

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
OCTOBER 16, 2012  
6:00 P.M.**

1. The meeting was called to order at 6:03 p.m. Declaration of a quorum present was given. The Flag salute was led by Chief Koger and the Invocation was given by Mayor Woolley.

### **ROLL CALL**

#### **PRESENT**

Mayor Patrick Woolley  
Vice-Mayor Stewart Shapiro  
Councilman Stephen Fuhrman  
Councilman James Mickley  
Councilwoman Cathy Maxey  
Councilman William McClure  
Councilman Roger Godwin  
Councilman David Dirkschneider  
Councilwoman Jan Blake

#### **ABSENT**

#### **STAFF PRESENT**

Matthew Love, City Attorney  
Roger Patty, Police Chief  
Kenny Koger, Fire Chief  
Mike Turman, Public Works Director  
Pamela McDowell-Ramirez, City Clerk  
Chris Wallace, City Engineer  
Wiley Rice, Jr., City Planner

2. Call to the Public.

There was one woman that wished to speak about the dangers of speeders along the access road running in front of Putnam City Schools off 39<sup>th</sup>. She was informed that the road belongs to Putnam City Schools and is their jurisdiction. Chief Patty stated he would speak to Chief Stout with the Putnam City Police about the issue.

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.)

- A. Approval of the minutes from the Regular meeting of September 18, 2012. \*\*\*\*
- B. Approval of Expenditures \*\*\*\*
 

General Fund	\$ 101,347.14
Res. Cap Repl.	\$ 2,000.00
CIP Fund	\$ 1,957.00
- C. Approval of Actual Expenditures for September 2012 and Proposed Expenditures for October 2012. \*\*\*\*
- D. Sales Tax History Report. \*\*\*\*
- E. Approval to waive the City's right of appeal BOA Case 12-01 for Ali Rostampour, owner of property located at 5505 N.W. 50<sup>th</sup> Street. Nature of Appeal 19.40.130: Architectural Design.

A. Buildings, including accessory buildings, with walls constructed with exposed exterior metal finish, shall not be permitted in the R-3, C-1, C-2, C-3 and C-4 districts or on nonresidential uses, i.e., including, but not limited to, schools and churches in residential zoning districts. This section shall not prohibit the use of metal for roofing material, mechanical enclosures, fascias, signs, awnings and similar appurtenances; except, corrugated metal shall not be permitted.

B. All exterior walls shall have a facade of brick, rock, decorative concrete block, wood (treated by paint or wood sealing product), stucco, ferrous cement or exterior insulation and finish systems (EIFS), or a material other than exposed metal walls or unfinished or untreated concrete block or concrete panels. (Ord. 1018 §1, 2006: Ord. 972 §1, 2002: Ord. 900 §1, 2000) (Heard before the BOA on October 1<sup>st</sup> and 8<sup>th</sup>, 2012).

Councilman Shapiro asked for item E to be pulled for discussion.

Motion by Dirkschneider, second by Maxey to approve items A, B, C and D. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

- 4. Discussion and possible action on items removed from the consent docket.

Councilman Shapiro stated that he went and looked at the property and could not find a 5505. He wanted to make sure this was the correct address. It was confirmed that the 5505 was the correct address.

Motion by Maxey, second by Godwin to approve item E. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. \*\*\*\*

Chief Patty-they have been doing some new training exercises with other departments.

Chief Koger-Tower 22 had a recall and there were other issues so it will be in the shop until Friday but everything is covered under warranty. All apparatus just went through the annual inspections and everything passed with no corrections required. He told the council that the department had received triage tags to be used during a mass casualty event through a grant.

PWD Turman-Family Dollar work has begun, mail boxes were moved, DEQ has come out and done a Stormwater audit and they will send a report, Ann Arbor lift station had the same motor burn up and the apartment complex owner has been given notice on their sewer.

City Engineer Wallace-ODOT has approved the 50<sup>th</sup> and MacArthur plans, has met with the landscapers and SRB is working on the updated zoning maps.

6. Final Public Hearing, discussion and possible action concerning a proposed Home Occupation (Daycare) in R-1 Residential Single Family Dwelling. More specifically located at 5501 NW 64th St. Applicant: David Kyle and Lindsey Duncan. (Planning Commission recommended denial.)

Motion by Dirkschneider, second by Shapiro to open the public hearing. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Attorney Love stated that the code had been amended to require the applicant to be present and she was present if the council wished to ask her questions. There were three ladies that wished to voice their concerns on the possible daycare. Sue Stephens said she is concerned about the traffic and junky kid's toys all over. She also stated that she did not believe this was the proper place for a business and it would hurt property values. Sue Kruger said it is a quiet neighborhood and does not want the commotion at night that this daycare will cause. Ethel Larkins lives next door and is concerned about the kids running in the street and between cars when being dropped off and picked up.

