

Council Chambers
Municipal Building
January 22, 2008

The McAlester City Council met in regular session on Tuesday, January 22, 2008, at 6:00 P.M. after proper notice and agenda was posted January 18, 2008, at 5:00 P.M.

CALL TO ORDER

Mayor Lewis called the meeting to order. Council Roll Call was as follows:

Present: Buddy Garvin, Haven Wilkinson, Sam Mason, Weldon Smith, Travis Read,
Donnie Condit & Mayor Lewis

Absent: None

Presiding: Don Lewis, Mayor

Staff Present: Harold Stewart, Fire Chief; George Marcangeli, City Engineer; Mel Priddy,
Community Services Director; Robert Ivester, City Attorney and Cora Middleton,
City Clerk

INVOCATION & PLEDGE OF ALLEGIANCE

- **Jerry Burnside, Pastor, First Assembly of God**

Mayor Lewis led the Pledge of Allegiance.

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

Clint Warnock of the Bedouin Shrine thanked the City for its support in eastern Oklahoma.

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.

- Approval of the Minutes from the December 20, 2007, Rescheduled Regular Meeting of the City Council.** *(Cora Middleton, City Clerk)*
- Concur with Mayor's appointment of Sherry Magdalena to the Parking Authority for an indefinite term.** *(Don Lewis, Mayor)*
- Concur with Mayor's appointment of Nancy Gates to the McAlester Regional Health Center Authority with a term to expire February 2014.** *(Don Lewis, Mayor)*
- Approval of Claims for the period of January 9, 2008 through January 22, 2008.** *(Sherry Alessi, Assistant City Treasurer)* In the amounts of: General Fund – \$95,732.72; Nutrition - \$368.78; Revolving Evidence – \$7,720.00; Educational Fund - \$39,670.34;

SE Expo Center/Tourism Fund - \$9,859.91; E-911 - \$60.00 and Economic Development - \$282.50.

Councilman Condit moved to approve the consent agenda. The motion was seconded by Councilman Wilkinson.

Before the vote, Councilman Condit requested that item "C" be removed for individual consideration.

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

C. Concur with Mayor's appointment of Nancy Gates to the McAlester Regional Health Center Authority with a term to expire February 2014. (Don Lewis, Mayor)

Councilman Condit moved to approve the Mayor's appointment of Nancy Gates to the McAlester Regional Health Center Authority. The motion was seconded by Councilman Wilkinson.

Before the vote, there was discussion among the Council concerning Ms. Gates employment by Judge Bland, this appointment to the McAlester Regional Health Center Authority and a possible conflict of interest between the two.

Mayor Lewis and Mr. Ivester commented that they did not believe that this would be a conflict of interest.

Councilman Read and Councilman Mason both stated that this appointment could give the appearance of a conflict of interest.

When Councilman Smith was asked his opinion, he recused himself from the discussion.

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

AYE: Councilman Wilkinson & Mayor Lewis

NAY: Councilman Condit, Read, Garvin & Mason

ABSTAIN: (which is counted as a no): Councilman Smith

SCHEDULED BUSINESS

1. Recognition of Preston Linton, Clifford Harrison, Larry Butler, Harold Stewart and Jerry Morris for 25 Years of Service with the City of McAlester. (Don Lewis, Mayor)

Executive Summary

The City Council and City Administration wishes to recognize five employees for 25 years of service with the City of McAlester.

Mayor Lewis and City Manager Mark Roath presented OML certificates to Harold Stewart, Larry Butler and Clifford Harrison for 25 years of service and expressed appreciation for their dedication. Jerry Morris was not in attendance.

- 2. Consider, and act upon, a Resolution establishing the Southeast EXPO Center policies, procedures and current rental fee schedule.** (Jerry Lynn Wilson, EXPO Manager)

Executive Summary

This Resolution involves the City Council ratifying the current Southeast EXPO Center policies, procedures and current rental fee schedule.

