

The McAlester City Council met in a Regular session on Tuesday, February 11, 2020, at 6:00 P.M. after proper notice and agenda was posted, February 7, 2020 at 8:20 A.M.

Call to Order

Mayor Browne called the meeting to order.

Roy Prince, Pastor North Gate Baptist Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, James Brown, Maureen Harrison,
Zach Prichard & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Assistant City Manager; Stephanie Giacomo, Grant Writer/Public Information Officer; Kirk Ridenour, Economic Development Director; Sherri Swift, CFO; Brett Brewer, Fire Chief; Jayme Clifton, Community Development Director; Billy Sumner, SE Expo/Tourism Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Mayor Browne reminded everyone that the polls closed at 7:00 P.M. and there was still time to vote if they had not voted.

Recognition and Awards

Mayor Browne presented Kimberly Kelly, Public Works Office Administrative Assistant as January 2020 Employee of the Month. Ms. Kelly received a plaque, a certificate of appreciation, a portfolio and one (1) paid day off.

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 January 14, 2020, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for January 22, 2020 through February 4, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$77,428.81; Nutrition - \$1,553.68; Tourism Fund - \$9,217.23; SE Expo Center - \$1,806.72; E-911 - \$5,438.92; Economic Development - \$8,135.17; Grants & Contributions - \$2,335.00; Fleet Maintenance - \$11,324.98; CIP Fund - \$67,668.88; Technology Fund - \$74.97; Stormwater Fund - \$3,694.36 and Infrastructure Fund - \$72,174.23.
- C. Consider and act upon, a request by Bobby Lenardo, on behalf of the Italian Festival Foundation, to partner with them for the rental fee for the use of the McAlester Expo Center for the Annual Italian Festival, in the amount of \$4,700.00. *(Billy Sumner, EXPO Manager)*
- D. Concur with the Mayor's reappointments of Justin Few, Tony Korp, Chris Taylor, and Mark Emmons to the Planning Commission for terms to expire May 31, 2023. *(John Browne, Mayor)*
- E. Consider and act upon, indefinitely postponing Tort Claim filed by David Robinson. *(Cora Middleton, City Clerk)*
- F. Concur with the Mayor's reappointment of Justin Few to the Board of Adjustments Committee for a term to expire March 31, 2023. *(John Browne, Mayor)*

Vice-Mayor Stevens requested that Item "B" be removed for individual consideration.

A motion to approve the Consent Agenda items "A and C through F" was made by Councilman Read and seconded by Councilman Smith.

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

AYE: Councilmembers Read, Smith, Stevens, Brown, Harrison, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

Items removed from Consent Agenda

- B. Approval of Claims for January 22, 2020 through February 4, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$77,428.81; Nutrition -

\$1,553.68; Tourism Fund - \$9,217.23; SE Expo Center - \$1,806.72; E-911 - \$5,438.92; Economic Development - \$8,135.17; Grants & Contributions - \$2,335.00; Fleet Maintenance - \$11,324.98; CIP Fund - \$67,668.88; Technology Fund - \$74.97; Stormwater Fund - \$3,694.36 and Infrastructure Fund - \$72,174.23.

Vice-Mayor Stevens asked why street repairs were not coming out of Infrastructure and he inquired about the Flood insurance through FEMA. He then inquired about the payments to Main Street.

Manager Stasiak explained that anything that is maintenance or regular upkeep is charged to the department and anything that is permanent or new life like concrete panel replacement or asphalt overlays is charged to the Infrastructure Fund. Manager Stasiak explained that it was broken down to what property was in the General Fund and which was in MPWA. Manager Stasiak reported that Main Street had been behind in the reporting requirements and when they had submitted the required quarterly reports, which were approved at the last Council meeting the City processed their payments.

A motion to approve the claims for January 22, 2020 through February 4, 2020 was made by Vice-Mayor Stevens. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilmembers Stevens, Read, Brown, Harrison, Prichard, Smith & 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 and seconded by Councilman Read.

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

AYE: Councilmembers Smith, Read, Brown, Harrison, Prichard, Stevens & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:08 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 OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, BY CREATING SECTION 62-275, MEDICAL DEVELOPMENT OVERLAY DISTRICT; REPEALING ALL CONFLICTING ORDINANCES.

AN ORDINANCE AUTHORIZING THE CITY OF MCALESTER, OKLAHOMA TO SUBMIT TO THE REGISTERED VOTERS OF SAID CITY WHETHER THE EXCISE TAX LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM THE RENT FROM OCCUPANCY OF HOTEL /MOTEL ROOMS SHALL BE INCREASED FROM SIX PERCENT (6%) TO EIGHT PERCENT (8%).