Motion by Dirkschneider, second by Shapiro to close the public hearing. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The Use Subject to Review means that each individual case must be considered separately. Planning Commission Chairman Wehba stated that there were several concerns raised from 24 hour operation, property values, parking, and fire department access. There were 3 protests, two written and one verbal; these were the same that were present at the council meeting. Chairman Wehba stated that the commissioners were asked if they had stipulation they wished to place on the applicant and there were none. He said he polled the commissioners and they all had issues but no stipulations were asked for. He then asked for a motion and they voted unanimously to deny. Councilman Dirkschneider stated that it appears that the issues could have been addressed by putting in stipulations. Councilman Shapiro stated that the City Attorney gave the Commissioners three options for voting and they never considered the third which was to place stipulations on it. He questioned why no Commissioner went by the property to check things out. Councilman Dirkschneider stated he grew up in the area and talked to some of the residents in the neighborhood and they did not have a problem with it. He stated that only the ones that want to complain show up for meetings not those that have no problems. Personally he stated that his kids go to a home day care and he prefers the care they are given and when he picks his kids up there is never more than one other person picking up at the same time. He feels that restrictions can be placed on the applicant that can fix the concerns. Attorney Love stated that placing restrictions on the applicant will force her to comply because if she does not then she will not be allowed to continue the daycare. The applicant spoke to the council and stated that she had already put together a handbook that outlined all the issues and how they would be handled. Councilman Godwin asked if she met all requirements of the code. Attorney Love stated that most of the requirements are State requirement for daycares and yes she meets all city codes.

Motion by Dirkschneider, second by Blake to approve the Daycare with the following restrictions: hours of operation would be 6-6 and there are different times for drop off and pickup to keep her from having more than 1 or 2 cars there at a time; drop off and pick up in the driveway only and there is to be no parking in the street; there shall be no fencing in the front of the house. Poll vote: McClure, nay; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, nay; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, nay.

**Motion Passed.**

7. Discussion and possible action on a revised contract with Pinnacle Group for Right of Way work.

Motion by Dirkschneider, second by Godwin to approve the revised contract. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Councilwoman Maxey left the meeting.

8. Discussion and possible action on accepting the FY 2011 Annual Audit.

Motion by Dirkschneider, second by Blake to accept the audit. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

9. Discussion and possible action on a Resolution calling for the 2013 Mayor and Council election. \*\*\*\*

Motion by Dirkschneider, second by Godwin to approve the Resolution. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

10. Discussion and possible action on re-appointing Charles Hawkins, Bob Wehba and Rodney Dahlenburg to the Planning Commission. Terms to expire October 2015.

Motion by Shapiro, second by Godwin to approve the re-appointments. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

11. Discussion and possible action on appointing Board of Adjustment seats for Ward IV. Terms to expire October 2015.

This item will be put back on the November meeting.

12. Discussion on the Pay Matrix for all Non-Contract employees.

Attorney Love stated that he would do a salary analysis and have something for the council in December.

13. Discussion and possible action concerning contract negotiations for FY 2012 and FY 2013 with IAFF Local #2374, 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.  
\*Love\*

Motion by Godwin, second by Mickley to enter into executive session. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 7:34 p.m.

The council returned to open session at 7:42 p.m. With no action taken.

14. Questions and Comments from Council.

Blake-said she reads the paper cover to cover and the city needs a PR person and Webmaster. The paper gave the city's website an F.

McClure-thanks for the hotel room tax report.

Fuhrman-the web says the city has an error on it pertaining to the number of pets that are available for adoption. At 63<sup>rd</sup> and MacArthur the fence on the NE corner is 2/3 down and needs to be addressed as well as all the pot holes in the parking lot at 63<sup>rd</sup> and MacArthur.

Mayor-thanks again to everyone taking time out of their busy schedules to take care of city business.

15. 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").

**Moot.**

16. Adjournment.

Motion by Dirkschneider, second by Mickley to adjourn. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

**MINUTES**

CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
OCTOBER 16, 2012  
6:00 p.m.

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

1. The meeting was called to order at 7:50 p.m. Declaration of a quorum present was given.

**ROLL CALL**

**PRESENT**

Chairman Patrick Woolley  
Vice-Chair Stewart Shapiro  
Trustee Stephen Fuhrman  
Trustee James Mickley  
Trustee Bill McClure  
Trustee Roger Godwin  
Trustee David Dirkschneider  
Trustee Jan Blake

**ABSENT**

Trustee Cathy Maxey

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of September 18, 2012. \*\*\*\*

Motion by Dirkschneider, second by Blake to approve the minutes. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

3. Approve payment of claim in the amount of \$61,119.56 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, 2012.

Motion by Blake, second by Godwin to approve the payment. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

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



Motion by Blake, second by Godwin to approve the payment of claims. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Adjournment.

Motion by Blake, second by Godwin to adjourn. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

**MINUTES**

**CITY OF WARR ACRES  
SPECIAL  
ECONOMIC DEVELOPMENT AUTHORITY MEETING  
TUESDAY  
OCTOBER 16, 2012  
6:00 p.m.**

(Immediately following completion of the regularly scheduled City Council and Public Works Authority meetings)

1. The meeting was called to order at 7:51 p.m. Declaration of a quorum present was given.

**ROLL CALL**

**PRESENT**

Chairman Patrick Woolley  
Vice-Chair Stewart Shapiro  
Trustee Stephen Fuhrman  
Trustee James Mickley  
Trustee Bill McClure  
Trustee Roger Godwin  
Trustee David Dirkschneider  
Trustee Jan Blake

**ABSENT**

Trustee Cathy Maxey

2. Approve the minutes of the Economic Development Authority meeting of September 18, 2012. \*\*\*\*

Motion by Dirkschneider, second by Godwin to approve the minutes. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

3. Approval of proposed expenditures.

Motion by Blake, second by Dirkschneider to approve the proposed expenditures. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

4. Approval of payment of claims for Economic Development. \*\*\*\*

Motion by Godwin, second by Dirkschneider to approve the claims. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Adjournment.

Motion by Shapiro, second by Dirkschneider to adjourn. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk