

**GROVE CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 21, 2019
6:00 PM
MINUTES**

The Grove City Council met in regular session on Tuesday, May 21, 2019 at 6:00 PM with Mayor, Ed Trumbull presiding. Members present were Josh McElhaney, Matt Henderson, Marty Dyer and Ivan Devitt. Also present was City Manager, Bill Keefer; Attorney, Darren Cook; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard.

PUBLIC COMMENT:

Kelsey Samuels with the Community Crisis Center addressed the Council with an update on their transition to a Walk-In Advocacy Center in Grove. Samuels reported that the new facility will be located at the Wolf Creek Center, office hours will be Monday through Friday and that it could accommodate housing stay up to 5 nights.

Darryl Mastin addressed the Council with an update on the upcoming 4th of July celebration event. Mastin indicated that the entertainment has been scheduled, the Grove Sun will be promoting the event, and that the firefighter's has agreed to cut and serve the watermelons again this year. Trumbull announced that the City of Grove has received a \$2,000 donation from GRDA for this event.

Donnie Crain then addressed the Council to report on the upcoming events and the change of schedule. Crain indicated that the Toes in the Grand @ Wolf Creek Park is still on schedule, the boat races however has been cancelled due to the high lake level. Crain added that the ribbon cutting on the Riverboat has been rescheduled for Thursday, May 30th with the cruises starting that weekend.

Devitt made the motion to approve the minutes from the May 7, 2019 meeting as amended. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve the purchase order register. Seconded by Dyer. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 6:12 PM Devitt made the motion to open a Public Hearing to receive public comments to determine whether a structure located at lot 45 Ballerina Drive should be designated as a dilapidated structure and detrimental to the health, safety and welfare of the general public and the City of Grove. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. Bottoroff reported that a Notice of Violation was mailed to the property owner regarding the dilapidated structure. The notice was a courtesy letter and instructed the property owner to contact the Code Enforcement Officer within thirty (30) days to make arrangement to remove the mobile home. The notice also stated that if the property owner failed to comply with the thirty days, they would be required to appear before the Mayor and City Council for a Public Hearing. Bottoroff noted that the same property owners owns all of the properties described for Public Hearing(s). The property owner was not present and no public comments were heard.

At 6:14 PM Devitt made the motion to close the public hearing. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an Administrative Order for lot 45 Ballerina Drive. Devitt made the motion to authorize the Staff to issue an Administrative Order requiring the property owner to:

1. Obtain a Demolition Permit within 10 days, and
2. Demolish the mobile home and remove the debris, level and fill ground in a manner that is able to be mowed within thirty (30) days from the date of Administrative Order.

Seconded by Dyer. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 6:16 PM Devitt made the motion to open a Public Hearing to receive public comments to determine whether a structure located at lot 54 Ballerina Drive should be designated as a dilapidated structure and detrimental to the health, safety and welfare of the general public and the City of Grove. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. Code Enforcement Officer, Calvin Igney addressed the Council to report that this structure is repairable and could be remodeled, and entertained questions, comments and concerns from the Council as to such. No property owner was present and no public comments were heard.

At 6:18 PM McElhaney made the motion to close the Public Hearing. Seconded by Dyer. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an Administrative Order for lot 54 Ballerina Drive. Dyer made the motion to authorize the Staff to issue an Administrative Order requiring the property owner to:

1. Obtain a remodel permit within 10 days
2. Repair deck and roof, replace skirting all around the bottom of the mobile home within thirty (30) days, or
3. Remove debris and clean-up property, level and fill ground in a manner that is able to be mowed within thirty (30) days from the date of Administrative Order.

Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 6:20 PM Devitt made the motion to open a Public Hearing to receive public comments to determine whether a structure located at lot 57 Ballerina Drive should be designated as a dilapidated structure and detrimental to the health, safety and welfare of the general public and the City of Grove. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. Ms. Wanda Shields, resident of 57 Ballerina Drive addressed the Council to report that a tree had fallen on her roof, and that the property owner came out, removed the tree and advised her at that time they would repair the roof but they never did. Brenda Nichol, daughter of Ms. Shields addressed the Council to report that she contacted with the property owner on numerous occasions in regards to the structure damage, and that they agree to get someone out there to repair the damaged roof and deck, and again never did. Nichol entertained questions from the Council and Staff, and indicated that she has current information on the property owner that she would be glad to provide to the City.