Councilman Read moved for approval of RESOLUTION NO. 08-04, establishing the Southeast EXPO Center policies, procedures and current rental fee schedule. The motion was seconded by Councilman Condit.

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

AYE: Councilman Read, Wilkinson, Garvin, Mason, Smith, Condit & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

- 3. Consider, and act upon, a Resolution directing that \$5,000 is budgeted, from the General Fund, each fiscal year to fund any partnering agreements the City Council may approve for the use of the Southeast EXPO Center.** (Cora Middleton, City Clerk)

Executive Summary

This Resolution establishes a Council directive to budget \$5,000 annually to cover any partnering agreements they may approve for use of the Southeast EXPO Center during the fiscal year.

Councilman Condit moved to approve RESOLUTION NO. 08-05, directing that \$5,000 be budgeted from the General Fund each fiscal to fund any partnering agreements the Council approves for the use of the Southeast EXPO Center. The motion was seconded by Councilman Mason.

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

AYE: Councilman Wilkinson, Garvin, Mason, Smith, Condit, Read & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

- 4. Consider, and act upon, a Resolution amending Resolution No. 07-09 which established the budget for Fiscal Year 2007/2008; repealing all conflicting**

resolutions; providing for a severability clause; and providing for an effective date.

(Sam Mason, Vice-Mayor)

Executive Summary

This Resolution amends the current budget, in the amount of \$2,500, to fund any partnering agreements the City Council may approve for use of the Southeast EXPO Center during this fiscal year.

Councilman Read moved for approval of RESOLUTION NO. 08-06, amending the budget to fund any partnering agreements the City Council may approve for the remainder of the current fiscal year. The motion was seconded by Councilman Garvin.

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

AYE: Councilman Garvin, Mason, Smith, Condit, Read, Wilkinson & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

5. Consider, and act upon, the expenditure of Cemetery Perpetual Care Interest Funds for road improvements in Oak Hill Cemetery. *(Mel Priddy, Community Services Director)*

Executive Summary

This agenda item seeks City Council approval of the McAlester Cemetery Board recommendation to make certain road improvements in Oak Hill Cemetery using interest monies from the Perpetual Care Fund in the amount of \$21,051.

Councilman Condit moved for approval of the expenditure of Cemetery Perpetual Care Interest Funds for road improvements in Oak Hill Cemetery. The motion was seconded by Councilman Read.

Before the vote, the Council discussed what area(s) of the Cemetery these improvements included and that the Catholic Church was not interested in giving the City an easement.

Councilman Mason stated that he would like the minutes to reflect that this action was only for Oakhill Cemetery and the section that was owned by the City of McAlester.

Mark Roath commented that this item pertained only to the portion of the Cemetery that the City owned and if the Masons should grant an easement at a later date, that would be brought back before the Council.

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

AYE: Councilman Mason, Smith, Condit, Read, Wilkinson, Garvin & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

6. Consider, and act upon, approval of Capital Improvement Projects for Submission to U.S. Senator Jim Inhofe and Congressman Dan Boren for federal appropriation funding. (*Don Lewis, Mayor, Travis Read, Councilmember and Weldon Smith, Councilmember*)

Executive Summary

This agenda item approves certain capital improvement projects for submittal to U.S. Senator Jim Inhofe and Congressman Dan Boren for consideration and support for future federal appropriation funding.

Councilman Condit moved for approval of the Capital Improvement Projects for submission to U.S. Senator Inhofe and Congressman Boren for federal appropriation funding. The motion was seconded by Councilman Read.

Before the vote, the Council discussed the various projects that had been selected for submission by the Council subcommittee, the location of these projects and the timeline for completion of the projects.

Mike Thomas addressed the Council regarding the problems that his property has had since previous CIP projects in the City had been completed.

George Marcangeli stated that Mr. Thomas' problem was caused by stormwater and since his property was outside of the City limits they had not wanted to commit the City to those types of repairs.

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

7. Discussion, and possible action, on the proposed revised Charter dated January 16, 2008. (*Tim Wynn and Weldon Smith, Charter Review Committee*)

Executive Summary

The Charter Review Committee has prepared a revised City Charter, which they are seeking City Council input.

Councilman Read moved for discussion and possible action on the proposed revised Charter dated January 16, 2008. The motion was seconded by Councilman Condit.

Mayor Lewis stated that there was a scheduled and posted meeting for Thursday at 6:00 P.M. for a workshop concerning the revised charter.

Councilman Smith reviewed the various changes to the revised Charter.

There was discussion among the Council and the City Manager regarding some of the changes in the latest version of the revised Charter.

Tim Wynn commented that the Charter Review Committee did not want something in the revision that would harm the chance of the revision to pass.

There was no further discussion, and no vote was taken.

8. Consider, and act upon, an Ordinance of the City Council of McAlester, Oklahoma, adding Article IV to Chapter 46 of the McAlester City Code relating to graffiti Vandalism and Establishing a Program for the Removal of Graffiti on Public and Private Property. (Mark B. Roath, City Manager)

Executive Summary

This Ordinance creates a Graffiti Removal Program within the City of McAlester.

Councilman Wilkinson moved to approve an ordinance relating to graffiti vandalism. The motion was seconded by Councilman Smith.

Before the vote, Mark Roath stated that this ordinance had been prompted by Councilman Smith's item. He stated that this topic was not addressed in the Code. He then gave a brief explanation of the ordinance.

The Council discussed the proposed ordinance, the structure of the fines included in the ordinance, if it followed state statute and if it should be treated as an abatement issue.

Mark Roath commented that if the ordinance needed to be rewritten or tailored to the City's way of thinking that could be done. He suggested that the item be tabled indefinitely so the Council could advise on changes in the wording.

Councilman Mason stated that he agreed the item should be tabled indefinitely and possibly have a workshop to address the issue and rewrite the ordinance. He then moved to table this item indefinitely. This motion was seconded by Councilman Condit.

Before the vote, Councilman Wilkinson stated that graffiti was somewhat of a problem. He added that the park at "B" and Jefferson had fallen victim to graffiti often.

Mayor Lewis stated that he had a problem with indefinitely tabling the item.

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

AYE: Councilman Read, Wilkinson, Garvin, Mason, Smith, Condit & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

9. Discussion, and possible action, on a Cleanup and Beautify McAlester Program. (Weldon Smith, Councilmember)

Executive Summary

This agenda item discusses and proposes a cleanup and Beautify McAlester Program.

Councilman Condit moved to approve a Cleanup and Beautify McAlester Program, seconded by Councilman Mason.

Before the vote, Councilman Smith commented that hopefully this would get the ball rolling. He suggested that the Mayor could appoint a volunteer group.

The Council discussed having a regular cleanup day and getting various groups involved. The Mayor also mentioned having the lines on the streets repainted regularly. He also mentioned that when this had been discussed before the cost had been the deterrent. The Mayor clarified that the Council was voting on the Program but not setting a date at this time.

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

AYE: Councilman Wilkinson, Garvin, Mason, Smith, Condit, Read & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

10. Consider, and act upon, an Ordinance amending the Code of Ordinance, City of McAlester, Oklahoma, Section 50-51, and declaring an emergency. (Harold Stewart, Fire Chief and Jim Poder, Fire Marshall)

Executive Summary

This Ordinance amends and updates the Code of Ordinances related to Fire Prevention, the International Building Code, the International Fire Code and the NFPA – 101 Life Safety.

ORDINANCE NO. 2281

AN ORDINANCE AMENDING THE CODE OF ORDINANCE, CITY OF MCALESTER, OKLAHOMA AMENDING SECTION 50-51 AND DECLARING AN EMERGENCY.

Councilman Wilkinson moved to approve **ORDINANCE NO. 2281**, seconded by Councilman Garvin.

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

AYE: Councilman Garvin, Mason, Smith, Condit, Read, Wilkinson & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

Councilman Mason moved for approval of the **EMERGENCY CLAUSE**, seconded by Councilman Wilkinson.

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

AYE: Councilman Mason, Smith, Condit, Read, Wilkinson, Garvin & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

NEW BUSINESS

Councilman Smith stated that he had drawn or developed a survey that could be distributed to the citizens before the Council Retreat. He then distributed copies to the Council.

CITY MANAGER'S REPORT

Mark Roath stated that he did not have anything to report on at this time.

REMARKS AND INQUIRIES BY CITY COUNCIL

Mayor Lewis commented that the City Manager was still seeking a City Treasurer. He added that the City Manager's new secretary had started. He thanked the Parks Department for the speedy removal of the Christmas lights. He reminded everyone of the Special Meeting scheduled for January 24th. He also announced that the filing period for candidates who planned to run for one of the Council seats that was coming open would be Monday, January 28th at 8:00 A.M. until Wednesday, January 30th at 5:00 P.M.

RECESS COUNCIL MEETING

Mayor Lewis asked for a motion to recess the Regular Meeting to convene the Authorities.

Councilman Condit moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Read and the vote was taken as follows:

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried, and the Regular Meeting was recessed at 7:45 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:47 P.M.

Councilman Smith moved to recess the regular meeting for an Executive Session to discuss a lawsuit involving McAlester Economic Development Service versus Tandem Technologies, in accordance with Title 25, Sec. 307.B.4., to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.B.2., and to discuss employment relating to the Finance Director/City Treasurer position, in accordance with Title 25, Sec. 307.B.1. The motion was seconded by Councilman Condit.

Before the vote, Councilman Read stated that he did not understand the need to go into Executive Session for the third item.

Mark Roath explained that an issue had come up with a potential candidate for the Finance Director's position. He stated that he had discussed the matter with the City Attorney and was advised to go to Council.

Mayor Lewis stated that according to the Charter the City Manager has the authority to proceed with the hiring of personnel.

Councilman Mason stated that in the personnel pay plan a starting salary and a high salary was given. He added that if the question of a higher salary was to be considered, that matter should be discussed in open session.

Mark Roath stated that he would like to withdraw the third item.

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

AYE: Councilman Read, Wilkinson, Garvin, Mason, Smith, Condit & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried and the meeting was recessed at 7:52 P.M.

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 (B), et.seq.

Oklahoma Statutes, to wit:

- **Section 307 (B) (4) - Discussion concerning lawsuit involving McAlester Economic Development Service v. Tandem Technologies, Case No. C-2007-1403.**
- **Section 307 (B) (2) - Discuss negotiations concerning employees and representatives of employee group: IAFF.**
- **Section 307 (B) (1) - Discussion of employment relating to the Finance Director/City Treasurer position.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 8:45 P.M. Mayor Lewis reported that the Council had gone into Executive Session for the purpose of discussing a lawsuit involving McAlester Economic Development Service versus Tandem Technologies, in accordance with Title 25, Sec. 307.B.4. to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.B.2. No action was taken and only those matters were discussed.

Councilman Smith moved to reject the IAFF offer and the motion was seconded by Councilman Mason.

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

AYE: Councilman Wilkinson, Mason, Smith, Condit, Read & Mayor Lewis

NAY: Councilman Garvin

Mayor Lewis declared the motion carried.

DJOURNMENT

Deleted: A

There being no further business to come before the Council, Councilman Mason moved for the meeting to be adjourned, seconded by Councilman Garvin. The vote was taken as follows:

AYE: Councilman Garvin, Mason, Smith, Condit, Read, Wilkinson & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried, and the meeting was adjourned at 8:47 P.M.

ATTEST:

Don R. Lewis, Mayor

Cora Middleton, City Clerk