

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY,
JULY 15, 2014
6:00 P.M.**

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was led by Chief Koger and Invocation was given by Mayor Woolley.

ROLL CALL

PRESENT

Mayor Patrick Woolley
Vice Mayor Stewart Shapiro
Councilman Stephen Fuhrman
Councilman Roger Godwin
Councilman Glen Lipinski
Councilman James Mickley
Councilwoman Cathy Maxey

ABSENT

Councilman William McClure
Councilman Donnie Ryan

STAFF PRESENT

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

2. Call to the Public.

Bob Wehba-stated that since city will be closing the public storm shelters he thought it would be a good idea if the city looked into making it easier for citizens that wish to put in their own shelters and the placement of those shelters. He stated that the regulations need to be adjusted, there have been recent instances where the applicant had to go before the Board of Adjustment to get approval to place a storm shelter in an area not allowed under the code. These instances may come up more often since more and more requests for private shelters are requested.

Barbara Garner, Larry Cook and Fred Turpin all addressed the council concerning a carport that a neighbor put up that is an eye sore, blocks their view and they believe will lower property values. They stated that there are covenants on their properties that will not

allow carports. They were told that the city cannot do anything about the covenant being broken that would take the residents banning together and filing a law suit. As long as the carport met city standards and regulations the inspector had to allow it.

3. Presentation of service pins to Jenell Robertson, Asst. City Clerk, 25 years and Sharon Sanfellipo, Sanitation Foreman, 5 years. Swearing-in and pinning ceremony of Firefighter Justin Burt.

Jenell Robertson and Sharon Sanfellipo were unable to attend. Chief Koger swore in Justin Burt and Asst. Chief Coy and Justin's wife pinned him with is collar brass.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.)

A. Approval of the minutes from the Regular meeting of June 17, 2014. ****

B. Approval of Expenditures

General Fund	\$ 143,061.19
CIP Fund	\$ 119,442.48
Sewer Line Fund	\$ 2,000.00

C. Approval of Actual Expenditures for June 2014 and Proposed Expenditures for July 2014. ****

D. Sales Tax History Report. ****

Motion by Shapiro, second by Maxey to approve the consent docket. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, out during vote.

Motion Passed Unanimously.

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

Moot.

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

Patty-nothing

Koger-they are starting to look at what apparatus they may need over the next 5 to 10 years and they are sending two guys to Dallas next month to check out apparatus.

Ramirez-each councilmember has in front of them a copy of an email the clerk received regarding the tax audit on a certain business.

Turman-gave an update of ongoing projects, Jimmy Johns, 50th street project, playground equipment and the animal control building.

Wallace-50th overlay moving along, school zone project underway, utility relocations starting, funding for sidewalk project requested, 34th and Hammond study starting.

7. Discussion and possible action for approval to waive city's right to appeal BOA's Case #2014-01 on property located at 6812 N Waterwood Way, Warr Acres, OK, presently zoned R-1 Single Family Dwelling, Lloyd Gammon, owner.

NATURE OF APPEAL: Yards; Setbacks (19.20.040)

All buildings or structures shall be set back from street rights of way and property lines as follows:

A. Front Setback: The front yard setback shall not be less than twenty five feet (25').

B. Side Setback: Each side yard setback shall not be less than:

1. Six feet (6') where the height of the building or structure is twenty five feet (25') or less.

2. Nine feet (9') where the height of the building or structure is between twenty six feet (26') and thirty five feet (35').

3. Ten feet (10') where the building or structure is parallel to a side street.

Churches, including main and accessory buildings or structures, other than dwellings and buildings or structures accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than thirty five feet (35').

C. Rear Setback: The rear yard setback for the main building shall not be less than twenty five feet (25'). Unattached buildings of accessory use, except portable buildings, may be located in the rear yard of the main building, provided they are not located closer than ten feet (10') to the rear of the property line and shall not be located within a utility easement. (Ord. 878 §1, 1999; Ord. 846 §1, 1998; Ord. 832 §1, 1997)

Variance was approved by a unanimous vote.

Motion by Fuhrman, second by Godwin to waive the right to appeal. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

8. Discussion and possible action for approval to waive city's right to appeal BOA's Case #2014-02 on property located at 5900 NW Expressway, Warr Acres, OK, presently zoned C-4 General Business, 7-Eleven LLC., owner.

