

Council Chambers
Municipal Building
January 25, 2011

The McAlester City Council met in Regular session on Tuesday, January 25, 2011, at 6:00 P.M. after proper notice and agenda was posted, January 21, 2011, at 8:32 A.M.

Call to Order

Mayor Priddle called the meeting to order.

Stephanie Swinnea, All Saints Episcopal Church gave the invocation and lead the Pledge of Allegiance.

Swearing in Ceremony

Municipal Judge Deborah Hackler administered the Oath of Office to Weldon Smith. Councilman Smith then took his seat at the Council dais.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Robert Karr, Buddy Garvin, Sam Mason & Kevin Priddle
Absent: None
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; Gayla Duke, Chief Financial Officer; John Modzelewski, City Engineer/Public Works Director; Jim Lyles, Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

There were no comments.

Consent Agenda

- A. Approval of the Minutes from the January 6, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for January 12, 2011 through January 25, 2011. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$118,136.87; Parking Authority - \$129.66; Nutrition - \$1,349.44; Police Grant Fund - \$1,245.00; Tourism Fund - \$3,720.00; SE Expo Ctr/Tourism Fund - \$6,587.75; E-911 - \$8,301.90; Fleet Maintenance - \$6,134.94; Worker's Compensation - \$941.68 and CIP Fund - \$17,000.00.

- C. Concur with Mayor's Re-Appointment of Edward "Ted" Welch to the Americans with Disabilities Act Board for a term to expire August, 2012. (*Kevin E. Priddle, Mayor*)

Councilman Garvin moved to approve the Consent Agenda, seconded by Councilman Karr. There was no discussion and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to open the Public Hearing to consider two (2) ordinances to change the zoning of certain property in the City of McAlester and one ordinance to amend the budget for fiscal year 2010-2011. There was no discussion and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Mason, Smith & Mayor Priddle
NAY: None

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

Public Hearing

- **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: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, AND 28 IN BLOCK 114, IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE FAMILY RESIDENTIAL) TO H-1 (HEALTH FACILITIES).**
- **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: BLOCK 247, LOT 4 AND THE EASTERLY 40 FEET OF VACATED 12TH STREET AND THE WESTERLY 50 FEET OF LOT 4 IN BLOCK 247 IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE FAMILY RESIDENTIAL) TO H-1 (HEALTH FACILITIES).**
- **AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL**

CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments from the Council or citizens. Councilman Harrison moved to close the Public Hearing. The motion was seconded by Vice-Mayor Browne. There was no discussion and the vote was taken as follows:

AYE: Councilman Browne, Karr, Garvin, Mason, Smith, Harrison & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:10 P.M.

Scheduled Business

1. Consider and act upon a change in zoning from R1-B (Single Family Residential) to H-1 (Health Facility). (*Peter Stasiak, City Manager*)

Executive Summary

A motion to approve and act upon changing the existing zoning R1-B (Single Family Residential) to H-1 (Health Facility, and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2380

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: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, AND 28 IN BLOCK 114, IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE FAMILY RESIDENTIAL) TO H-1 (HEALTH FACILITIES).

Councilman Karr moved to approve **ORDINANCE NO. 2380**, seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that this item had been considered by the Planning Commission on December 21, 2010 and they had voted unanimously to recommend approval of the re-zoning. He commented on the rumor that the hospital had planned on constructing a helicopter pad on this property. He stated that was not going to happen and that the City was currently working with Air Evac about a possible move to the Airport. He added that the Hospital could not put an ambulance service on the property.

There was a brief discussion among the Council concerning the Hospital and Air Evac furnishing a written statement confirming that they would not construct an ambulance service on the property.

Vice-Mayor Browne moved to amend the motion and add the approval was subject to written verification of intent to not use as a helicopter landing facility. The motion was seconded by Councilman Karr. There was no other discussion and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Mason, Harrison, Browne & Mayor Priddle

NAY: None

ABSTAIN: (counted as no) Councilman Smith

Mayor Priddle declared the motion carried.

2. Consider and act upon a change in zoning from R1-B (Single Family Residential) to H-1 (Health Facility). (*Peter Stasiak, City Manager*)

Executive Summary

A motion to approve and act upon changing the existing zoning R1-B (Single Family Residential) to H-1 (Health Facility), and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2381

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: BLOCK 247, LOT 4 AND THE EASTERLY 40 FEET OF VACATED 12TH STREET IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE FAMILY RESIDENTIAL) TO H-1 (HEALTH FACILITIES).

Councilman Harrison moved to approve **ORDINANCE NO. 2381**, seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak explained that this item had originally been two (2) applications but had been combined into one (1). He added that the Planning Commission at their December 21, 2010 meeting had unanimously voted to recommend approval of this rezoning to the Council.

Councilman Harrison commented that to make the ordinance read properly the following wording would need to be removed "AND THE WESTERLY 50 FEET OF LOT 4 IN BLOCK 247". He stated that he would like to make that a motion to amend the ordinance in that manner. Mayor Priddle seconded the motion.

Before the vote, Gaylord Brooks addressed the Council expressing his concerns about the property re-zoning.

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

AYE: Councilman Garvin, Mason, Harrison, Browne, Karr & Mayor Priddle

NAY: None

ABSTAIN: (counted as no) Councilman Smith

Mayor Priddle declared the motion carried.

3. Consider, and act upon, authorizing the Mayor to sign agreements with Agent Ross Eaton for flood insurance for two (2) properties owned by the City of McAlester. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to authorize the Mayor to sign agreements with Agent Ross Eaton for flood insurance for two (2) properties owned by the City of McAlester.

Councilman Harrison moved to authorize the Mayor to sign agreements with Agent Ross Eaton for flood insurance for two (2) properties owned by the City of McAlester. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak explained that recently the City had identified two (2) structures that were located in flood planes and not insured. He commented that the City Clerk had researched the insurance through the National Flood Insurance Program and requested quotes from the participating agents. He stated that the City had received one (1) response from the National Flood Insurance Program so Ms. Middleton contacted an agent in Henryetta asking for another quote. He added that after receiving the two (2) quotes and the comparisons were studied, staff was recommending the selection of a local agent, Ross Eaton to provide the flood insurance.

There was discussion among the Council concerning the purchase of the flood insurance, why the quotes were identical, paying the extra premium for a lower deductible at the softball complex, the proposed improvements at the softball complex, and if elevation certificates would lower the premiums.

Vickie Brown addressed the Council expressing her concerns about the flood insurance at the softball complex and suggested tabling this item until elevation certificates could be obtained.

John Modzelewski explained to the Council that the federal government did not regulate flood insurance premiums, studies for elevation certificates were very costly and the Oklahoma Department of Transportation were planning on constructing a facility nearby, they would be doing a study and the City would be able to use the information from ODOT's study. He strongly urged the Council to not table this item.

Councilman Harrison asked for clarification if the Council would be voting on a \$2,000.00 deductible at the East Sewer treatment Plant and a \$1,000.00 deductible at the Softball complex. Mayor Priddle stated that was the combination of deductibles.

Mayor Priddle clarified the motion was to authorize the Mayor to sign agreements with Agent Ross Eaton for flood insurance for two (2) properties owned by the City of McAlester with a deductible change from \$2,000.00 to \$1,000.00 for the insurance coverage at the Softball Complex.

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

AYE: Councilman Smith, Harrison, Browne, Karr & Garvin

NAY: Councilman Mason

ABSTAIN: (counted as no) Mayor Priddle

Mayor Priddle declared the motion carried.

4. Consider, and act upon, a Resolution establishing a Ward Commission for the City of McAlester. (*Councilman Harrison*)

Executive Summary

A motion to approve the establishment of a Ward Commission for the City of McAlester per the City Charter. The Charter provides that said Ward Commission shall consist of seven members, with each City Council person appointing one member and those six members, with the affirmative vote of at least four, choosing the seventh member who shall be chairman.

Councilman Harrison moved to approve RESOLUTION NO. 11-02, establishing a Ward Commission for the City of McAlester. The motion was seconded by Councilman Karr.

Before the vote, there Councilman Harrison commented that this commission was required by the Charter to establish ward boundaries. He added that the Census information had not been received at this time but the Commission needed to be chosen so they could begin work as soon as the information was available.

Mayor Priddle asked that the Council have their selections by the next meeting.

There was discussion among the Council including the City Attorney concerning the time schedule in the Charter, how quickly this commission needed to be formed, the Charter requirements and the ability of the Council to adjust the time frame by Ordinance.

Mayor Priddle restated the motion as, establishing a Ward Commission for the City of McAlester to be amended with the published document showing Councilman Smith choosing Travis Read, Councilman Harrison choosing William G. Blanchard, MD, Vice-Mayor Browne choosing Chan Lee, Councilman Karr choosing Aaron Watkins, Councilman Mason choosing Mel Stubbings and Councilman Garvin to furnish his selection at the next Council meeting. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle stated that the Council would consider item number six (6) the Midyear Budget Review before considering the Budget amendment.

6. Midyear Budget Review – Section 5.07 (a), McAlester City Charter states: Midyear Budget Review. The City Manager shall submit a midyear review of the budget to the Council on or before the last day of January. This shall include the evaluation and modification, if necessary, of revenues and expenses. (*Peter Stasiak, City Manager*)

Executive Summary

A Midyear Budget Review by City Manager.

Councilman Harrison moved to open the floor for the presentation of the midyear budget review. The motion was seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak explained that this was everything as of December 31, 2010. He then reviewed in detail each of the areas of the budget. He commented that through the early retirement program the City had thirteen (13) employees leave that gave the City a net savings of approximately \$18,000.00. He added that he did not recommend any layoffs but would reduce the workforce through attrition.

There was a brief discussion among the Council concerning the Sub-Title D payments and balance, how much it would cost to close the landfill, how the amount of the payment was calculated, what the early retirement program contained and when that amount would be accrued.

There was no vote on this item.

5. Consider, and act upon, an Ordinance amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, CFO*)

Executive Summary

This item involves amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011.

ORDINANCE NO. 2382

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Garvin moved to approve **ORDINANCE NO. 2382**, seconded by Councilman Karr.

Before the vote, Ms. Duke reviewed all of the exhibits with the Council. At the end of this review Ms. Duke continued covering the Midyear Budget Review explaining the Manager Stasiak had requested that she cover the revenues and expenses for the first half of the fiscal year.

Vice-Mayor Browne asked what the average monthly revenue growth over last year had been. Manager Stasiak stated that it was probably around 9% to 11%.

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

AYE: Councilman Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Councilman Harrison moved to approve the EMERGENCY CLAUSE, seconded by Vice-mayor Browne. There was no discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Mason, Smith & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

New Business

No new business.

City Manager's Report

Manager Stasiak thanked the Council for their continued support of the employees and community.

Remarks and Inquiries By City Council

Councilmen Smith, Harrison, Garvin and Mason had no comments for the evening.

Vice-Mayor Browne congratulated the City Staff for their job on the mid-year budget review; he congratulated the young lady from Ward 3, Shelby Walker that had won a scholarship at the Martin Luther King, Jr. Unity Banquet. He then asked when the Dura Patcher would be working in Third Ward as there were many streets that needed to be repaired.

Mayor Priddle stated that the CASA team would be playing the Harlem Ambassadors at the Expo Thursday, January 27, 2011. He announced that his State of the City Address would be at 6:00 P.M. Monday, February 7th.

Recess Council Meeting

Mayor Priddle 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 Karr and the vote was taken as follows:

AYE: Councilman Browne, Karr, Garvin, Mason, Smith, Harrison & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:54 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:56 P.M.

Adjournment

There being no further business to come before the Council, Councilman Mason moved for the meeting to be adjourned, seconded by Vice-Mayor Browne.

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

AYE: Councilman Mason, Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:58 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk