

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY,
JUNE 16, 2015
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 Coy and the Invocation was given by Mayor Woolley.

ROLL CALL

PRESENT

Mayor Patrick Woolley
Vice Mayor James Mickley
Councilwoman Cathy Maxey (arrived at 6:05 p.m.)
Councilman Blayne Allsup (after being sworn in)
Councilman Stephen Fuhrman
Councilman John Knipp (after being sworn in)
Councilman William McClure
Councilman Glenn Lipinski
Councilman Donnie Ryan

ABSENT

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Stephen Coy, Fire Chief
Mike Turman, Public Works Director
Pamela McDowell-Ramirez, City Clerk/Treasurer
Craig Wallace, Engineer
Wiley Rice, City Planner

2. Acceptance of resignations from Councilman Shapiro, Ward II and Councilman Godwin, Ward III. Approval of a nomination of Blayne Allsup, by Councilman Fuhrman to fill the vacated Ward II seat and a nomination of John Knipp, by Bill McClure to fill the vacated Ward III seat. Administer Oath of Office.

The Mayor read Councilman Shapiro's letter and said a few nice things about Dr. Shapiro and told what all he had done over the last 8 years. He then read the letter from Councilman Godwin and said a few nice things about him. He said he was always willing to serve on boards outside the city on behalf of the city and wanted to make things better.

3. Presentations to Councilman Stewart Shapiro and Councilman Roger Godwin.

Councilman Shapiro was unable to attend the meeting but the Mayor presented Councilman Godwin with a plaque.

Motion by Mickley, second by Maxey to accept the resignations and to approve the nominations of Blayne Allsup by Councilman Fuhrman and John Knipp by Councilman McClure. Poll vote: McClure, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Call to the Public.

Moot.

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 meeting of May 19, 2015. ****

B. Approval of Expenditures ****

General Fund	\$ 162,527.52
CIP Fund	\$ 2,760.00

C. Approval of Actual Expenditures for May 2015 and Proposed Expenditures for June 2015. ****

D. Sales Tax History Report. ****

Motion by Ryan, second by McClure to approve B, C and D of the consent docket. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

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

Item A.

Motion by Fuhrman, second by Ryan to approve item A. Poll vote: McClure, yea; Knipp, abstain; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, abstain; and Woolley, yea.

Motion Passed.

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

Patty-officer had her baby and another one is almost here.

Coy-all crews passed testing, there is a company coming in to check all station equipment. They have narrowed down the applicants and will be doing the physical testing on Saturday all are welcome to come and see what they do. He would like the council to consider replacing E23 when the payments are finished on Ladder 22, please keep the funding in the budget. He handed out special awards to the green shift for professionalism.

Ramirez-the payroll position has been filled and hopefully the Licensing position will be filled soon.

Turman-thanks all PW workers for keeping the city looking good, playground equipment has been installed in Cherokee park and they have hired two CDL drivers. Reminder big trash will be in July. Councilman Ryan asked about someone running the sweeper and he was told that currently the ones that knew how, other than the PWD, have all left employment so he is looking to send three more for training. Councilman Ryan also complimented the Sanitation department for keeping their trucks looking so clean.

Wallace-50th and MacArthur project to start by August 3rd. There will be a meeting with the local businesses on June 24th. Councilman Ryan asked about a ADA ramp on the SW corner of 39th and Ann Arbor said it does not look right. Engineer Wallace said it is very hard to fit ADA ramps in places where the right of way already there and they can't change it. They will have to meet ADA and ODOT requirements.

Rice-lots going on in Planning Commission with C-5 now on Comp Plan map and the 1st Town Center property, food trucks ordinance in the works and landscaping ordinance.

8. Discussion and possible action on Rezoning: property located at 6012 NW 50th St, currently zoned R-1 (single family dwelling) to TC-PUD. Owner/Developer Kelly Parker. ****

Planning Commission Chairman Wehba stated that this process has taken 5 ½ years to modify the Comprehensive Plan and there were things that were discussed that never made it into the ordinance. This particular property is too small but that was not addressed in the ordinance so now they are trying to work around all the issues. The idea of them being addressed as a PUD would allow them to have leeway but the parking issue on the property is too small and the sign won't work either. Applicant Kelly Parker said he keeps making changes and concessions to make it work. Questions were raised about what type business he was planning on and was reminded that it could not be a restaurant, there is no cooking allowed so could only have limited items and drinks. Discussion on fencing for sight proof fence up to the front of the building, need to block lights from cars coming and going from the residents on either side. There were many

changes that had been worked out between the city and Mr. Kelly and the council was presented the most recent Design Statement for the property.

There was a lengthy discussion about the signage.

Motion by Maxey, second by Lipinski to amend the 9.5 of Mr. Parkers design statement for the property concerning a free standing sign, must be 15 ft from the property line, and the dimensions to be 6 ft high by 8 ft wide by 3 ft deep and must face the north. Poll vote: McClure, nay; Knipp, nay; Ryan, nay; Lipinski, yea; Maxey, yea; Mickley, nay; Allsup, yea; Fuhrman, nay; and Woolley, yea.

Motion Failed.

Motion by Maxey, second by Allsup to strike 9.5.1 so no free standing sign and 9.5 must be consistent with the city sign code. Poll vote: McClure, nay; Knipp, nay; Ryan, yea; Lipinski, nay; Maxey, yea; Mickley, yea; Allsup, yea; Fuhrman, nay; and Woolley, yea.

Motion Passed.

Motion by Ryan, second by Mickley to approve as amended and include an amendment to 9.8 for a taper down fence. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

Motion Passed Unanimously.

The council took a recess at 9:30 p.m. and returned to open session at 9:45 p.m.

9. Acceptance of the 2014 Annual Audit.

Councilman McClure asked when the city would start using accounting principles that are generally accepted in the United States of America. Clerk Ramirez stated that do use accepted principles. She said she would get them an answer.

Motion by Maxey, second by Mickley to accept the audit. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, abstain; and Woolley, yea.

Motion Passed.

10. Discussion and possible action to send three Public Works personnel to Waco, Texas to TYMCO Street Sweeper training school with an estimated cost for lodging and food for all three not to exceed \$1,500.00 (Rick Sims, James Harper and Kurt Ziese). *Turman*

PWD Turman stated that MS4 requires that the city clean 100% of all streets each year and currently the people that were trained to use it are no longer here so he needs to get others trained and then one will have that duty assigned to him.

Motion by Maxey, second by Mickley to send three public works employees to training. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

11. Discussion and possible action on a Resolution setting the E911 rate at 3% for calendar year 2016. ****

Motion by Ryan, second by Mickley to approve the Resolution. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

12. Discussion and possible action on a Resolution establishing rules of procedure for council meetings. ****

Attorney Love stated that this came from OML and he did not make any changes to it. He said after the last meeting he was approached about the way the meetings were going and the length of the meetings and was asked to come up with options. There is too much talking over each other and side conversations going on when someone has the floor. This is causing upset and multiple debates and repeating the issue because it was missed due to the extra conversations. Mayor needs to take control of the meeting and use the gavel. This document is adapted to our code and will make things more formal. No battle between councilmembers and direct questions to the chair. Councilman Lipinski would like for there to be a lighting voting or recognition system. He said the biggest problem is knowing when to speak. Councilman McClure asked who they direct questions to, the Mayor, problems don't get answered so residents call again. Councilman Knipp stated that if the rules are not enforced then they won't work. Councilman Fuhrman said he did not want the resolution to silence the council that would be wrong. Councilman Lipinski asked the Mayor if he needed this resolution, the Mayor stated if it would help. Councilman Ryan asked how it was different to ask staff questions. There were too many questions that needed to be answered and too many issues with this resolution at this time.

Motion by Maxey, second by Ryan to table the item to the July meeting. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

13. A. Discussion and possible action on an Ordinance amending 8.08.150(C) Fees and Charges pertaining to additional dump request for commercial dumpsters. ****

The council raised concerns that if this was happening a lot then the users needed to up their service. They also commented that the rates needed to be changed. Clerk Ramirez stated that it was not a particular business calling and asking over and over it was different businesses asking a time or two throughout the year and they currently get charged a full month charge just for the one extra dump. Some businesses during their very busy times will call and up their service or size of dumpster to cover their needs.

