

The McAlester City Council met in a Regular session on Tuesday, August 11, 2020, at 6:00 P.M. after proper notice and agenda was posted, August 6, 2020, at 4:07 P.M.

William J. Ervin, gave the invocation and lead the Pledge of Allegiance.

Call to Order

Mayor Browne called the meeting to order.

Roll Call

Council Roll Call was as follows:

Present in Person: Weldon Smith, James Brown, Billy Jack Boatright & John Browne
Present via Teleconference: Cully Stevens, Steve Cox & Zach Prichard
Absent: None
Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager, Sherri Swift, CFO; Kevin Hearod, Police Chief; Kirk Ridenour, Economic Development Director; Jayme Clifton, Community Development Director; Billy Sumner, Tourism/Expo Manager; Eddy Gray, Tourism Assistant and Cora Middleton, City Clerk

Staff Attending via Teleconference: William J. Ervin, City Attorney

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 the Minutes from the July 23, 2020, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for July 22, 2020 through August 4, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$63,217.77; Nutrition - \$943.28; Landfill Res./Sub-Title D - \$875.00; Tourism Fund - \$5,399.22; SE Expo

Center - \$6,068.11; E-911- \$7,855.59; Economic Development - \$12,058.84; Grants & Contributions - \$1,781.60; CDBG Grants Fund - \$2,133.00; Fleet Maintenance - \$8,738.31; Worker's Compensation - \$500.00; CIP Fund - \$26,270.75; Technology Fund - \$401.28; Stormwater Fund - \$12,519.93 and Infrastructure Fund - \$28,857.18.

- C. Consider and act upon, to concur with the Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 208070-1-BD. *(Cora Middleton, City Clerk)*
- D. Accept and place on file the Keep McAlester Beautiful (Pride in McAlester) Annual Report for Fiscal Year 2019-2020. *(Megan Waters, Executive Director)*
- E. Consider and act upon, authorizing the Mayor to sign the Consent to Assignment and Assumption of Contract for CDBG administrative services to PSC dba Cardinal Engineering. *(Toni Ervin, Assistant City Manager)*
- F. Consider and act upon, to concur with the Mayor's reappointments to the Local Economic Advancement and Development (LEAD) Committee. *(John Browne, Mayor)*
- G. Consider and act upon, to concur with the Mayor's appointment of Justin Few to the Local Economic Advancement and Development (LEAD) Committee to replace Mickey Loyd as the Small Business representative. *(John Browne, Mayor)*
- H. Accept and place on file the McAlester Defense Support Association Annual Report for FY19-20. *(Jessica Gregg, Executive Director)*
- I. Consider and act upon, indefinitely postponing Tort Claim filed by Tod S. Mercer on behalf of Jeremy Shelton. *(Cora Middleton, City Clerk)*

Councilman Cox requested that item "B" be removed for individual consideration.

There was no further discussion and a motion to approve the Consent Agenda Items "A, and C through I" was made by Councilman Smith. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Stevens, Cox, Boatright, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

- B. Approval of Claims for July 22, 2020 through August 4, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$63,217.77; Nutrition - \$943.28; Landfill Res./Sub-Title D - \$875.00; Tourism Fund - \$5,399.22; SE Expo Center - \$6,068.11; E-911- \$7,855.59; Economic Development - \$12,058.84; Grants & Contributions - \$1,781.60; CDBG Grants Fund - \$2,133.00; Fleet Maintenance -

\$8,738.31; Worker's Compensation - \$500.00; CIP Fund - \$26,270.75; Technology Fund - \$401.28; Stormwater Fund - \$12,519.93 and Infrastructure Fund - \$28,857.18.

Councilman Cox asked what BLX Group, LLC on page nineteen (19) in Fund 38 was and what the expenditure was for.

Manager Stasiak stated that he would need to get back to Councilman Cox on that question.