NATURE OF APPEAL: Landscaping Requirements (19.40.090)

All new construction in the city shall include landscaping as an integral part of the design to provide a quality of life which complements the natural and physical surroundings and environment of the city. All multiple-family, commercial, industrial, and public uses shall be landscaped with trees, ornamental shrubs, and green areas according to the following standards:

A. Required Area: The public right of way between the property line and the curb and not less than five percent (5%) of the total land area of the lot shall be landscaped. At least seventy five percent (75%) of the landscaped lot area shall be in the front or side yards and visible from a public street providing access to the property. Inner courts not visible from a public street shall not be calculated for the purposes of meeting this requirement.

B. Landscaped Materials And Plan:

1. An application for a building permit shall be accompanied by a detailed landscaping plan which shall contain the following:

a. The location and types of all plants;

b. A live tree, having a minimum planted height five feet (5') for every five hundred (500) square feet of area to be landscaped, but not including the street right of way;

c. Artificial grass or any form of synthetic plant is prohibited;

d. Rock gardens or sculpture may be approved, but the use of gravel or chat as ground cover shall not be considered as meeting the requirements of this section;

e. The plan shall respect sight triangles at intersections and all other elements relating to traffic control.

2. The plan shall be a part of the building permit review process.

3. A certificate of occupancy for a structure shall not be issued until the landscaping has been installed in accordance with the plan; provided, however, that if a structure and all its site improvements are complete except for the landscaping requirements and the season of the year will not permit planting, temporary occupancy may be permitted until a date certain in the growing season. In this case, a future inspection date shall be set by the city to determine if the landscaping has been installed.

4. All landscaping shall be maintained in a live and healthy condition. Failure to install or maintain landscaping as required and approved shall constitute a violation of this title. (Ord. 832 §1, 1997)

Variance was approved by a unanimous vote.

Motion by Maxey, second by Mickley to waive the right to appeal. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, nay; Shapiro, yea; and Woolley, yea.

Motion Passed.

9. Discussion and possible action on approval to purchase two in-car camera systems in the amount of \$8,413.74 from CIP Fund. *Patty* *****

Motion by Maxey, second by Mickley to approve the purchase. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

10. Discussion and possible action on approval to purchase a CopyStar color copier in the amount of \$9,552.00 from CIP Fund. *Ramirez* *****

Motion by Shapiro, second by Godwin to approve the purchase. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, nay; Shapiro, yea; and Woolley, yea.

Motion Passed.

11. Discussion and possible action on changing the distribution of Appropriation in the amount of \$8,000.00 from the line item Color Copier to a new line item Access Control System for the doors to the Police Department and authorize the Chief to purchase the system. *Mayor & Patty* *****

Motion by Maxey, second by Mickley to approve the change of appropriation and authorize the Chief to purchase the system. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, nay; Shapiro, yea; and Woolley, yea.

Motion Passed.

12. Discussion and possible action on changing the distribution of Appropriation in the CIP Fund from line item City Hall Landscaping Project in the amount of \$220,000 to a new line item for the South MacArthur Project.

Motion by Maxey, second by Mickley to approve the change of appropriation. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

13. Discussion and possible action on Supplemental Appropriation on funds in the CIP Fund in the amount of \$95,000.00 for the remainder needed for the South MacArthur Project.

Motion by Mickley, second by Maxey to approve the supplemental appropriation. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

14. Discussion and possible action on changing the Appropriation in the CIP Fund from line item Paint Apparatus Floor to a new item Replace Fire Station Flooring in the amount of \$2,600.00. *Koger*

Motion by Maxey, second by Mickley to approve the change of appropriation. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

15. Discussion and possible action on changing the distribution of Appropriation in the Sewer Line Maintenance budget from line item Sewer Lines to Sewer Line Project 2014 in the amount of \$150,001.00, leaving \$49,999.00 in the line item Sewer Lines.

Motion by Godwin, second by Mickley to approve the change of appropriation. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

16. Discussion and possible action on a Mutual Cooperation Agreement with the Oklahoma County Commissioners concerning assistance in maintaining streets. ****

Motion by Fuhrman, second by Shapiro to approve the mutual cooperation agreement. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

The Mayor stated that he has a meeting with County Commission Maughan and will ask for assistance on two different projects. Commission Maughan has said he is looking for ways to help Warr Acres.

17. Discussion and possible action on acceptance of the 2013 Annual Audit. (It will be delivered Friday morning)

Motion by Fuhrman, second by Shapiro to table the item to next month and have the auditor present to discuss the audit. Poll vote: Godwin, yea; Lipinski, yea; Maxey, out during vote; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

18. Discussion and possible action on Resolution #493 approving E911 fees for calendar year 2015. ****

Motion by Shapiro, second by Godwin to approve the resolution. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

19. A. Discussion and possible action on reconsidering the adoption of Ordinance #1139 Town Center, and consideration of amending the heading to include the line “of the City of Warr Acres Municipal Code, 2008”, for publication clarification. ****

Motion by Maxey, second by Godwin to reconsider the ordinance. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

Motion by Shapiro, second by Maxey to amend the ordinance by adding the wording and approve the amended ordinance. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

- B. Approval of the emergency clause.

Motion by Fuhrman, second by Mickley to approve the emergency clause. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

20. 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.
Love/Koger/Patty

21. Discussion and possible action on authorizing a settlement in City of Warr Acres v. Duer, OK County Case No. CJ-2013-7090 including possible action to enter into executive session for confidential communications with the City Attorney regarding the referenced pending litigation where the Council determines, with the advice of the City Attorney, that public disclosure would seriously impact the Council's ability to process the litigation in the public interest. *Love*

Motion by Shapiro, second by Mickley to enter into executive session on items 20 and 21. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

The council entered into executive session at 7:06 p.m. The council returned to open session at 7:16 p.m. With no action taken.

22. Questions and Comments from Council.

Fuhrman- condolences to Sanitation Supervisor Hayes.

Shapiro- condolences to Sanitation Supervisor Hayes.

Godwin- condolences to Sanitation Supervisor Hayes.

23. 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.

24. Adjournment.

Motion by Godwin, second by Mickley to adjourn. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez

City Clerk/Treasurer

MINUTES

CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
JULY 15, 2014
6:00 p.m.

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

1. The meeting was called to order at 7:19 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chairman Stewart Shapiro
Trustee Stephen Fuhrman
Trustee Roger Godwin
Trustee Glen Lipinski
Trustee James Mickley
Trustee Cathy Maxey

ABSENT

Trustee William McClure
Trustee Donnie Ryan

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of June 17, 2014. ****

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

Motion Passed Unanimously.

3. Approve payment of claim in the amount of \$57,863.90 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of June, 2014. ****

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

Motion Passed Unanimously.

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

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

Motion Passed Unanimously.

5. Adjournment.

Motion by Godwin, second by Mickley to adjourn. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:21 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

**CITY OF WARR ACRES
SPECIAL
ECONOMIC DEVELOPMENT AUTHORITY MEETING
TUESDAY
JULY 15, 2014
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 7:21 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chairman Stewart Shapiro
Trustee Stephen Fuhrman
Trustee Roger Godwin
Trustee Glen Lipinski
Trustee James Mickley
Trustee Cathy Maxey

ABSENT

Trustee William McClure
Trustee Donnie Ryan

2. Approve the minutes of the Economic Development Authority meeting of November 19, 2013. ****

Motion by , second by to approve the minutes. Poll vote: Godwin, yea; Lipinski, abstain; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed.

3. Approval to send Mayor Woolley to the Greater Oklahoma City Chamber 2014 Board Retreat and pay for a hospitality spot to promote the city.

The Mayor said this was an excellent opportunity to get in front of the movers and shakers that have worked on OKC Maps projects and people that can make things happen in Warr Acres.

Motion by Maxey, second by Mickley to send the Mayor and Councilman Godwin since they are both on the chamber board. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Approval to prepare and have printed City of Warr Acres promotional booklets.

The Mayor stated that he will move forward in preparing the booklet and will let them know next month what the cost will be for them to approve the expenditure.

Motion by Godwin, second by Maxey to approve. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Adjournment.

Motion by Shapiro, second by Mickley to adjourn. Poll vote: Godwin, yea; Lipinski, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer