

**MINUTES**  
CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY,  
OCTOBER 15 2013  
6:00 P.M.

This meeting was given in accordance with applicable State Statutes.

**ROLL CALL**

**PRESENT**

**ABSENT**

Mayor Patrick Woolley  
Vice Mayor Stewart Shapiro  
Councilman James Mickley  
Councilwoman Cathy Maxey  
Councilwoman Jan Blake  
Councilman Roger Godwin  
Councilman Stephen Furhman  
Councilman William McClure  
Coouncilman Donnie Ryan

**STAFF PRESENT**

Matt Love, City Attorney  
Roger Patty, Police Chief  
Kenny Koger, Fire Chief  
Mike Turman, Public Works Director  
Wiley Rice, City Planner  
Craig Wallace, City Engineer  
Jenell Robertson, Asst. City Clerk

1. Call to order, Declaration of a quorum, Flag Salute and Invocation.

Mayor Woolley called the meeting to order at 6:00 p.m. and declared a quorum present. Fire Chief Koger led everyone in the Flag Salute and Mayor Woolley gave the Invocation.

2. Presentation of Dean Johnson Volunteer of the Year award.

Mayor Woolley called Barbara Harris, Jane Kenny, Jan Blake and Von Crahan to the front of the council chambers (Betty Stephens was absent). Mayor Woolley gave an overview of what these volunteers have done for the City of Warr Acres (manage recycle, Christmas decorations, etc.). Councilwoman Jan Blake stated that the volunteers saved the City at least \$17,000 by volunteering their time to put together the Christmas decorations. A plaque with their names on it will be put in City Hall.

3. Presentation of commendations by the Mayor and Chief Patty to Officer Dustin Hendrix, Officer Darryl Goodman and Communications Specialist Julie Morgan.

Mayor Woolley and Police Chief Patty gave the Accommodation to Police Officer Dustin Hendrix and Communications Specialist Julianne Morgan. Officer Goodman was absent.

4. Call to the Public.  
None.
5. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #6.)
  - A. Approval of the minutes from the Regular meetings of August 20, 2013 and September 17, 2013.
  - B. Approval of Expenditures
 

General Fund	\$117,056.11
Res for Cap Repl	\$4,245.36
CIP Fund	\$4,160.00
  - C. Approval of Actual Expenditures for September 2013 and Proposed Expenditures for October 2013.
  - D. Sales Tax History Report.
  - E. Approval of claims for the right of ways purchased so far in connection with the 49<sup>th</sup>-50<sup>th</sup> Intersection project.
  - F. Approval to waive the City's right of appeal BOA Case #13-01 for Phillip M. Collier, owner, has filed a Notice of Appeal before the Board of Adjustment, Warr Acres, Oklahoma, concerning property located at 5728 N. W. 45<sup>th</sup> St., Warr Acres, OK, presently zoned R-1 Single Family Dwelling.

**NATURE OF APPEAL: Storm Shelters and Safe Rooms (19.40.120). The applicant has requested a variance of the City Ordinance to place a storm shelter in the front yard area.**

**19.40.120 STORM SHELTERS AND SAFE ROOMS:**

- A. In ground and above ground storm shelters shall be permitted in side and rear yards subject to setback requirements.
- B. Side yard storm shelters shall not be visible from the street.
- C. No portion of the storm shelter shall be located closer than 10 feet (10') to a utility easement or right of way nor closer than six feet (6') to the side or rear lot line.
- D. Storm Shelters shall not be included in the back yard coverage calculations.
- E. Safe rooms shall be permitted anywhere within the building.
- F. A building permit is required for construction of any type storm shelter or safe room and construction must comply with applicable national, state or municipal laws, regulations and ordinances.

- G. A plot plan is required (Ord. 968 §1, 2002: Ord. 894 §1, 2000)

The hearing was held before the Board of Adjustment on September 16<sup>th</sup>, 2013 and the Board of Adjustment granted the variance.

Motion by Councilman Shapiro, seconded by Councilman Godwin to remove Items A through F on the Consent Docket. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, abstain; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Motion by Councilman Shapiro, seconded by Councilman McClure to approve the Minutes from the Regular City Council meeting of August 20, 2013. Poll vote: Woolley, no; McClure, yes; Godwin, yes; Ryan, yes; Blake, abstain; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Motion by Councilman Shapiro, seconded by Councilman Ryan to approve the Minutes from the Regular City Council meeting of September 17, 2013. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, abstain; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Motion by Councilman Shapiro, seconded by Councilman Mickley to approve Items B, C, D and E on the Consent Docket. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, abstain; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Reference Item F, Councilman Shapiro stated he was concerned about the storm shelter being in the front yard and felt it could set a precedence. Councilwoman Blake and Councilman Fuhrman agreed. Discussion with Attorney Love and Councilman reference the shelter in the front yard, having a crane to put the shelter in the back yard and removing fence sections, etc.

