

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **AUGUST 13, 2018 at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: SCOTT DICKSON, TODD LITTLETON, AUSTIN HUGHES AND AARON MCLEROY

MEMBERS ABSENT: MARY SMITH

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, BRUCE ANTHONY, AARON SLATTERY, TIM EDWARDS, AMBER RILEY, LAURIE KOELSCH AND SEAN FAIRBAIRN

OTHERS PRESENT: NORMAN J. WINNINGHAM, CHAD ROGERS, DANNY WATTERS, TERESA BUCK, LESLIE WALKER, JASON KNIGHT AND OTHERS THAT DID NOT SIGN IN

**CALL TO ORDER** Mayor McLeroy called the meeting to order at 7:07 p.m.

**ROLL CALL** Marble called the roll and declared a quorum present

**PLEDGE OF ALLEGIANCE** McLeroy led the pledge of allegiance

**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. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. PRESENTATION regarding the 2018 Ice Cream Festival

**Riley presented power point with statistics of the festival. Dickson asked how to improve. Young presented a different date, carnival or concert could improve the festival.**

### 3. Discussion and questions regarding items on the consent docket

**McLeroy asked that Item I be removed from the consent docket.**

### 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 July 9, 2018

b. APPROVAL minutes for City Council Workshop meeting July 9, 2018

c. APPROVAL minutes for City Council Workshop meeting July 23, 2018

d. ACKNOWLEDGMENT receipt of payroll and claims for July 2018

- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for July 2018
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for July 2018
- g. APPROVAL **Budget Amendment 2018-021** for the Rock Creek West Street Improvement District revenues and expenses
- h. APPROVAL **Budget Amendment 2018-023** making Hazard Mitigation Grant Program, 2017 Individual Safe Room Rebate Program, Draw #2 funds available for distribution by the Emergency Management Department.
- i. ITEM REMOVED
- j. APPROVAL name a new private drive in the 700 block of N County Line Rd "Mateo Way"
- k. APPROVAL allowing one-year installment plan for Cemetery plot purchases
- l. APPROVAL School Resources Officer Agreement between Tuttle Public Schools and The City of Tuttle
- m. APPROVAL surplus of Fire Department Oshkosh 1981 Ladder Truck
- n. APPROVAL to apply for 2019 Forestry Grant
- o. APPROVAL surplus of Police Department 2012 Chevrolet Tahoe

**Motion was made by Littleton, seconded by Dickson to approve Consent Docket Items a,b,c,d,e,f,g,h,i,j,k and m,n,o. Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

5. CONSIDERATION of Items Removed from Consent Docket

**McLeroy stated he is in favor of an officer at the schools but he does not like the contract language. Perryman stated the contract can be reconsidered.**

**Motion was made by Littleton, seconded by McLeroy to TABLE this item until the September meeting.**

**Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

6. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION of **Resolution 2018-15** (PC Petition 2018-24) request of Keith and Ostin Streeter to amend the approved Specific Use Permit (Originally Resolution 2018-02/PC Petition 2018-06) to operate a contractor's yard/business at 4808 E SH-37

**McLeroy stated this was sent back to the Planning Commission to address the building façade, drainage, public safety and parking paving. The Planning Commission only changed the number of trucks on site from ten to fifteen. Fairbairn presented the drainage needs to meet the regulations; a site plan is a requirement and drainage will need to go through the permit process. Buck stated that Streeter told the Planning Commission none of the auto accidents were the fault of the**

business. The commission was told that Department of Transportation did a traffic study and recommended flashing lights and/or reducing the speed limit. No report has been presented by the property owner. Buck stated staff left the meeting because they were being verbally attacked by Streeter. That left the Planning Commission unable to ask questions of staff and make an informed decision. Buck stated there are 19 trucks on the property today. She apologized for not handling the meeting correctly. Littleton stated the owner needs to provide a site and drainage plan to the City. Fairbairn stated gravel of new parking triggers the SUP and drainage plan. McLeroy stated this is an industrial business and the SUP is for commercial business use. Dickson asked what the next step would be to become compliant. Littleton stated this would require rezoning and that is not the request before the council. Perryman presented this is not consistent with zoning; citations could be issued or a cease and desist demand. Streeter stated this passed the first time with trucks and a construction yard. He had seven trucks on the lot the day he moved in. He stated he was not attacking staff at the meeting. DOT was at the site for 2 ½ hours and Streeter stated the wrecks have nothing to do with the business. Streeter stated he will not hire an engineer until the SUP passes. He cannot spend the extra money. Streeter noted that 7 SUP's have passed without the same requirements that the city is placing on him. Streeter stated Porter and Young were mad and that is why they left the meeting. Dickson asked Young why they left. Young stated they left because the discussion was Tim said or Jackie said, and they left so the Planning Commission could do their job. Perryman stated if the site is used for a trucking company this is not what was approved; a trucking company business was never granted approval at this location. Streeter asked Young if he said there would be trucking and Young stated yes, trucks hauling gravel as a contractor for construction. Littleton stated maybe they are using the same language but meaning different things. He stated that a trucking company cannot be in a commercially zoned location. McLeroy presented to Streeter that he has not attended all meetings to hear the discussions. Streeter stated he has a business license that says A&B Trucking. Littleton stated the zoning has to be changed to industrial to allow for a trucking business. Marble left the meeting to retrieve the business license.

Motion was made by Littleton, seconded by McLeroy to recess the meeting for 5 minutes at 8:31 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes and McLeroy

Nay: None

Motion was made by Littleton, seconded by McLeroy to reconvene the meeting at 8:38 p.m. Motion carried as follows:

Aye: Dickson, Littleton, Hughes and McLeroy

Nay: None

Perryman reviewed the business license and presented that he applied under the name of A&B Trucking stating trucking business with 5 employees. Streeter stated he has been a trucking and construction business from the beginning. He stated he was not told in the beginning that a site plan would be required. Perryman stated

that looking at the SUP his business would not fit in the C-5 zoning, the applicant wanted more intense than C-5. The Specific Use Permit that currently exists is to park dump trucks. Streeter stated the City Planner said SUP would allow parking of dump trucks and trucking company. He stated this is what he asked for and the only change now is that he has a few more trucks. Perryman stated the intensity of use has turned into industrial. Perryman stated that industrial would not be allowed on this site. Streeter asked what has changed this to industrial. Hughes stated acquiring more land and more trucks is what changed. Perryman stated that the SUP was issued as a contractor yard and the SUP has never been for a trucking company. This was possibly an error by staff or the applicant. McLeroy stated he does not want the business to be forced to move. Littleton stated for the Council a suggestion that City staff would help clarify business use, Ostin presented less use but there is more. Littleton asked Streeter if he would agree to work with staff. Streeter said yes. Perryman stated that trucking is not allowed in commercial zone and a possible change in ordinance could be made to allow. Young presented ordinance information for contractor yard and the Specific Use Permit process. He stated the need for clear rules to be adopted to define trucking yards. Young offered a six month stay while the City works on the ordinance. McLeroy stated this would allow the business to continue to operate but the business owner should invest in the property during this time by landscaping, paving front parking and install a site proof fence. Streeter stated other businesses are operating without these stipulations. He stated his attorney told him that if this SUP is turned down he can continue on the front property with 7 trucks. He stated he would like a vote and he does not feel he is getting the right process. Littleton presented request for six months to work things out and then re-evaluate.

Motion was made by Littleton, seconded by Dickson to TABLE this item for six months until the February 11, 2019 meeting; to allow to expand the existing SUP to 10 trucks, and continue operating while the City works on ordinances. Motion carried as follows:

Aye: Dickson, Littleton, Hughes and McLeroy  
Nay: None

## 7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION regarding hiring a marketing firm

Littleton presented the City has not done a good job promoting the City or the fiber project. He stated he arranged a meeting with a marketing firm for his own benefit to see what it was about and how they might help the city. Dickson stated he agrees the cost is worth it.

Motion was made by Littleton, seconded by Dickson to approve contract with Clover Partners for branding and marketing.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes and McLeroy  
Nay: None

- b.\* PUBLIC HEARING to hear objections and comments, if any, regarding the Rock Creek Improvement District Assessment Roll. The City Council may recess the meeting from time to time and may, by Resolution, revise, correct, confirm or set aside any assessment and/or order another assessment be made.

**Mayor McLeroy opened the Public Hearing at 9:44 p.m.**

**Perryman presented assessment roll was filed and published in July. This hearing gives ability to object.**

**Mayor McLeroy closed the Public Hearing at 9:45 p.m.**

- c.\* DISCUSSION and related CONSIDERATION to adopt **Resolution 2018-19** confirming the Rock Creek Improvement District Assessment Roll.

**Motion was made by Littleton, seconded by Hughes to adopt Resolution 2018-19 confirming the Rock Creek Improvement District Assessment Roll.**

**Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

- d.\* DISCUSSION and related CONSIDERATION to adopt **Ordinance 2018-15** levying the assessments contained in the Rock Creek Improvement District Assessment Roll, which Ordinance shall be a final determination as to the regularity, validity and correctness of the proceedings forming and creating the Rock Creek Improvement District, the Rock Creek Improvement District Assessment Roll, each assessment contained on the Rock Creek Improvement District Assessment Roll, the amount of the assessment levied against each tract or parcel of land included within the Rock Creek Improvement District and conclusive upon the owners of the tract or parcel of land assessed. Such ordinance shall establish the time and terms of paying the assessment or an installment on the assessment; set an interest rate not exceeding 10% per annum upon deferred payments of the assessment which shall commence from the date of publication of the ordinance ratifying the assessment; fix penalties to be charged for delinquent payment of an installment on an assessment.

**Motion was made by Dickson, seconded by Littleton to adopt Ordinance 2018-15 levying assessments contained in the Rock Creek Improvement District Assessment Roll. Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

**Motion was made by Littleton, seconded by Dickson to adopt emergency clause for Rock Creek Improvement District Assessment Roll.**

**Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

**Motion was made by Littleton, seconded by Dickson to recess the City Council Meeting at 9:47 p.m. and begin Tuttle Public works Authority meeting.**

**Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

**Mayor McLeroy reconvened the City Council Meeting at 9:57 p.m.**

**Motion was made by Dickson, seconded by Littleton to enter Executive Session at 9:57 p.m.**

**Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

**Motion was made by Littleton, seconded by Dickson to reconvene the City Council Meeting at 11:01 p.m.**

**Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

**Perryman announced for the record that only items on the agenda were discussed in Executive Session and no action was taken in Executive Session.**

8. 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 to conduct an EXECUTIVE SESSION regarding collective bargaining with the International Association of Firefighters Local #5017 (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(2) to discuss negotiations between the City of Tuttle and representatives of an employee group. The City Council 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 8a

**No Action Taken**

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports  
b. Councilmember Reports

**No reports**

**NEW BUSINESS**

**ANNOUNCEMENTS**

1. City Council Workshop Meeting Monday, August 27, 2018 at 6:00 pm  
2. City Council Meeting on Monday, September 10, 2018 at 7:00 pm (workshop at 6:00 pm)

**ADJOURNMENT**

**Motion was made by Littleton, seconded by Hughes to adjourn the City Council Meeting at 11:03 p.m.**

**Motion carried as follows:**

**Aye: Dickson, Littleton, Hughes and McLeroy**

**Nay: None**

Attest:

\_\_\_\_\_  
Wendy Marble, City Clerk

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Aaron McLeroy, Mayor

**NOTES**

\* Denotes added/amended items to agenda after initial publication of the agenda