At 6:28 PM McElhaney made the motion to close the public hearing. Seconded by Devitt. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an Administrative Order for lot 57 Ballerina Drive. Bottoroff respectfully requested that the Council table this item in order to allow the Staff necessary time to obtain an active address for the property owner, and to generate a new Notice of Violation. No action was taken.

At 6:28 PM Devitt made the motion to open a Public Hearing to receive public comments to determine whether a structure located at lot 62 Ballerina Drive should be designated as a dilapidated structure and detrimental to the health, safety and welfare of the general public and the City of Grove. No property owner was present and no public comments were heard.

At 6:29 PM Devitt made the motion to close the public hearing. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an Administrative Order for lot 62 Ballerina Drive. Dyer made the motion to issue an Administrative Order requiring the property owner to:

1. Obtain a Demolition Permit within 10 days, and
2. Demolish the mobile home and remove the debris, level and fill ground in a manner that is able to be mowed within thirty (30) days from the date of Administrative Order.

Seconded by Devitt. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 6:30 PM Devitt made the motion to open a Public Hearing to receive public comments to determine whether a structure located at lot 64 ballerina drive should be designated as a dilapidated structure and detrimental to the health, safety and welfare of the general public and the City of Grove. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. No property owner present and no public comments were heard.

At 6:31 PM Devitt made the motion to close the public hearing. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an Administrative Order for lot 64 Ballerina Drive. Dyer made the motion to issue an Administrative Order requiring the property owner to:

1. Obtain a Demolition Permit within 10 days, and
2. Demolish the mobile home and remove the debris, level and fill ground in a manner that is able to be mowed within thirty (30) days from the date of Administrative Order.

Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

At 6:39 PM Dyer made the motion to open a Public Hearing to receive public comments regarding an application from Howard and Linda McDonald in regards to a Special Use Permit (SUP) to allow the property owner to submit an application to use the property located at 1512 Wyant Road as a Vacation Rental Home (VRH). Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. Bottoroff reinstated to the participating audience that this is the first step towards gaining approval to permit a Vacation Rental Home on the property located within an R-1 Single Family Residential Zoned District. Bottoroff reported that the Planning and Zoning Commission met and approved, by a vote of 5-0, a Resolution recommending that the Mayor and City Council approve the SUP application. Bottoroff added that per the City Ordinance, the written petition requires 4 out of 5 Council members to vote in favor of the SUP

in order for it to formally pass. The Council entertained questions, comments and concerns from the following individuals:

1. Kevin Patterson – in favor of application
2. Richard VanDyck – opposition against
3. Marcy Henry – opposition against
4. Marcia Johnson – opposition against
5. Gary Trippensee – opposition against
6. Susan Muscari – Attorney in fact for property owners
7. Donna Norman – opposition against
8. Mike Stratton – opposition against

At 7:09 PM Devitt made the motion to close the Public Hearing. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an application from Howard and Linda McDonald for a Special Use Permit (SUP). Trumbull expressed his personal opinion and reasoning for support of Vacation Rental Homes in the City limits. McElhaney too expressed his personal opinion on the pros and cons of Vacation Rental Homes in the City limits. McElhaney made the motion to approve the application from Howard and Linda McDonald in regards to a Special Use Permit (SUP) as presented and discussed. Seconded by Henderson. AYE: McElhaney, Henderson and Trumbull. NAY: Devitt. Dyer abstained. Motion failed.

At 7:27 PM Devitt made the open a Public Hearing to receive public comments regarding an application from Herb Manning in regards to develop property located along the north side of Baycrest Drive between Rockwood Drive and Lookout Lane as a Planned Unit Development (PUD). Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried. Bottoroff reported that a PUD permits flexibility that encourages a more creative approach in the development of land and will result in more efficient use of open areas, or will facilitate orderly land use transactions, while maintain density and area of coverage permitted in the general zoning district in which the project is located. Bottoroff added that the subject property is approximately 13 acres in size, with a large percentage of the property being in the floodplain, and will be kept natural with green space, trees and trails. Bottoroff added that the Planning and Zoning Commission approved this application upon recommendation to the Mayor and City Council. Mr. Joe Nowlin addressed the Council to report that he had visited with the Grand River Dam Authority earlier today to learn that according to their maps the proposed property is located within the “Wetland” area. Nowlin strongly suggested that property owner get a letter of statement from GRDA indicating the permitted usage for that particular section. Developer / Property Owner, Herb Manning addressed the Council to report that he is proposing to construct 12 stick built cabins in two-phases along the 757 GRDA line. Phase I will consist of:

- 5-6 units
- Concrete slab
- Stick frame
- 20’ concrete main road to accommodate vehicles
- 16’ driveways to accommodate recreational trailers
- Elevated wooden walkway
- To include landscaping maintenance

Manning reported that each cabin will be constructed in a location that will provide privacy from the other cabins as well as traffic on Baycrest, The property will be self-managed through an Airbnb entity and will serve only registered quest. Manning entertained questions, comments and concerns from the Council.