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

AYE: Councilmembers Read, Smith, Brown, Harrison, Prichard, Stevens & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:09 P.M.

Scheduled Business

1. Presentation and update on the McAlester EXPO Center. (*Billy Sumner, EXPO Manager*)
Executive Summary
Presentation.

Billy Sumner, EXPO Manager addressed the Council reviewing the attendance at the Expo for the past five (5) years. He stated that the average annual attendance was around seventy-one thousand (71,000). He reviewed the annual economic impact of the Expo commenting that the figure was \$4.35 million. He reviewed the various events that were held at the Expo and what the Expo's staff did with those events. He reviewed the available rooms in the Expo and the size of each room. He informed the Council that the overall size of the Expo was 80,000 square feet. He then reviewed the various groups that the Expo partnered with throughout the year and potential new events the Expo staff were hoping to attract. He then compared the Expo to other facilities in the City that were available for different events.

There was discussion concerning the attendees, the yearly budget transfers, the cost of fans and how many would be needed, not being able to use the Expo Hall during the warmer months, possibility of overnight guests, the RV spots at the Expo, the change in rates and the effect it has had on the Expo's revenue, if the OKLA Theatre would become competition for the Expo, why the handout was different from the presentation, the updated information furnished by the State, how the sales tax numbers were calculated, the area needed for animals and trailers and if there were any funding from the County for the EXPO.

No action was taken on this item.

2. Consider and act upon, accepting the bid amount of \$58,762.15, from Atlantic Fabrication & Design, LLC and authorize the Mayor to sign the notice of award for the New Boiler for Southeast Expo Center. (*Billy Sumner, EXPO Manager*)
Executive Summary

The recommendation is to accept the bid amount of \$58,762.15, from Atlantic Fabrication & Design, LLC and authorize the Mayor to sign the notice of award for the New Boiler for Southeast Expo Center.

Billy Sumner, EXPO Manager addressed the Council explaining that the boiler at the Expo was built in 1996 and the life expectancy of a traditional gas boiler was between ten (10) and fifteen (15) years. He stated that repairs to the boiler could be as much as \$20,000.00 but by replacing the current boiler the cost of gas used at the Expo would decrease. He added that with the reduction in costs the new boiler could pay for itself within three (3) to five (5) years.

Vice-Mayor Stevens asked where the funding was coming from, if it had been included in the budget.

Manager Stasiak stated that it would come out of Capital on the Expo side. He explained that the boiler failed after the Budget had been approved.

There was a brief discussion concerning any additional improvements and how those would be funded if the budget did not have enough funds to pay for them.

A motion to accept the bid amount of \$58,762.15 from Atlantic Fabrication & Design, LLC and authorize the Mayor to sign the notice of award for the new Boiler for the Southeast Expo Center was made by Councilman Smith and seconded by Councilman Read. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Read, Harrison, Brown & Mayor Browne

NAY: Councilmembers Prichard & Stevens

Mayor Browne declared the motion carried.

3. Consider and act upon, an ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-275, Medical Development Overlay District; repealing all conflicting ordinances and declaring an emergency. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-275, Medical Development Overlay District; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the Comprehensive Plan had recommended areas of this type of district. She stated that this would allow for a concentration of medical facilities and related limited commercial and retail uses and a mix of complementary uses around that hospital campus.

There was a brief discussion, concerning Ms. Brooks ability to now apply for a use permit application for her wig shop and salon, the area that was included in the proposed overlay district, clarification of language in the draft ordinance regarding traffic concerns, possibility of a pharmacy in the area, and if this proposed change was okay with the Health Department and area residents.

ORDINANCE NO. 2680

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, BY CREATING SECTION 62-275, MEDICAL DEVELOPMENT OVERLAY DISTRICT; REPEALING ALL CONFLICTING ORDINANCES.

There was no further discussion, and a motion to approve **ORDINANCE NO. 2680**, creating a medical development overlay district was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Prichard, Stevens, Brown, Harrison & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

4. Discussion and possible action on, approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of Firefighting Bunker Gear. Cost not to exceed \$30,000.00 with funds to be used from the City of McAlester Fire Department's portion of the county quarter cent excise tax for fire services.

Chief Brewer addressed the Council explaining that the Fire Department was needing to purchase Bunker Gear for the firefighters. He added that there was a quote from Casco Industries, which was off of the County's bid list in the amount of \$28,659.00 and this would be funded out of the Fire Department's portion of the County's quarter cent excise tax for fire services.