There was no further discussion, and a motion to approve Consent Agenda Item "B, approval of Claims for July 22, 2020 through August 4, 2020" was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright, Stevens, Cox, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address two (2) proposed ordinances was made by Councilman Smith. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Cox, Boatright, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was opened at 6:07 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 LOT 1, IN BLOCK 117; AND A PART OF LOTS 2 AND 3 IN BLOCK 117, IN THE CITY OF NORTH MCALESTER, IN PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE FAMILY RESIDENTIAL DISTRICT TO C-1 OFFICE DISTRICT.

AN ORDINANCE CREATING CHAPTER 94, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, OF THE MCALESTER CITY CODE, ARTICLE 1, IN GENERAL, SECTION 94-8, PERMIT FOR ELECTRIC CHARGING STATIONS ON PUBLIC STREETS AND SIDEWALKS; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

There were no comments on either of the proposed ordinances, and a motion to close the Public Hearing was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright, Brown, Prichard, Stevens, Cox & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:08 P.M.

Scheduled Business

1. Discussion on rural water districts' contracts and pricing. (*John Browne, Mayor*)

Executive Summary

Discussion.

Mayor Browne stated that he had been contacted by the Management Company, that over sees several of the Water Districts, asking that this item be postponed until the next meeting. He added that they needed more time to be prepared.

This item was postponed.

2. 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 districts for Lot 1, in Block 117; and A part of Lots 2 and 3 in Block 117, in the City of North McAlester, in Pittsburg County, State of Oklahoma, from R-1B Single Family Residential District to C-1 Office District. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning districts for the property identified in the Ordinance from R-1B Single Family Residential District to C-1 Office District and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the applicant had purchased the property with an existing 3,996 square foot building. She stated that the building had previously been used as a church and the applicant was wanting to open a childcare center. She added that the McAlester Planning and Zoning Commission had met on July 21, 2020 and voted unanimously to recommend that the rezoning request be approved.

Mayor Browne stated that Ms. Jami Ragan was on the phone to comment on this item.

Ms. Ragan stated she was there to answer any questions.

ORDINANCE NO. 2691

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 LOT 1, IN BLOCK 117; AND A PART OF LOTS 2 AND 3 IN BLOCK 117, IN THE CITY OF NORTH MCALESTER, IN PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE FAMILY RESIDENTIAL DISTRICT TO C-1 OFFICE DISTRICT.

There was no discussion, and a motion to approve **ORDINANCE NO. 2691**, changing the zoning of a property from R-1B (Single Family Residential District) to C-1 (Office District) was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright, Prichard, Stevens, Cox, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, a Use Permit After Review in the C-1 Office District for the use of the property at 2617 N Ash Avenue, described as Lot 1, in Block 117; and A part of Lots 2 and 3 in Block 117, in the City of North McAlester, in Pittsburg County, State of Oklahoma for a child care center. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to approve a Use Permit After Review in the C-1 Office District for the use of the property at 2617 N Ash Avenue, described as Lot 1, in Block 117; and A part of Lots 2 and 3 in Block 117, in the City of North McAlester, in Pittsburg County, State of Oklahoma for a child care center, and to authorize the Mayor to sign the Use Permit after Review approval form.

Director Clifton addressed the Council explaining that the application for a Use Permit After Review was contingent on the rezoning application. She stated that this was the same property that was just considered for rezoning and the applicant was wanting to open a childcare center. She explained that the property was at the corner of W. Stonewall Ave. and N. Ash Street. She added that the McAlester Planning and Zoning Commission had met on July 21, 2020 and voted unanimously to recommend the applicant's Use Permitted After Review request be approved.

A motion to approve the Use Permit After Review for property located at the corner of W. Stonewall Ave. and N. Ash Street and authorize the Mayor to sign the document was made by Councilman Smith and seconded by Vice-Mayor Brown.

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

AYE: Councilmembers Smith, Brown, Prichard, Stevens, Cox, Boatright & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign Change Order #3 from Sunrise Construction, LLC for a deduction in the amount of (\$5,000.00). This represents the final reconciliation of quantities for the 2019 CDBG Sewer Project. (*Dalton Carlton, Public Works Director*)

Executive Summary

Motion to authorize the Mayor to sign Change Order #3 from Sunrise Construction, LLC for a deduction in the amount of (\$5,000.00). This is the final reconciliation of quantities for the 2019 CDBG Sewer Project.

Director Carlton addressed the Council explaining that during this project it was discovered that there were ten (10) less connections than originally planned, and this created a deduction in the total cost of the project. He commented that this was the final reconciliation on this project.

There was no further discussion, and a motion to authorize the Mayor to sign Change Order #3 and final reconciliation of quantities, for the 2019 CDBG Sewer Project, from Sunrise Construction, LLC for a deduction in the amount of \$5,000.00 was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright, Stevens, Cox, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, an ordinance of the City of McAlester to allow for the permitting of the installation of electronic charging stations on City right-of-ways on public streets and sidewalks. (*Kirk Ridenour, Economic Development Director*)

Executive Summary

Motion to pass and approve an Ordinance allowing for the permitting and installation of electronic charging stations on City right-of-ways on public streets and sidewalks.

Director Ridenour addressed the Council explaining that the proposed ordinance would give the City the ability to allow electronic charging stations in public parking stalls. He commented that the City had been approached by two (2) individuals and an outside business regarding the installation of charging stations.

There was discussion regarding the installation of electronic charging stations on public right-of-ways, how they would be designated, preventing other vehicles from parking in those stalls, why the stations could not be installed at filling stations, what may have caused the increase in interest in the electronic charging stations, helping to draw more people into the area, if other communities had been contacted about this matter, the City needing to permit the stations, the location where the stations might be a better fit, what type of payment could be used, the two (2) initial stations would be free to the public, the cost of electronic charging stations, the proposed ordinance not addressing the permitting of the stations and how long it takes for a car to charge.

Councilman Stevens moved to approve the proposed ordinance allowing for the permitting of the installation of electronic charging stations on City right-of-ways on public streets and sidewalks. The motion was seconded by Councilman Cox.

Before the vote, there was further discussion regarding the revenue the stations might create, the stations could be funded with state and federal grants, where the stations might be located, that private business was driving this matter, room for public/private partnerships, keeping control of the matter and getting more information on this matter.

Councilman Stevens asked if he could address Councilman Cox. He then asked if Councilman Cox would be willing to accept tabling this item to the next meeting with his original second.

Councilman Cox stated that he would agree to second the tabling of the item.

Councilman Stevens then moved to table the item until the next Council meeting.

Mayor Browne asked Attorney Ervin for clarification on procedure with the motions.

Attorney Ervin stated that the first motion and second to approve were withdrawn and a new motion to table was made with a second.

Mayor Browne clarified that the motion to table to the next meeting was made by Councilman Stevens and seconded by Councilman Boatright.

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

AYE: Councilmembers Boatright, Brown, Stevens, Smith, Cox & Mayor Browne

NAY: Councilmember Prichard

Mayor Browne declared the motion carried.

6. Discussion on the Fines attached to Chapter 54, Health and Public Welfare, Article IV, COVID-10 Pandemic Face Coverings. (*John Browne, Mayor*)

Executive Summary
Discussion.

Mayor Browne explained that he had requested this item put back on the agenda. He stated that he had meant to amend the ordinance at the Special meeting but did not get it done. He then proposed that under section 54.59, Penalties, that the first sentence of “Any person who knowingly violates this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10.00, nor more than \$100.00” be removed and in the second sentence “a fine of up to \$100.00, and/or” be removed. He stated that there was already a provision to address action against an individual that violates this ordinance. He then opened the floor up for discussion.

There was discussion among the Council concerning removing the fine, questions about people wearing face shields, this being a face covering mandate, changing the sunset clause, calling a Special meeting to address any changes, how this would be enforced, and face coverings not being required when outside or where social distancing could be done.

No action was taken on this item.

7. Discussion of a recruitment strategy to attract new residents to the City of McAlester. (*Zach Prichard, Ward Six Councilman*)

Executive Summary
Discussion.

Councilman Prichard stated that he had requested this item. He commented that he had seen articles about people moving due to their ability to work remotely and it indicated that they were interested in moving to smaller towns with more opportunity to have access to the outdoors.

There was discussion regarding if the Economic Development department had been involved, how tourism had been sending out a lot of information, how could sectors be targeted, individuals looking for a slower paced community, what could be a potential draw to individuals and families, having the Economic Development and Tourism departments work on this project together, if there were funds in the Budget that could be used toward this, how to address individuals that did not have access to computers and the feed back that Tourism was seeing from the information that had already been put out.

No action was taken 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.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the City had asked for guidance on how to use the CARES Act monies and that the City had been capped at the amount that it could receive. He stated that there was only \$123,000.00 left to receive unless new guidance is issued. He updated the Council on the Street Overlay Program, explaining that it may be delayed due to the rain. He informed them that the August, 2020 sales tax revenue had come in \$41,468.00 higher than last year and the use tax revenue had come in \$40,971.00 higher than last year. He commented that people were still spending money.

Mayor Browne asked if the CARES Act funds limit was set by the State or Federal government.

Manager Stasiak stated that the limit was set by the State.

Remarks and Inquiries by City Council

Councilman Smith commented on the rise in COVID-19 cases, he expressed his appreciation to Manager Stasiak and staff for the work that had been done in the cemeteries and stated that Mike Deak Park was next in line.

Councilman Cox inquired about the rubble around the welcome sign on the west side of the City and asked if there were any plans on replacing it.

Manager Stasiak stated that it was supposed to have been cleaned up last week and he would check to verify that, and he had tasked Tourism with coming up with a new design.

Councilman Boatright thanked Life Church for mowing Mike Deak Park, he encouraged everyone to shop at the “Popcorn Factory” in North Town and he inquired about the status of a burned house that had been previously condemned.

Manager Stasiak stated he would check into the status of that house.

Mayor Browne inquired if that was the house where a tree had also caught on fire.

Manager Stasiak stated that it was the house with the big tree that had caught fire. He added that the property had been through the process and was waiting on funding.

Councilman Prichard inquired about the Cemeteries being mowed, how this year’s staffing levels compared to last year’s staffing, and if the “Community Service Program” was being promoted.

Manager Stasiak stated that both Cemeteries had been mowed and weed eaten. He then reviewed the mowing process and stated that the City would continue with an eight (8) to ten (10) man crew in the Parks and Cemetery until everything got cleaned up. He commented that staffing was comparable, and the program was being offered and two (2) people had participated.

Councilmen Stevens and Brown did not have any comments for the evening.

Mayor’s Comments and Committee Appointments

Mayor Browne read a thank you card that he had received from former Ward 5 Councilwoman Harrison and stated that he had been informed that McAlester Public Schools had put off opening school for another two (2) weeks due to the increase in cases.

Recess Council Meeting

Vice-Mayor Brown moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Boatright.

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

AYE: Councilmembers Brown, Boatright, Prichard, Smith, Stevens, Cox & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:14 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:15 P.M.

A motion was made by Councilman Smith and seconded by Vice-Mayor Brown to recess the Regular Meeting for an Executive Session in accordance with Title 25, Section 307.B.2, to discuss negotiations concerning employees and representatives of employee groups, more specifically the FOP. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Stevens, Cox, Boatright, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried, and the Regular Meeting was recessed at 7:16 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 et.seq. Oklahoma Statutes, to wit:

- Proposed Executive Session pursuant to Title 25, Sec. 307(B)(2), to discuss negotiations concerning employees and representatives of employee groups: FOP

Reconvene into Open Session

The Council returned to open session at 8:05 P.M. Mayor Browne stated that the Regular Meeting had been recessed for an Executive Session in accordance with Title 25, Section 307.B.2, to discuss negotiations concerning employees and representatives of employee groups, more specifically the FOP. Only that matter was discussed, no action was taken, and the Council returned to Open session at 8:05 P.M., and that constitutes the minutes of the Executive Session.

Adjournment

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

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

AYE: Councilmembers Smith, Boatright, Stevens, Cox, Brown, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:06 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk