

Council Chambers
Municipal Building
April 8, 2008

The McAlester City Council met in regular session on Tuesday, April 8, 2008, at 6:00 P.M. after proper notice and agenda was posted April 4, 2008, at 11:00 A.M.

CALL TO ORDER

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

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

Staff Present: George Marcangeli, City Engineer/Public Works Director; David Burke, City Treasurer; Robert Ivester, City Attorney; David Medley, Utilities Director and Cora Middleton, City Clerk

INVOCATION & PLEDGE OF ALLEGIANCE

- **Marvin Dunn, Pastor of the New Haven Baptist Church in Krebs, Ok.**

Mayor Lewis led the Pledge of Allegiance.

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

None

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 March 25, 2008, Regular Meeting of the City Council. (Cora Middleton, City Clerk)**
- Concur with Mayor's reappointment of Tom Steidley to the Personnel Board with a term to expire on April, 2011. (Cora Middleton, City Clerk)**
- Concur with the Mayor's appointment of John McNally to the Board of Adjustment with a term to expire on March, 2011. (Cora Middleton, City Clerk)**
- Concur with the Mayor's appointment of Ruth Harkins to the Americans with Disabilities Act Board, replacing Andrea Javersak, with a term to expire on August, 2009. (Cora Middleton, City Clerk)**

- E. Approval of Claims for the period of March 26th through April 8th, 2008.** (*David Burke, City Treasurer*) In the following amounts: General Fund - \$93,242.73; Nutrition - \$383.47; C.O.P.S./Grant - \$900.00; SE Expo Ctr/Tourism Fund - \$2,785.31 and Economic Development - \$282.50.

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

Before the vote, Councilman Condit asked that item "B" be clarified as Tom Steidley, Sr.

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

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

NAY: None

Mayor Lewis declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

SCHEDULED BUSINESS

- 1. Presentation of Non-Uniform Employee of the Month for December, 2007 and January, 2008.** (*Don Lewis, Mayor and Mark B. Roath, City Manager*)

Executive Summary

The Non-Uniform Committee has selected Employees of the Month for the periods mentioned.

Mayor Lewis presented David Weeks, Waste Water Division, the Employee of the Month award for December 2007, and Sheila Norman, Community Services Division, the Employee of the Month award for January 2008. He expressed his appreciation to both employees for their diligent work and great attitudes.

- 2. Consider, and act upon, Land Use Acceptance to grant Use Permitted After Review.** (*Mark B. Roath, City Manager*)

Executive Summary

This item is for Use Permitted After Review for a single operator Beauty Salon located at 1020 E. Cherokee.

Councilman Wilkinson moved for approval of the Use Permitted after Review. The motion was seconded by Councilman Condit.

Before the vote, Councilman Condit asked about complaints from neighbors.

Mr. Roath stated that one resident had expressed concerns about the parking and they had been assured that there would be no more than two cars present at a time. He also stated that if in the future more space was needed, the alley would be available.

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

AYE: Councilman Condit, Wilkinson, Mason, Smith & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried.

- 3. Consider, and act upon, an Ordinance amending General Zoning Ordinance No. 1843 (1989) and rezoning property in the ordinance from R1-B (single family residential) to R-2 (two family duplex, residential). (Mark B. Roath, City Manager)**

Executive Summary

This Ordinance is a rezoning of property to construct a two family duplex at the corner of Harrison Avenue and 5th Street.

ORDINANCE NO. 2284

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: LOT 1 & THE EAST 15' OF LOT 2 AND THE WEST 10' OF VACANT 5TH STREET LYING ADJACENT TO LOT 1, CITY OF MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B(SINGLE-FAMILY RESIDENTIAL) TO R-2(TWO-FAMILY (DUPLEX)RESIDENTIAL).

Councilman Mason moved for approval of **ORDINANCE NO. 2284**, seconded by Councilman Wilkinson.

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

AYE: Councilman Wilkinson, Mason, Smith, Condit & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried.

- 4. Consider, and act upon, an Ordinance to null, vacate and close platted roadway easement. (Mark B. Roath, City Manager)**

Executive Summary

This Ordinance is to vacate a platted roadway easement, which the drainage ditch that is within that easement would be rerouted, in order to construct a multi-family complex off of Hickory Street.

Before the motion, Mark Roath requested that this item be tabled. He stated that some questions had been raised about this item and that information needed to be gathered to answer those questions.

Councilman Mason moved to table this item, seconded by Councilman Wilkinson.

There was no discussion, and the vote was taken as follows:
AYE: Councilman Wilkinson, Mason, Smith, Condit & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

5. **Consider, and act upon, an Ordinance ordering compliance with the Open Meeting Act of the State of Oklahoma, Section 2-166 of the Code of Ordinance of the City of McAlester.** *(Don Lewis, Mayor)*

Executive Summary

This Ordinance establishes that all City boards and commissions shall comply with the Open Meeting Act of the State of Oklahoma.

Councilman Wilkinson moved to approve an Ordinance ordering compliance with the Open Meeting Act of the State of Oklahoma. The motion was seconded by Councilman Condit.

Before the vote, there was discussion among the Council to the effect that this was already a state law, the citizens that serve on the committees do so without compensation and according to the Open Meeting Law, if a committee is only advisory, it does not have to adhere to the law. The possibility of changing this to a resolution was also discussed.

Mr. Ivester stated that this could be changed to a resolution but, as a resolution it would not show up anywhere and could be forgotten. He added that as an ordinance it would be in the ordinance and code book and there would not be any question that a board or committee would have to comply. He stated that this was placed on the agenda to remove any questions about who was required to comply with the law.

Mr. Roath stated that if the Council adopted this ordinance it would behoove the City along with the City Attorney to offer instruction for the committees on the process. He added that the City could aid with education.

There was more discussion among the Council that this could be considered overkill, the wording of the item and that the City Council had the authority to draft a policy with the City Attorney's aid as to which boards would have to comply.

Mr. Ivester stated that this item was intended to do that and if a board had a problem with the Open Meeting Act they could always ask for clarification.

Councilman Smith stated that he agreed with the suggestion that Mr. Roath had made but he would like to have more time to think about this item.

Councilman Wilkinson commented that this would help clarify the gray areas and that all boards should abide with the Open Meeting Act.

Harold King commented that he disagreed with the City Attorney and this ordinance would create a situation where if someone did not abide with the Open Meeting Act, they would be fined.

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

AYE: Councilman Wilkinson & Mayor Lewis

NAY: Councilman Mason & Condit
ABSTAIN: Councilman Smith (which is counted as a no vote)

Mayor Lewis declared the motion failed for lack of a majority.

6. Consider, and act upon, an Ordinance amending Section 62-27 (a), Composition; Appointment, Terms of members, of the Code of Ordinance of the City of McAlester. (Don Lewis, Mayor)

Executive Summary

This Ordinance changes the number of members on the Planning Commission from 15 to 11.

ORDINANCE NO. 2285

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA AMENDING THE CODE OF ORDINANCES, SECTION 62-27 (a), COMPOSITION; APPOINTMENT, TERMS OF MEMBERS.

Councilman Mason moved for approval of **ORDINANCE NO. 2285**, seconded by Councilman Condit.

Before the vote, Mayor Lewis explained that the Planning Commission is currently made up of fifteen (15) members and there has been a problem with having a quorum at the meetings.

Councilman Condit asked if the number would be reduced by attrition.

Mayor Lewis stated that one of the members had died and his position was not going to be filled and that the other positions would be eliminated as the terms expired. He also mentioned that some of the members would remain as alternates in case of an emergency.

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

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

NAY: None

Mayor Lewis declared the motion carried.

NEW BUSINESS

Councilman Smith reported that one of the citizens from Ward 1 had contacted him regarding an individual that had come to their residence conducting a survey and asking for their social security number. He stated that the citizen had not known what the survey was about until a neighbor had mentioned it to them. He added that the survey was about the seismic study. He suggested that an advertisement be placed in the newspaper to inform the community of what was going on.

Mr. Roath commented that the City Engineer had brought this to his attention before the meeting and he had spoken with Geokinetics and they advised him that they were going to publish an

advertisement in the newspaper explaining what they were doing. He suggested that anyone that was contacted to verify who they were talking to before they gave out information.

Councilman Mason commented that this information could be made available on the public television channel. He also commented on the problem with the late trash collection.

Councilman Smith suggested that the City's website could furnish the information also.

CITY MANAGER'S REPORT

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

REMARKS AND INQUIRIES BY CITY COUNCIL

Mayor Lewis commented that the Centennial Clock had been installed and he stated that the Street Department had done a great job.

He asked everyone to get involved with the City wide clean up.

RECESS COUNCIL MEETING

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

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

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

NAY: None

Mayor Lewis declared the motion carried, and the Regular Meeting was recessed at 6:42 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 6:44 P.M.

ADJOURNMENT

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

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

NAY: None

Mayor Lewis declared the motion carried, and the meeting was adjourned at 6:45 P.M.

ATTEST:

Cora Middleton, City Clerk

Don R. Lewis, Mayor