

Council Chambers  
Municipal Building  
May 10, 2011

The McAlester City Council met in Special session on Tuesday, May 10, 2011 at 5:30 P.M. after proper notice and agenda was posted, May 5, 2011 at 5:30 P.M.

### **CALL TO ORDER**

Mayor Priddle called the meeting to order.

### **ROLL CALL**

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Robert Karr, Sam Mason & Mayor Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

Staff Present: Pete Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Gayla Duke, Chief Financial Officer and Karen Boatright, Deputy City Clerk

Mayor Priddle explained the reason for the Special Meeting, commenting that the Charter stated that if a Councilman misses more than one half of the meetings of the Council, Special and Regular, called in three (3) consecutive months, he shall forfeit that office. He explained that Mr. Garvin had missed those meetings due to medical issues that his wife had experienced. He added that he knew that even during that time period Mr. Garvin had taken care of Fifth Ward. Mayor Priddle stated that neither he nor any of the Council could choose to ignore the Charter. He commented that there were several Fifth Ward citizens in attendance and two (2) had signed up to speak.

William Murdock and Eddie Gray spoke in support of Mr. Garvin.

City Attorney, Ervin explained that he had been contacted by a Councilman that had a constituent raise the issue of the attendance provided in the Charter. He stated that he researched the minutes and DVD's of the meetings in question and he determined that Councilman Garvin had attended five (5) of the twelve (12) meetings and his attendance fallen below the minimum Charter requirement. He commented that he contacted the Mayor with this information on Tuesday and the Mayor called a Special meeting on Tuesday to declare a vacancy.

### **Scheduled Business**

1. Consider and Act to declare a vacancy on the McAlester City Council for Ward 5, pursuant to Section 2.06(b)(5) of The McAlester City Charter.

Vice-Mayor Browne commented that it was unfortunate that the Charter read this way and he did not feel that this was meant to punish anyone. He felt that in no way had abandoned his office during this time and he wanted to express his total support of Councilman Garvin.

Mayor Priddle stated that there had not been any item in the three (3) years he has been Mayor that has brought as many phone calls, letters and personal visits from citizens as this matter.

Councilman Smith moved to declare a vacancy on the McAlester City Council for Ward 5, pursuant to Section 2.06(b)(5) of The McAlester City Charter. The motion was seconded by Councilman Harrison.

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

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

NAY: None

ABSTAIN: (Counted as no) Vice-Mayor Browne

Mayor Priddle declared the motion carried.

2. Consider and Act to fill the vacancy on the McAlester City Council (Ward 5) for the unexpired term, pursuant to Section 2.06(c) of The McAlester City Charter.

Councilman Karr moved to fill the vacancy on the McAlester City Council (Ward 5) for the unexpired term, pursuant to Section 2.06(c) of The McAlester City Charter, seconded by Councilman Harrison.

Before the vote, Mayor Priddle then read Section 2.06(c) of The McAlester City Charter. City Attorney Ervin explained that the Council was charged with filling the vacancy since it was less than one (1) year. Mayor Priddle asked if there was any prohibition to appointing the same person to the seat that had just been vacated. Mr. Ervin stated that there was no such prohibition. He explained various options to fill the vacancy and commented that he did not want this to appear as prearranged or have a Councilman vote against another Councilman. He then read from a resolution that had been prepared to declare the vacancy and set forth the manner in which the vacancy would be filled.

Councilman Smith commented that this provision had been in the Charter for nineteen (19) years and had been put in place to affect someone that was shirking their duties and not representing their constituents.

Mr. Garvin addressed the Council stating that he did not have a problem with this, he would look more closely at the Charter and even though the Charter was in conflict with the voters he felt that the right thing would be done.

Vice-Mayor Browne moved to approve RESOLUTION NO. 11-05, declaring a vacancy in Ward Five (5). The motion was seconded by Councilman Harrison.

Before the vote, Vice-Mayor Browne asked the Mayor that when this was all over with if he would put together a committee to totally review the entire Charter. He added that it was a relatively new document and there were probably some kinks that needed to be ironed out.

Councilman Karr commented that he supported Councilman Garvin.

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

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

NAY: None

Mayor Priddle declared the motion carried.

**Adjournment**

There being no further business before the Council, Vice-Mayor Browne moved adjournment. The motion was seconded by Councilman Harrison.

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

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

NAY: None

Mayor Priddle declared the motion carried and the meeting was adjourned at 6:00 P.M.

---

Kevin E. Priddle, Mayor

ATTEST:

---

Karen Boatright, Deputy City Clerk