

## MINUTES

CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
SEPTEMBER 17, 2013  
6:00 P.M.

This meeting was given in accordance with applicable State Statutes.

### ROLL CALL

#### PRESENT

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

#### ABSENT

Councilwoman Jan Blake

#### STAFF PRESENT

Matt Love, City Attorney  
Wiley Rice, City Planner  
Hugh Osborn, Asst. Police Chief  
Kenny Koger, Fire Chief  
Mike Turman, Public Works Director  
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. Mayor Woolley gave the invocation.

2. Presentation of 5 year service pins to Officer Brandi Blankenship, Fire Corporal I Tony Peevyhouse, Code Enforcement Officer Keith Greenwood and Officer Roger Peters. Presentation of a 25 year pin to Fire Lt. Ky Smith.

Mayor Woolley presented Tony Peevyhouse and Roger Peters with 5 year pins and Ky Smith with a 25 year pin. Keith Greenwood and Brandi Blankenship were not present.

3. Call to the Public.

Jim Zercher, 5919 N. W. 40<sup>th</sup> Street, stated he lives next to Grandma's Park on N. W. 40<sup>th</sup> Street, and did not think that soccer should be played in this park. He stated that large groups of Hispanic people use this park all of the time and he did not feel other people had a chance to use this park. Mr. Zercher said that the children use his fence as the backdrop when they play soccer and it is tearing up his fence.

Hazel Gentry, 5921 N. W. 54<sup>th</sup> Street, stated there is an ongoing drainage problem from N. W. 54<sup>th</sup> St. and N. W. 56<sup>th</sup> St. between Hammond and MacArthur. She stated she had contact with Inspector Kevin Strong and he responded to her with a letter. Ms. Gentry asked the City for help with the drainage problem. She also stated that there is only one street light and there was more traffic than ever before.

Mayor Woolley stated he would look into this situation, as budget preparations were about to start for FY 2014.

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 August 20, 2013.
  - B. Approval of Expenditures 

General Fund	\$ 157,017.81
CIP Fund	\$ 63,441.91
  - C. Approval of Actual Expenditures for August 2013 and Proposed Expenditures for September 2013.
  - D. Sales Tax History Report.

Councilman McClure requested Item A. be removed from the Consent Docket.

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

Councilman McClure asked who decided what was to be put in the minutes. Councilman McClure was upset because the minutes excluded his discussion about the sewer rates at the Council Meeting of August 20, 2013, and he felt his discussion on the subject should have been included in the minutes.

Mayor Woolley and Attorney Love stated it was up to the City Clerk as to what discussion she put in her minutes and also stated if a Councilman wanted something special noted in the minutes, they needed to let the City Clerk know. Attorney Love asked Councilman McClure if he wanted a summary of the discussion at the meeting of August 20, 2013 or if he wanted the minutes verbatim. Councilman McClure said he wanted a summary.

Motion by Councilman Shapiro, seconded by Councilman Ryan to table the minutes from the Regular meeting of August 20, 2013 until the next scheduled meeting, with the corrections Councilman McClure suggested. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

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

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

Asst. Police Chief Hugh Osborn – stated Chief Patty would probably be back to work next Monday

Fire Chief Koger – thanked the Council for the new grass unit fire truck and stated the unit would be in service next week

Attorney Love – discussed arbitration with Firefighters and should have word back Nov./Dec., also said OML Conference in Tulsa this week

P. W. Director Mike Turman – spoke about street sweeper, code enforcement, Tim's Drive In, Walmart completion date which will be end of month

City Planner Wiley Rice – amendment to zoning code, new town district, creating town center

7. Discussion and possible action on a recommendation from the Planning Commission to approve the amended Warr Acres Comprehensive Plan Map. (Planning Commission recommended approval by a unanimous vote)

Bob Wehba showed the Council Members the new map showing the Comprehensive Plan. Council Fuhman asked for a copy of the map to be put in the Council Chambers.

Motion by Councilman Shapiro, seconded by Councilman Godwin to approve the amended Warr Acres Comprehensive Plan. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

8. Final Public Hearing, discussion and possible action on an application for rezoning property located at 5901 N MacArthur from R-1 Single Family Dwelling to R-2 Two to Four Family Dwelling. Applicant 298:19 Inc. (Planning Commission recommended approval by a vote of 3-2)

Motion by Councilman Godwin, seconded by Councilman Ryan to open the Public Hearing on an application for rezoning property located at 5901 N. MacArthur from R-1 Single Family Dwelling to R-2 Two to Four Family Dwelling. Applicant 28:19, Inc. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

Mayor Woolley stated that the applicant was present.

Motion by Councilman Godwin, seconded by Councilman Ryan to close the Public Hearing. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

Bob Wehba stated he felt there was a philosophical problem that this property was in the northwest corner from the town center. He also stated that the transition could result in zoning issues in the future and was concerned about the circle drive people could make it a turn around.

Attorney, Beau Patterson, with McAfee & Taft, stated the application was to rezone the property from R-1 to R-2. He also stated that the Applicant 298:19 Inc. was incorrect on the agenda and that it should be changed to 28:19, Inc.

Discussion with Mr. Patterson, Councilmembers, and Reggie Smith (construction mgr. for Warr property) concerning application to rezone property at 5901 N. MacArthur, additional driveway, duplex, swimming pool to be filled in with dirt, and exterior of buildings not to change.

Councilman Fuhrman was very concerned about parking for the duplex. Councilman Mickley wanted the property to stay R-1 zoning. Councilman Ryan asked about the fence and was told by Mr. Smith that the fence would remain the same.

Motion by Councilman Shapiro, seconded by Councilman Godwin to approve the application for rezoning property located at 5901 N. MacArthur from R-1 Single Family Dwelling to R-2 Two to Four Family Dwelling. Applicant 28:19, Inc. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, no; Mickley, no; Fuhrman, no. Motion passed.

9. Discussion and possible action on a Tort Claim filed by Jim Ware regarding a sanitary sewer overflow. The city's insurance company has recommended denial.

Motion by Councilwoman Maxey, seconded by Councilman Godwin to follow the city's insurance company's decision to deny payment of Tort Claim for Jim Ware. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

10. Discussion and possible action on a Tort Claim filed by Suella Hill. The city's insurance company has recommended denial.

Motion by Councilman Mickley, seconded by Councilwoman Maxey to follow the city's insurance company's decision to deny payment of Tort Claim for Suella Hill. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

11. Discussion and possible action on an agreement with Western States Contracting Alliance #1907, and authorize the Mayor to execute said agreement.

Asst. Police Chief Osborn stated that the city had already purchased the I-Pads and Western States Contracting Alliance had the software. This contract would be month to month and the Police Dept. would just have to download the software.

Motion by Councilman Mickley, seconded by Councilman Godwin to authorize Mayor Woolley to execute the agreement with Western States Contracting Alliance. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

12. Discussion and possible action on appropriation of the Use Tax for the first, second and third quarters in the amount of \$176,211.22 and authorization to pay OMRF, to pay down on the unfunded liability.

Motion by Councilman Shapiro, seconded by Councilman Godwin to approve appropriation of the Use Tax for the first, second and third quarters in the amount of \$176,211.22 and authorize payment to OMRF, in order to pay down on the unfunded liability. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

13. Discussion and possible action to authorize the Mayor to appoint one or more hearing officers to conduct such hearing as may be appropriate or necessary under Article G, Section 5.04.610 of the City Code provisions pertaining to the regulation of massage establishment, including conducting hearings involving possible revocation and/or suspension of licenses issued to persons or entities pursuant to Article G and to submit findings and recommendation to the City Council for consideration and action on the same.

Attorney Love stated that in case of code violations pertaining to massage establishments, the City needed to have a hearing officer. It was his recommendation to appoint Margaret McMorrow-Love for this position.

Motion by Councilman Godwin, seconded by Councilman Ryan to appoint Margaret McMorrow-Love as the hearing officer to conduct such hearing as may be appropriate or necessary under Article G, Section 5.04.610 of the City Code provisions pertaining to the regulation of massage establishment, including conducting hearings involving possible revocation and/or suspension of licenses issued to persons or entities pursuant to Article G and to submit findings and recommendation to the City Council for consideration and action on the same. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

14. Discussion and possible action on increasing the Sewer rates and the Line Maintenance fee.

Mayor Woolley gave an overview of the proposed sewer rate increases and base fee for FY 2014. Discussion among Mayor, Council members, and Mike Turman reference base fee, sewer line maintenance fee, water usage, payments to Trust, rate holiday, sewer rehabilitation projects, repair of manholes, rates past and present, adding another person to the sewer dept. and increases.

Motion by Councilman Furhman, seconded by Councilman Shapiro to have Attorney Matt Love write an ordinance on the proposed sewer rate increase, to include adding another person in the Sewer Dept., with the effective date of January 1, 2014, and have the ordinance on the next scheduled meeting for approval. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

Motion by Councilman Shapiro, seconded by Councilman McClure to have Attorney Matt Love write an ordinance on the increase for the sewer line maintenance fee, with the effective date of January 1,2014. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

15. Discussion and possible acceptance of the 2012 Fiscal Year Audit.

P. W. Director, Mike Turman, stated the 2012 Fiscal Year Audit had better revenue and less expenses than previous years. Councilman Fuhrman stated he would like to have this at the next meeting since he had not had time to review the audit. He was advised that the Council could not make changes to this audit, as this was the final complete audit for 2012.

Motion by Councilman Shapiro, seconded by Councilman Godwin to accept the 2012 Fiscal Year Audit. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

16. Questions and Comments from Council.

Maxey – none  
Mickley – none  
Shapiro – none  
McClure – none

Fuhrman – stated he felt the software for utility billing was out of date and that the City needed to look into updating the software

Ryan – told Matt Love congratulations and was glad for the sewer rate figures

Godwin – reminded everyone about training at the N. W. Chamber and asked about ‘yes’ or ‘yea’ voting on the minutes

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

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Jenell Robertson  
Asst. City Clerk

**MINUTES**  
CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY SEPTEMBER 17, 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 8:10 p.m. and declared a quorum present.

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of August 20, 2013.

Motion by Councilman Godwin, seconded by Councilman Mickley to approve the minutes of the Warr Acres Public Works Authority Meeting of August 20, 2013. Poll vote: Woolley, abstain; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

3. Approve payment of claim in the amount of \$61,996.36 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of August, 2013.

Motion by Councilman Shapiro, seconded by Councilman Ryan to approve payment of claim in the amount of \$61,996.36 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of August, 2013. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

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

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

5. Adjournment.

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

Meeting adjourned at 8:13 p.m.

Respectfully Submitted,

Jenell Robertson  
Asst. City Clerk

**MINUTES  
SPECIAL MEETING**

CITY OF WARR ACRES  
SPECIAL  
ECONOMIC DEVELOPMENT AUTHORITY MEETING  
TUESDAY  
SEPTEMBER 17, 2013  
6:00 p.m.

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

1. Call to order, Declaration of a quorum.

Mayor Woolley called the meeting to order at 8:13 p.m. and declared a quorum present.

2. Approve the minutes of the Economic Development Authority meeting of December 18, 2012.

Motion by Councilman Mickley, seconded by Councilman Fuhrman to approve the minutes of the Economic Development Authority meeting of December 18, 2012. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, abstain; Ryan, abstain; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

3. Approval of payment of claims for Economic Development.

Motion by Councilman Shapiro, seconded by Councilman Godwin to approve payment of claims for Economic Development. Poll vote: Woolley, yes; Shapiro, yes; McClure, yes; Godwin, yes; Ryan, yes; Maxey, yes; Mickley, yes; Fuhrman, yes. Motion passed.

4. Adjournment.

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

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Jenell Robertson  
Asst. City Clerk