Motion by Mickley, second by Ryan to approve the Ordinance with the rate for 17yd at \$185. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, nay; Maxey, yea; Mickley, yea; Fuhrman, nay; Allsup, yea; and Woolley, yea.

Motion Passed.

- B. Approval of the emergency clause.

Motion by Mickley, second by Maxey to approve the emergency clause. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

14. A. Discussion and possible action on an Ordinance amending 8.08.150 by adding subsection H to designate the fees for dumpsters for residential use and dumping. ****

There was a lengthy discussion on how long someone should be allowed to have a dumpster. Some felt that 30 days was not long enough and others felt they did not want to see one sitting at a house for long periods of time.

Motion by Maxey, second by Mickley to call the question. Poll vote: McClure, yea; Knipp, nay; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Allsup, yea; Fuhrman, nay; Woolley, yea.

Motion Passed.

Motion by Ryan, second by Mickley to approve the Ordinance as written. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, nay; Allsup, yea; and Woolley, yea.

Motion Passed.

- B. Approval of the emergency clause.

Motion by Ryan, second by Mickley to approve the emergency clause. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

16. A. Discussion and possible action on an Ordinance amending the Defined Contribution Master plan with OMRF and the Joinder Agreement that was recently approved by the IRS. ****

Motion by Fuhrman, second by Ryan to approve the Ordinance. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

- B. Approval of the emergency clause.

Motion by Mickley, second by Ryan to approve the emergency clause. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

17. Questions and Comments from Council.

Lipinski-is there an ordinance on these clothes collection boxes that are sitting all over the city? The answer was no.

Ryan-welcome to new councilmen Knipp and Allsup and a big thanks to Shapiro and Godwin for all the work they did for the city.

Mickley-glad to have Allsup return and great jobs accomplished for Shapiro and Godwin.

Maxey-ditto

Fuhrman-thanks to Shapiro and Godwin they will be missed. Excited about the new members.

Allsup-doesn't remember the meeting lasting this long.

Woolley-welcome to Knipp glad to have him on the council and glad to have Allsup back. Appreciate everyone taking time for the city.

18. Adjournment.

Motion by Mickley, second by Maxey to adjourn. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 11:36 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
JUNE 16, 2015
6:00 p.m.

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

1. The meeting was called to order at 11:36 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

ABSENT

Chairman Patrick Woolley
Vice Chairman James Mickley
Trustee Cathy Maxey
Trustee Blaine Allsup
Trustee Stephen Fuhrman
Trustee William McClure
Trustee John Knipp
Trustee Glenn Lipinski
Trustee Donnie Ryan

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of May 19, 2015. ****

Motion by Ryan, second by Mickley to approve the minutes. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, abstain; and Woolley, yea.

Motion Passed.

3. Approve payment of claim in the amount of \$57,819.57 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of May, 2015. ****

Motion by Ryan, second by Mickley to approve the payment. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Approval of payment of claims for the Sewer department for \$831.90. *****

Motion by Ryan, second by Mickley to approve the payment of claims. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Adjournment.

Motion by Mickley, second by Ryan to adjourn. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 11:38 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

CITY OF WARR ACRES
SPECIAL
ECONOMIC DEVELOPMENT AUTHORITY MEETING
TUESDAY
JUNE 16, 2015
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 11:39 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

ABSENT

Chairman Patrick Woolley
Vice Chairman James Mickley
Trustee Cathy Maxey
Trustee Blaine Allsup
Trustee Stephen Fuhrman
Trustee William McClure
Trustee John Knipp
Trustee Glenn Lipinski
Trustee Donnie Ryan

2. Approve the minutes of the Economic Development Authority meeting of May 19, 2015.

Motion by Ryan, second by Mickley to approve the minutes. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, abstain; and Woolley, yea.

Motion Passed.

3. Approval of payment of claims in the amount of \$1,193.00. ****

Motion by Ryan, second by Mickley to approve the payment of claims. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Adjournment.

Motion by Mickley, second by Ryan to adjourn. Poll vote: McClure, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Allsup, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 11:40 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer