT PART OF THE NORTHERLY 40 FEET OF BUCHANAN AVENUE LYING EAST OF STRONG AVENUE AND WEST OF EAST STREET; IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM H-1 HEALTH FACILITIES DISTRICT TO C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT.

There were no comments from the Council or the citizens and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Garvin, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Read, Karr, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:04 P.M.

Scheduled Business

1. Consider and act upon, an Ordinance amending the general zoning ordinance and accompanying map thereto known as General Zoning Ordinance No. 1843 (1989), by changing the classification of the zoning district for all of Lots 1, 2, 3, 4, 5, 6, and 7, in Block 10; and Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, in Block 27; and the Alley running through Block 10; and the Alley running through Block 27; and All that part of the Westerly 20

feet of East Street lying South of Electric Avenue, formerly known as Gene Stipe Boulevard, and North of the Center Line of Buchanan Avenue; and All that part of Lincoln Avenue lying East of Strong Boulevard and West of East Street; and All that part of the Northerly 40 feet of Buchanan Avenue lying East of Strong Avenue and West of East Street; in the City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from H-1 Health Facilities District to C-5 Highway Commercial and Commercial Recreation District. (*Leroy Alsup, Community & Economic Development Director*)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning district for the property identified in the Ordinance from H-1 Health Facilities District to C-5 Highway Commercial and Commercial Recreation District and authorizing the Mayor to sign the ordinance.

Jayme Clifton, Community and Economic Development Executive Assistant/Planning Tech addressed the Council explaining that the applicant had requested that this property be rezoned from H-1 Health Facilities District to C-5 Highway Commercial and Commercial Recreation District and that at the Planning and Zoning Commission meeting on November 15, 2016 had voted unanimously to recommend the request be approved.

ORDINANCE NO. 2590

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR ALL OF LOTS 1, 2, 3, 4, 5, 6, AND 7, IN BLOCK 10; AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, AND 9, IN BLOCK 27; AND THE ALLEY RUNNING THROUGH BLOCK 10; AND THE ALLEY RUNNING THROUGH BLOCK 27; AND ALL THAT PART OF THE WESTERLY 20 FEET OF EAST STREET LYING SOUTH OF ELECTRIC AVENUE, FORMERLY KNOWN AS GENE STIPE BOULEVARD, AND NORTH OF THE CENTER LINE OF BUCHANAN AVENUE; AND ALL THAT PART OF LINCOLN AVENUE LYING EAST OF STRONG BOULEVARD AND WEST OF EAST STREET; AND ALL THAT PART OF THE NORTHERLY 40 FEET OF BUCHANAN AVENUE LYING EAST OF STRONG AVENUE AND WEST OF EAST STREET; IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM H-1 HEALTH FACILITIES DISTRICT TO C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT

After a brief discussion concerning what business was planning to move to the property and the steps that had been followed in the process a motion to approve **ORDINANCE NO. 2590**, by Councilman Garvin and seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Smith, Karr, Barnett, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public and the community, or they create a fire hazard which is dangerous to other property. (*George Estrada, Building Inspector, Jayme Clifton, Planning Technician*)

Executive Summary

Upon the conclusion of the Public Hearing, Motion to approve a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public.

George Estrada, Building Inspector addressed the Council regarding the list of dilapidated properties that had been submitted for their consideration. He stated that many of the structures had been abandoned, some had fire damage and at least one (1) was nonconforming.

Ron Davis addressed the Council, expressing his concerns regarding the property located at 226 E. Van Buren Ave. Danny Giacomo addressed the Council, expressing his concerns regarding the property located at 1108 E. Kiowa. Andrew Scherman addressed the Council, expressing his

concerns regarding the property located at 422 S. 5th Street and Kevin Priddle addressed the Council regarding the property located at 629 N. C Street.

After a lengthy discussion among the Council and including Manager Stasiak, Attorney Ervin and the four (4) citizens that had addressed the Council concerning the notices that were mailed to the property owners, how long someone would have to repair the properties, the procedure to obtain a special remodel permit, what authority the Council had concerning this item and having more time to work out the details, a motion was made by Councilman Barnett and seconded by Councilman Stevens to postpone this item until the second meeting in February.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Barnett, Stevens, Garvin, Smith, Karr & Mayor Browne

NAY: None

ABSTAIN: (counted as a nay) Councilman Read

Mayor Browne declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 1 for the contract with Rocking "O" Construction for construction of Washington Bridge Sidewalk and Railing and accept the project as completed. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve final payment of \$25,000.00 for the Washington Bridge Sidewalk and Railing Project to Rocking "O" Construction and accept the project as completed.

Manager Stasiak addressed the Council informing them that the project had been inspected, everything had been accomplished and the project was complete.

There was a brief discussion concerning the damage that had been done to the middle of the bridge, how those repairs could be made, if the City was still using an outside engineering firms and how long it could be before the City had a Public Works Director.

Councilman Smith moved to authorize the Mayor to sign the Contractor's Final Pay Estimate No. 1, in the amount of \$25,000.00, for the contract with Rocking "O" Construction for construction of Washington Bridge Sidewalk and Railing and accept the project as completed. The motion was seconded by Councilman Read and the vote was taken as follows:

AYE: Councilman Smith, Read, Barnett, Stevens, Karr, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Discussion of possible removal of deed restrictions on City of McAlester Lake Lot 49 at Lake McAlester. (*Robert Karr, Councilman*)

Executive Summary

Discussion.

Vice-Mayor Karr explained that he had requested this item be placed on the agenda for discussion concerning the restrictions on this particular lot at Lake McAlester. He added that there were several lots close to the water.

There was discussion among the Council including Manager Stasiak, Attorney Ervin, Ms. Clifton and Mr. Wagoner the current owner of the lot concerning the septic system requirements, the restrictions that did not allow a permanent residence on the lot, the size of the home and the number of bedrooms in that home, why these restrictions had placed on the lot and what the Council would be allowed to do about the restrictions. At the end of the discussion, Mayor Browne explained that since this item had been placed on the agenda for discussion only the Council could not make any decisions at this meeting.

Attorney Ervin commented that he would prepare a deed to remove the restrictions that had been discussed.

There was no vote on this item.

New Business

Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.

Manager Stasiak informed the Council that after the agenda had been posted he had received information concerning the closing for the Krebs Brewing project. He explained that the total amount for the closing would be \$1,103,191.10 and he asked that the Council approve a check in that amount to be issued for the closing.

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve the issuance of a check in the amount of \$1,103,191.10 for the closing of the Krebs Brewing project. There was no further discussion, and the vote was taken as follows;

AYE: Councilman Garvin, Smith, Stevens, Read, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak informed the Council that the show removal equipment that they had approved to be purchased a few years back had been put to use this past weekend and all of the equipment had performed well. He stated that with the approaching weather the City was looking at possible freezing rain and they would be prepared. He then informed them that he would be attending the City Managers Winter Conference in Midwest City and during his absence Mel Priddy would be Acting City Manager.

Remarks and Inquiries by City Council

There were no comments or inquiries from the Council for this evening.

Mayor's Comments and Committee Appointments

Mayor Browne congratulated Isabella Lawson for being named CEO of Community Health Centers of Oklahoma. He thanked the Edwards and Patterson Law Firm for sponsoring free cabs for New Year's Eve. He stated that the McAlester High School Varsity Pom squad had its' best performance in school history at State Competition and were now preparing for National Competition in Florida. He informed the public that Friday, January 13, 2017 was the Martin Luther King, Jr. religious service at Mount Triumph Baptist Church and the Unity Banquet would be Saturday, January 14th at the McAlester High School cafeteria.

Recess Council Meeting

Mayor Browne asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Karr.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Barnett, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:29 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:30 P.M.

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned. The motion was seconded by Vice-Mayor Karr.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Barnett, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:31 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk