

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **DECEMBER 12, 2016** at **7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: TERESA BUCK, MARY SMITH, AARON MCLEROY, TODD LITTLETON AND TOMMY JOE CHESTER

MEMBERS ABSENT: NONE

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, AARON SLATTERY, SEAN DOUGLAS, BRUCE ANTHONY, GENE PFLUGHOFT AND SEAN FAIRBAIRN

OTHERS PRESENT: CHARLES BINGHAM, PHILLIP YORK, DOUG ADKINS, MICHAEL WARDEN, SHAWN SMITH, KIM GREEN, JEFF WOODYARD, JASON KNIGHT AND OTHERS THAT DID NOT SIGN IN

CALL TO ORDER Mayor Chester called the meeting to order at 7:06 p.m.

ROLL CALL Marble called the roll and declared a quorum present

PLEDGE OF ALLEGIANCE Mayor Chester led the pledge

INVOCATION Littleton gave the invocation

1. INTRODUCTION OF GUESTS / HEARING OF CITIZENS OR DELEGATES

(This is an opportunity for citizens to address the City Council. If you wish to speak at this evening's meeting, please fill out a "Request to Speak" form. The forms are available from the City Clerk's table or at the entrance door. Please turn in your form prior to the start of the meeting. City Council rules and regulations limit visitor comments to a maximum of three minutes should be directed to the City Council as a whole. The Oklahoma Open Meeting Act prohibits the City Council from taking official action on requests made during this portion of the agenda unless otherwise noted on this agenda.)

2. PUBLIC HEARING regarding proposed budget for Fiscal Year 2017

Mayor Chester opened the Public Hearing at 7:09 p.m.

Mayor Chester closed the Public Hearing at 7:09 p.m.

3. Discussion and questions regarding items on the consent docket

None

4. CONSENT DOCKET

(This item is placed on the agenda so that the City Council, by unanimous consent, can designate routine items and those items requiring minimum discussion to be approved or acknowledged in one motion. If any item does not meet with approval of all Councilmembers, that item will be removed from the consent docket and considered in regular order)

- a. APPROVAL minutes for City Council meeting November 14, 2016
- b. APPROVAL minutes for City Council Workshop meeting November 14, 2016
- c. APPROVAL minutes for City Council Special meeting November 29, 2016
- d. ACKNOWLEDGMENT receipt of payroll and claims for November 2016

- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for November 2016
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for November 2016
- g. APPROVAL of **Resolution 2016-30** adopting the budget for the City of Tuttle for Fiscal Year 2017
- h. APPROVAL purchase of automated vehicle location software from Lawton Communications for \$9,975
- i. APPROVAL private drive street name "ACAM Drive"
- j. APPROVAL Christmas Incentives for Employees for 2016
- k. APPROVAL of **Resolution 2016-31** 911 agreement with the Association of Central Oklahoma Governments
- l. RATIFICATION of minutes approved by the City Council on October 10, 2011 and authorizing the Mayor to sign said minutes and make a part of the official record
- m. RATIFICATION of **Ordinance 2011-20** approved by the City Council on October 10, 2011 and authorizing the Mayor to sign said ordinance, direct its publication, and make a part of the official record
- n. ACCEPTANCE of donation of a perpetual easement from Floyd Duane Allen and Staci Allen on property located in the 1800 block of E Silver City Ridge
- o. APPROVAL of engaging Crawford & Associates for certain financial services for FY 2017

Motion was made by Littleton, seconded by Smith to approve Consent Docket Items a,b,c,d,e,f,g,h,i,j,k,l,m,n and o. McLeroy abstained from the vote. Motion carried as follows:

Aye: Buck, Littleton, Smith and Chester

Nay: McLeroy

- 5. CONSIDERATION of Items Removed from Consent Docket

STRIKE

- 6. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-28** (PC 2016-55) amending the Tuttle Zoning Code to require a Specific Use Permit for multi-family housing (i.e. apartments) prior to the issuance of a building permit

Young presented Specific Use Permit will be required for multi-family zoning.

Motion was made by McLeroy, seconded by Littleton to approve Ordinance 2016-28. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- b. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-29** (PC 2016-51) the request of Belmont Development Company to rezone property located in the 1300/1400 block of N Mustang Rd from C-5 to R-3 with a Planned Unit Development (PUD) for a senior multi-family residential development

Young introduced the developer Shawn Smith. S. Smith asking for rezoning approval in order to develop 48 units of Senior housing. M. Smith asked if any other housing will be built. Littleton asked if it is senior only. S. Smith presented only senior housing to be built with the required age of 62 and above. McLeroy presented possibly rethinking the 2040 plan if we are deviating from it.

Motion was made by Smith, seconded by Littleton to adopt Ordinance 2016-29 to rezone property. Motion carried as follows:

Aye: Buck, Littleton, Smith and Chester

Nay: McLeroy

- c. DISCUSSION and related CONSIDERATION regarding **Resolution 2016-32** (PC 2016-50), request of Linn Energy for an oil and gas drilling permit in the 1200 block of E Silver City Ridge.

Phillip York presented location and information regarding request for drilling permit.

Motion was made by Littleton, seconded by Smith to approve Resolution 2016-32 for oil and gas drilling permit. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- d. DISCUSSION and related CONSIDERATION regarding **Resolution 2016-33** (PC 2016-53), request of Linn Energy for an oil and gas drilling permit at the southeast corner of E Tyler Dr and N Richland Rd.

McLeroy requested some sound walls be put up at drilling site. Smith presented revising the Resolution to sound walls as needed. Littleton expressed concern for future drilling practices and prefers to request at least one sound wall on the south side.

Motion was made by Smith, seconded by Littleton to approve Resolution 2016-33 as amended to require sound wall. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- e. DISCUSSION regarding drainage issues at the 200 block of E Main St and Stone's First Addition

Young presented the City is working with property owners to resolve drainage issues. Staff and Council discussed options. Jeff Woodyard presented his home flooded and he was forced to move out for 8 months in order to make repairs.

No Action Taken

- f. DISCUSSION and related CONSIDERATION declaring structures located at 3201 Stone Dr. as dilapidated and ordering the abatement/removal of the dilapidated structures (**CE 2016-07**) **Tabled June 13, 2016, July 11, 2016, August 8, 2016, September 12, 2016, October 10, 2016 and November 14, 2016 to January 9, 2017**

Strike – this item was moved to the January 9, 2017 meeting

- g. DISCUSSION and related CONSIDERATION update regarding the creation of the Tuttle 2040 Comprehensive Plan

Young presented the meeting is next Monday at which time a consultant will be hired. No Action Taken

7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-30** amending Section 1-13 of the Code of Ordinances regarding City Council meetings

Young presented the second meeting will end after one hour and the regular meeting will end by 10:00p.m.

Motion was made by McLeroy, seconded by Littleton to approve Ordinance 2016-30 to amend City Council meetings. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- b. DISCUSSION and related CONSIDERATION regarding possible donation of the youth building at Tuttle Christian Church to the City of Tuttle

Pflughoft presented the cost to move the building could be \$26,000 to \$30,000.

Motion was made by McLeroy, seconded by Buck to decline the donation of the youth building. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- c. DISCUSSION and related CONSIDERATION regarding the request of Atlink Services, LLC for a franchise to operate within the rights-of-way of the City of Tuttle

Perryman presented letter from their attorney was received and in the review process.

No Action Taken

8. INFORMATION AND REPORTS

- a. City Manager and Department Reports

None

- b. Councilmember Reports

Smith presented Home for the Holidays was a success and the parade was great.

Motion was made by Chester, seconded by Littleton to recess the City Council Meeting at 8:23 p.m. until the conclusion of the Tuttle Public Works Authority and Tuttle Development Authority meetings.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Motion was made by Littleton, seconded by Smith to reconvene the City Council Meeting Executive Session at 8:28 p.m. with a five-minute break.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

9. EXECUTIVE SESSIONS

(Section 307, Title 25, Oklahoma Statutes permits the public body to meet in executive session for certain specified reasons under certain specified conditions. Any formal action will occur in regular session)

- a. CONSIDERATION and take appropriate action regarding a potential legal claim the City of Tuttle may have against a former employee (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications between the City Council and its attorney concerning a pending claim, if the City Council, with the advice of its attorney, determines that disclosure will seriously impair the ability of the City Council to process the claim in the public interest. The Governing Body shall make a determination as to its intent to enter into executive session in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.)
 - 1. CONSIDERATION action related to Executive Session Item 9a
- b. CONSIDERATION and take appropriate action regarding a potential legal claim the City of Tuttle may have against a former employee (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications between the City Council and its attorney concerning a pending claim, if the City Council, with the advice of its attorney, determines that disclosure will seriously impair the ability of the City Council to process the claim in the public interest. The Governing Body shall make a determination as to its intent to enter into executive session in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.)
 - 1. CONSIDERATION action related to Executive Session Item 9b
- c. CONSIDER and take appropriate action regarding potential litigation between the City of Tuttle and Atlink Services LLC (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications between the City Council and its attorney concerning a pending claim, if the City Council, with the advice of its attorney, determines that disclosure will seriously impair the ability of the City Council to process the claim in the public interest. The Governing Body shall make a determination as to its intent to enter into executive session in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.)

Motion was made by Smith, seconded by Littleton to reconvene the City Council Meeting at 9:00 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Perryman announced for the record that no other items were discussed in Executive Session except for what was stated on the agenda and no action was taken in Executive Session.

NEW BUSINESS

ANNOUNCEMENT

ADJOURNMENT

Motion was made by Littleton, seconded by McLeroy to adjourn the City Council Meeting at 9:01 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Attest:

Wendy Marble, City Clerk

Tommy Joe Chester, Mayor