Motion by Councilman Shapiro, seconded by Councilman Mickley to not accept the variance that the Board of Adjustment agreed to give for Phillip Collier (owner), BOA Case #13-01, 5728 N. W. 45<sup>th</sup> St., and that the City will appeal the Board of Adjustment decision. Poll vote: Woolley, yes; McClure, yes; Godwin, no; Ryan, no; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Discussion among Council members that they want to be notified of all meetings.

6. Discussion and possible action on items removed from the consent docket. See above.
7. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner.

Police Chief Patty – none

Fire Chief Koger – passed out the Fatality Report for 2012; stated Asst. Chief Coy was having firefighters do high rise training

Attorney Love – proceed with condemnation of 2 properties near N. W. 50<sup>th</sup> & MacArthur; stated new comprehensive plan almost complete

P.W. Director Turman – stated \$1.75 cleaners demolished, Walmart opening Nov. 1, 2013, Community Center flashing yellow lights, new 7-11 at MacArthur and N. W. Expwy., also handed out a Public Works Report for Sept. 2013

City Engineer Craig Wallace – discussed right of way at N. W. 50<sup>th</sup> & MacArthur, 50<sup>th</sup> St. overlay project, school zone safety project

City Planner Wiley Rice – discussed comprehensive plan, Cherokee Crossing II, PUD and revised preliminary plat

Mayor Woolley – talked about comprehensive plan, 7-11 donation of funds for right of way to come back to the City (per Penacle), 90-120 days all property will be purchased for right of way, condemnation process for properties owned by William Choy and Darryl Duer located around the N. W. 50<sup>th</sup> & MacArthur area

8. Final Public Hearing, discussion and possible action on A Planned Unit Development Amendment of Cherokee Crossing Sec II.

**LEGAL DESCRIPTION:** A Part of The West Half (W/2) of Section 3, T 12 N, R 4 W, I.M., City of Warr Acres, Oklahoma County, Oklahoma. Owner/Developer Cherokee Crossing L.L.C./Cherokee Crossing Development, L.L.C.

- A. Amendment shall include the re-designation of TRACT 4B to commercial development, and to provide for a redesign of an area South of the current development to be known as a part of Cherokee Crossing Section II. Approval requires recommendation and approval by Warr Acres Planning Commission and City Council.
- B. Submission of Preliminary Plat. Approval requires recommendation and approval by Warr Acres Planning Commission and City Council.

Attorney Matt Love stated he was his recommendation to continue this item until next month due to all notices not being sent out to property owners.

Public Hearing was not opened.

Motion by Councilman Shapiro seconded by Councilman Godwin to continue the final Public Hearing on a Planned Unit Development Amendment of Cherokee Crossing Sec. II until the next regular scheduled meeting. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

9. Discussion and possible action to approve a Certificate and Municipal Order to the County Clerk and County Treasurer.

Motion by Councilwoman Blake, seconded by Councilman Shapiro to approve a Certificate and Municipal Order to the County Clerk and County Treasurer. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

10. Discussion and possible action on a Tort Claim filed by Cathi Cinotto in regards to two trash cans. The city's insurance company has recommended denial.

Motion by Councilman Mickley, seconded by Councilman Godwin to deny the Tort Claim filed by Cathi Cinotto in regards to two trash cans. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

11. Discussion and possible action on a Tort Claim filed by Christopher Bruza in regards to damage to his vehicle. The city's insurance company has recommended denial.

Motion by Councilman Mickley, seconded by Councilman Godwin to deny the Tort Claim filed by Christopher Bruza in regards to damage to his vehicle. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, no; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

12. Discussion and possible action on a Resolution and agreement with ODOT concerning ADA on the 50<sup>th</sup> overlay project.

Motion by Councilman Shapiro, seconded by Councilwoman Blake to adopt Resolution #480 and the Project Agreement with ODOT concerning ADA on the 50<sup>th</sup> Street overlay project. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

13. Discussion and possible action on a Resolution and agreement with ODOT regarding ADA on the School Zone Safety project.

Motion by Councilman Ryan, seconded by Councilman Godwin to adopt Resolution #481 and the Project Agreement with ODOT regarding ADA on the School Zone Safety Project. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

14. A. Discussion and possible action on an Ordinance amending 13.04.060 Subsections A, B, D and E regarding sewer service fees and charges.

B. Approval of the Emergency clause.

Mayor Woolley stated this would be effective in May, 2014. He stated he would let the citizens know about the rate change by putting it on the website, in the newsletter, etc.

Motion by Councilman Fuhrman, seconded by Councilman Ryan to approve an Ordinance amending 13.04.060 Subsections A, B, D and E regarding sewer service fees and charges. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Motion by Councilman Fuhrman, seconded by Councilman Godwin to approve the emergency clause. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

15. Questions and Comments from Council.

Councilwoman Blake – alarm systems, prank calls, dumping on railroad property, unable to get meetings on the computer, wants wreaths made out of rebar for N. W. 50<sup>th</sup> & MacArthur, wants a map of light poles for Christmas decorations

Councilman Ryan – nothing

Councilman Godwin – nothing

Councilman McClure – changes in the flow of water from a neighbor – it was discussed with Attorney Love and would not be a city problem

Councilwoman Maxey – streets are looking cleaner

Councilman Mickley – nothing

Councilman Fuhrman – sewer rates, wants a report on what Code Enforcement does (details), city yard gates (P.W. Dir. Turman rebid), animal control shelter (Attorney Love accessing options), play ground equipment at Baker Park (Godwin will report at next months meeting), building a new Fire and Police Station

Councilman Shapiro – problems with entrance to Library, attended the OML Conference in Tulsa with the Mayor and Mike Turman and was very proud that Mayor Woolley had been nominated (along with nine other mayors) for Mayor of the Year Award. He also stated he had heard from several people at the conference about Warr Acres (that other people complimented Warr Acres) and also he was proud of Matt Love for the classes he taught, as they were very informative. He felt that Warr Acres had made great strides and progress over the years and that the leadership for the City was great. He also stated the Mayor works on multiple projects and makes great strides on those projects.

Mayor Woolley – he was proud that the Council, staff and Mayor could work together to achieve progress for the City to make the City grow and survive. Discussed utility relocations, purchase of right of ways, landscape, engineering, special funding and monies that Warr Acres had saved for the N. W. 50<sup>th</sup> & MacArthur project

16. Discussion and possible action concerning contract negotiations for FY 2014 with IAFF Local #2374 and FOP Lodge #145, and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (2), discussion negotiations concerning employees and representatives of employee groups.

Motion by Councilman Godwin, seconded by Councilman Ryan to go into executive session concerning contract negotiations for FY 2014 with IAFF Local #2374 and FOP Lodge #145, and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (2), discussion negotiations concerning employees and representatives of employee groups. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, yes; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Entered into executive session at 8:15 p.m.

Councilwoman Blake left meeting at 8:50 p.m. and did not return.

Out of executive session at 8:53 p.m.

No action taken.

17. Any Old or New Business (“New Business”) is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”).

None.

18. Adjournment.

Motion by Councilman Godwin, seconded by Councilman Ryan to adjourn this meeting of the Warr Acres City Council. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, absent; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Meeting adjourned at 8:53 p.m.

Respectfully Submitted,

Jenell Robertson  
Asst. City Clerk

**MINUTES**  
CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
OCTOBER 15, 2013  
6:00 p.m.

(Immediately following completion of the regularly scheduled City Council meeting)

1. Call to order, Declaration of a quorum.

Mayor Woolley called the meeting to order at 8:53 p.m. and declared a quorum present. Councilwoman Blake was absent.

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of September 17, 2013.

Motion by Councilman Godwin, seconded by Councilman Ryan to approve the minutes of the Warr Acres Public Works Authority Meeting of September 17, 2013. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, absent; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

3. Approve payment of claim in the amount of \$61,400.43 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of September, 2013.

Motion by Councilman Ryan, seconded by Councilman Godwin to approve payment of claim in the amount of \$61,400.43 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of September, 2013. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, absent; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

4. Approval of payment of claims for the Sewer department.

Motion by Councilman Godwin, seconded by Councilman Ryan to approve payment of claims for the Sewer department. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, absent; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

5. Adjournment.

Motion by Councilman Mickley, seconded by Councilwoman Maxey to adjourn this meeting of the Warr Acres Public Works Authority. Poll vote: Woolley, yes; McClure, yes; Godwin, yes; Ryan, yes; Blake, absent; Maxey, yes; Mickley, yes; Shapiro, yes; Fuhrman, yes. Motion passed.

Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Jenell Robertson  
Asst. City Clerk



