

Posted at City Hall, 64 Memorial Drive, Eufaula, OK 74432 November 1, 2018 at 5:00 p.m.

CITY OF EUFAULA, OK

Community Center
First & High Street
Eufaula, OK 74432



MINUTES Monday November 5, 2018 5:00 p.m.

City Council, Eufaula Public Works Authority and Eufaula Economic Development Authority

The City of Eufaula encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28CFR/36).

Council Rules of Decorum limit citizen comments on agenda items, non-agenda items, and public hearings to five (5) minutes. Any person desiring to address the Council during such period is required to sign in with the City Clerk, provide their name, address and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted ten (10) copies should be made available, and may not be returned. Under Oklahoma Law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda.

City Council

Mayor James Duty
Vice Mayor Donald Berryhill
Council Member Roger Barton
Council Member Frank Davis
Council Member Nick Pendley

AGENDA
EUFAULA CITY COUNCIL
November 5, 2018
5:00 p.m.

- | | |
|--------------------------|-------------------------|
| 1. CALL TO ORDER | MAYOR JAMES DUTY |
| 2. INVOCATION | |
| 3. PLEDGE OF ALLEGIANCE | MAYOR JAMES DUTY |
| 4. ROLL CALL /ATTENDANCE | CITY CLERK, VALARIE COX |

Council members in attendance: Davis, Pendley, Barton, Berryhill and Duty.

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. The item will then be placed in its proper order on the regular meeting and will be considered at that time.

5. APPROVAL OF MINUTES.
 - A. REGULAR COUNCIL MEETING OCTOBER 1, 2018.
 - B. SPECIAL MEETING OCTOBER 23, 2018.

6. APPROVAL OF THE TREASURER’S REPORT.

7. APPROVAL OF THE OCTOBER 2018 PAYROLL FIGURES FOR THE GENERAL FUND IN THE AMOUNT OF \$58,911.77.

8. RECEIPT OF CLAIMS: CITY OF EUFAULA.

9. Discuss and consider for approval Council Meeting and City Holiday Schedule for 2019.

10. Discuss and consider for approval the meeting schedule for the Planning and Zoning Commission and for the Board of Adjustment for 2019.

Motion to approve Consent Agenda by Frank Davis, 2nd by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

ITEMS REMOVED FROM CONSENT AGENDA

11. Discuss and consider for approval Specific Use Permit for Tim Whitt for 111 S. 5th Street.

Motion to approve Specific Use Permit for Tim Whitt for 111 S. 5th Street as recommended by the Planning and Zoning commission with restrictions by Roger Barton, 2nd by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

12. Discuss and consider for approval Specific Use Permit for Tim Whitt for the southeast corner of 5th Street and Grand Avenue.

Tim Whitt, Sam Sylvester and Dale Riley. Discussion. Motion to uphold the Planning and Zoning Commission's decision by Donald Berryhill, 2nd by Frank Davis. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Donald Berryhill and James Duty. Roll Call Vote No- Roger Barton.

13. Discuss and consider for approval Ordinance 18-11-1 modifying Eufaula City code Chapter 4, 17-403; Collection of Garbage and Rubbish, establishing who can access trash containers; and declaring an emergency.

Motion to approve Ordinance 18-11-1 modifying Eufaula City code Chapter 4, 17-403; Collection of Garbage and Rubbish, establishing who can access trash containers trash containers by Roger Barton, 2nd by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 18-11-1.

Motion to approve attaching emergency clause to Ordinance 18-11-1 by Nicholas Pendley, 2nd by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

14. Discuss and consider for Ordinance 18-11-2 modifying Eufaula City Ordinance 8-222 (F), garage, yard, patio, and rummage sale signs prohibited on public property; and declaring an emergency.

Motion to approve Ordinance 18-11-2 modifying Eufaula City Ordinance 8-222 (F), garage, yard, patio, and rummage sale signs prohibited on public property by Nicholas Pendley, 2nd by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 18-11-2.

Motion to approve attaching emergency clause to Ordinance 18-11-2 by Donald Berryhill, 2nd by Nicholas Pendley. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

15. Discuss and consider for approval Ordinance 18-11-3, amending the Eufaula Code of Ordinances Chapter 9, Business and Licensing; Establishing regulations for retail marijuana establishments; prohibiting commercial marijuana growth, wholesale marijuana facilities and marijuana storage facilities; inspection; establishing regulations for growing marijuana for personal use; public nuisance; and declaring an emergency.

Motion to approve Ordinance 18-11-3, amending the Eufaula Code of Ordinances Chapter 9, Business and Licensing; Establishing regulations for retail marijuana establishments; prohibiting commercial marijuana growth, wholesale marijuana facilities and marijuana storage facilities; inspections; establishing regulations for growing marijuana for personal use; public nuisance by Roger Barton, 2nd by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 18-11-3.

Motion to approve attaching emergency clause to Ordinance 18-11-3 by Donald Berryhill, 2nd by Nicholas Pendley. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

16. Discuss and consider for approval Ordinance 18-11-4 modifying Eufaula City Code Chapter 1, 8-101 through 8-115; and declaring an emergency.

Motion to approve Ordinance 18-11-4 modifying Eufaula City Code Chapter, 1, 8-101 through 8-115 by Roger Barton, 2nd by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 18-11-4.

Motion to approve attaching emergency clause to Ordinance 18-11-4 by Donald Berryhill, 2nd by Nicholas Pendley. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

17. Discuss and consider for approval the selection of an engineering consultant for the Eufaula Municipal Airport based on the received Request for Qualifications to advance in the selection process pursuant to requirements of the Federal Aviation Administration.

Motion to approve the selection of CEC as the engineering consultant for the Eufaula Municipal Airport based on the received Request for Qualifications to advance in the selection process pursuant to requirements of the Federal Aviation Administration by Donald Berryhill, 2nd by Frank Davis. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

18. Discuss and consider for approval a non-reoccurring one-time net salary adjustment of \$300 for full-time employees and \$200 for part-time employees, excluding the City Manager.

Motion to approve a non-reoccurring one-time net salary adjustment of \$300 for full-time employees and \$200 for part-time employees, excluding the City Manager by Roger Barton, 2nd by Frank Davis. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

19. Discuss and consider for approval Resolution 18-11-1, to accept the donated real property as described in the Quit Claim Deed to the City of Eufaula, Oklahoma.

Motion to approve Resolution 18-11-1, to accept the donated real property as described in the Quit Claim Deed to the City of Eufaula, Oklahoma, by Donald Berryhill, 2nd by Frank Davis. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

20. Discuss and take any necessary action on downtown parking availability and options for additional parking.

McLain's parking lot. Staff is directed to look into it and report back next month.

21. Discuss the remediation of mold in City Hall, future use of city hall, and other options including the leasing of office space, and take action if necessary.

City staff directed to get bids for remediation of mold.

22. RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.

Note: Under Oklahoma Law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda.

Jerry Pierce
Pam Rossi

23. REMARKS AND INQUIRIES BY CITY COUNCIL.

Donald Berryhill- Met with Congressman Mullen
James Duty- Downtown Trunk or Treat

24. ANNOUNCEMENTS.

Election Day

25. Pursuant to 25 O.S. § 307 (B)(3), consider convening in Executive Session for purposes of discussing the purchase or appraisal of real property, and if necessary, take appropriate action in open session regarding 400 Industrial Drive, Eufaula, Oklahoma.

Motion to convene into Executive Session for purposes of discussing the purchase or appraisal of real property by Donald Berryhill, 2nd by Nicholas Pendley. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

26. Discussion and possible action in open meeting, on item 25, if necessary.

Motion to enter into open session by Donald Berryhill, 2nd by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

No Action.

27. ADJOURNMENT.

Motion to adjourn by Donald Berryhill, 2nd by Frank Davis. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

AGENDA
EUFAULA PUBLIC WORKS AUTHORITY
November 5, 2018
5:00 p.m.

1. ROLL CALL / ATTENDANCE CITY CLERK, VALARIE COX

Council members in attendance: Davis, Pendley, Barton, Berryhill and Duty.

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. The item will then be placed in its proper order on the regular meeting and will be considered at that time.

2. APPROVAL OF MINUTES.
 A. REGULAR MEETING OCTOBER 1, 2018.
 B. SPECIAL MEETING OCTOBER 23, 2018.
3. APPROVAL OF THE OCTOBER 2018 PAYROLL FIGURES FOR THE EUFAULA PUBLIC WORKS AUTHORITY IN THE AMOUNT OF \$21717.47.
4. RECEIPT OF CLAIMS: EUFAULA PUBLIC WORKS AUTHORITY.
5. Discuss and consider for approval Eufaula Public Works Authority Meeting Schedule for 2019.

Motion to approve Consent Agenda by Donald Berryhill, 2nd

ITEMS REMOVED FROM CONSENT AGENDA

6. Discuss and consider for approval Resolution 18-11-2 amending the Fee Schedule for utility account deposits and for failure to provide payment stub.

Motion to approve Resolution 18-11-2 amending the Fee Schedule for utility account deposits and for failure to provide payment stub by Donald Berryhill, 2nd by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

7. ADJOURNMENT.

Motion to adjourn by Donald Berryhill, 2nd by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

AGENDA
EUFAULA ECONOMIC DEVELOPMENT AUTHORITY
November 5, 2018
5:00 p.m.

1. ROLL CALL / ATTENDANCE CITY CLERK, VALARIE COX

Council members in attendance: Davis, Pendley, Barton, Berryhill and Duty.

2. APPROVAL OF MINUTES.

A. REGULAR MEETING OCTOBER 1, 2018.

Motion to approve the regular meeting minutes of October 1, 2018, by Donald Berryhill, 2nd by Nicholas Pendley. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

3. Discuss and consider for approval a corporate membership with the Eufaula Business Development Foundation.

Pam Rossi. Discussion. Motion to approve a corporate membership with the Eufaula Business Development Foundation by James Duty, 2nd by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

4. Discuss and consider for approval Eufaula Economic Development Authority Meeting schedule for 2019.

Motion to approve the Eufaula Economic Development Authority Meeting schedule for 2019 by Donald Berryhill, 2nd by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

5. ADJOURNMENT.

Motion to adjourn by Donald Berryhill, 2nd by Frank Davis. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.