At 7:47 PM Devitt made the motion to close the Public Hearing. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to an application from Herb Manning to develop an area as a Planned Unit Development (PUD). Devitt made the motion to approve the application submitted by Herb Manning as presented and discussed. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to scheduling a Public Hearing for the 2019-2020 budget on June 4, 2019 at 6 PM. Keefer reported that as part of the process to adopt the new fiscal year budget, the City Council must hold a public hearing to take input and comments on the proposed budget. Devitt made the motion to approve the Notice of Public Hearing for the 2019-2020 fiscal year budget for Tuesday, June 4th at 6:00 PM. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to bids received for 911 Call Handling System for two (2) call taker (dispatch) positions for the Grove Police Department. Keefer reported that the Staff advertised for this new equipment and the following bids were received:

AT&T Vesta	\$173,896.80
Motorola Call Works	\$178,528.20

Police Chief, Mark Morris addressed the Council to report that this equipment is used to receive all incoming 911 emergency calls along with mapping program to assist in identifying the location of the caller. This system will replace an old / outdated AT&T system that is currently unsupported as the contract has expired. Morris reported that upon review of the bids received it is Staff's recommendation to award the bid to AT&T as presented. Devitt made the motion to award the bid to AT&T for the 91 Call Handling System. Seconded by Dyer. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve the annual employment contract with City Manager's William (Bill) M. Keefer. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Devitt made the motion to approve a Resolution amending the 2018-2019 City Capital fund budget. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

Trumbull opened the floor for discussion with respect to a Lease Agreement with the First United Methodist Church for a public sidewalk to be constructed and maintained on their property. Keefer reported that the City of Grove was awarded a grant through the Grove Rotary to fund a crosswalk across Leisure Lane. The project will include an ADA complaint ramp and improvements on both sides of the street as well as a sidewalk to be constructed on property owned by the Methodist Church to connect the crosswalk to their parking at a location away from the street and drive entrance. This is to provide a safe passage between the Early Childhood Center and the Methodist Church for children and adults who regularly cross that area. Keefer announced that to cover all questions and concerns from the Methodist Church in regards to ongoing maintenance of the sidewalk and ADA ramp, the City Attorney has prepared a lease agreement between the City and the Church to address these concerns through a lease agreement to use their property for a "public" sidewalk. Devitt made the motion to approve the Lease Agreement with the Methodist Church as presented and discussed. Seconded by McElhaney. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.

CITY MANAGER'S REPORT:

Keefer reminded the Council of their Special City Council work session scheduled for Thursday, May 23rd @ 4:00 PM for presentation of the 2019-2020 fiscal year proposed budget.

Keefer announced that a pre-construction meeting for this year's street repair program was recently held with the contractor and project inspector and project engineer. The contractor is tentatively scheduled to begin work on or about June 7th and has 120 days to complete the projects.

Keefer added that the Grove Fire Department has been notified of an opportunity from the U.S. Forestry Department to acquire a 2 ½ ton transport as surplus property at no cost to the City of Grove. This vehicle will be used as a heavy duty brush engine / tanker primarily in extremely rough terrain. If the Council has no problems with this project, the Staff will move forward with acquiring this surplus property and converting it to a heavy duty brush truck.

Keefer noted that due to the downed trees and debris from the recent storms, he will be visiting with the Staff in regards to scheduling a day for the City crews to pick-up along street curbs and right-of-ways within the city limits.

Trumbull announced that in regards to the Executive Session for the purpose of discussing negotiations concerning employees and representatives of employees groups, pursuant to Title 25 O.S. Section 307.B.2. (Fraternal Order of Police - Grand Lake Lodge No. 171). No action taken.

Ay 8:00 PM Devitt made the motion to adjourn. Seconded by Henderson. AYE: McElhaney, Henderson, Dyer, Devitt and Trumbull. NAY: None. Motion carried.