A motion to approve the purchase of Firefighting Bunker Gear using the City of McAlester's Fire Department's portion of the County's quarter cent excise tax for fire services, in an amount not to exceed \$30,000.00 was made by Vice-Mayor Stevens. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Stevens, Smith, Read, Brown, Harrison, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

5. CONSIDER AND ACT TO APPROVE AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF MCALESTER, AMENDING ARTICLE IV. HOTEL TAX, SECTION 98-113 (A); IMPOSITION OF TAX; EXEMPTIONS; BY INCREASING THE TAX PERCENT FROM SIX TO EIGHT PERCENT; AND AUTHORIZING THE MAYOR TO SUBMIT THE PROPOSED CHANGES TO THE

QUALIFIED REGISTERED VOTERS OF THE CITY OF MCALESTER; AND CONSIDER AND ACT TO APPROVE A RESOLUTION CALLING A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING THE PROPOSED CODE CHANGES TO THE QUALIFIED ELECTORS OF THE CITY, AND AUTHORIZING THE ISSUANCE OF A PROCLAMATION FOR THE ELECTION REGARDING THE PROPOSITIONS TO CHANGE THE MCALESTER CITY HOTEL/MOTEL TAX.

Executive Summary

The recommendation is to approve the Resolution and Proclamation authorizing the Special Election to amend Article IV, Hotel Tax, Section 98-113 of the McAlester City Ordinances.

Kyle Spruce, Chamber member 216 E. Choctaw Avenue addressed the Council asking the Council to pause on this agenda item. He inquired about where the current funds were going and what they were paying for and what the increased amount would be going. He suggested a committee to discuss the current use of the tax dollars and what the impact could be of the increase.

There was discussion concerning the time frame for the Special Election, how quickly the group would need to meet, having citizens input on matters, the citizens would be the ones to decide if the increase would be approved or not, the language of the proposed ordinance not being clear as to what the additional funds would be used for, when this would need to be brought back before the Council to make the June election date and tabling this item to allow a committee to review this issue.

A motion appoint a committee of one (1) Councilmember, Manager Stasiak, the Chamber of Commerce, Tourism and the LEAD Committee to work on the Hotel/Motel tax issue and come back to the Council when the Committee is ready to present its' recommendation(s) was made by Vice-Mayor Stevens and seconded by Councilman Brown.

Before the vote, there was a brief discussion concerning the calling of a Special meeting of the LEAD Committee and how long the group would have to work on the Hotel/Motel tax issue in order to make the June election date.

The vote was taken as follows:

AYE: Councilmembers Stevens, Brown, Harrison, Prichard, Smith & Mayor Browne

NAY: Councilmember Read

Mayor Browne declared the motion carried.

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's new website would launch in about three (3) weeks, the City's Roll-off truck was back in operation and material from the recycling center was being hauled to Durant and a large area of Wade Watts was closed for repairs. He asked that citizens driving through the construction zone to slow down.

Remarks and Inquiries by City Council

Councilman Brown commented on his attendance at the Oklahoma Mayor's Congress in Oklahoma City.

Councilwoman Harrison stated that February was "Black History Month" and there would be a proclamation at the next Council meeting. She urged all citizens to attend any of the events or activities scheduled in observance of this. She inquired about the status of the 5th Street and Washington Avenue intersection and if there were any issues anticipated in people learning to navigate the Round-about.

Manager Stasiak stated that this project was an extension of a construction plan from three (3) to four (4) years ago. It was the last phase that was waiting for funding. He stated that the contractor was replacing the infrastructure, the parking on the north side of the Post Office would be moved and there had been a private donor the funded the Round-about portion of the project. He explained the process of navigating a round-about and added that there had not been any issues at the intersection of 3rd Street and Choctaw Avenue while the Christmas decorations were out.

Councilman Prichard inquired about the number of lane miles in the City and the width of the streets.

Manager Stasiak commented that there were 156 lanes miles of asphalt and concrete and the average width was twelve (12) feet.

Councilmembers Smith, Stevens and Read did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne commented about his attendance in the Council of Mayors in Oklahoma City stating that there were 152 sales tax exemptions in the State of Oklahoma and they did not end. He explained that the committee he had participated in had recommended that all exemptions be looked at and if approved be approved for three (3) years and have to be renewed each time. He stated that in addition there was the sale for resale three (3) year permit and they recommended making that a one (1) year permit. He mentioned "Public Safety Zones" where citizens could approve up to five (5) mills to go to fund police and fire in the Cities and this item would probably be voted on by the legislature in the first two (2) to three (3) weeks of session. He then read a letter from Ms. Connie Cooper complimenting the Christmas decorations in the City.

Recess Council Meeting

Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Read.

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

AYE: Councilmembers Smith, Read, Brown, Harrison, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:07 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:08 P.M.

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 Read.

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

AYE: Councilmembers Smith, Read, Stevens, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:08 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk