

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 8th day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 6:20 p.m. on the 6th day of April, 2023. An amended agenda was posted at the place of such meeting at 4:30 p.m. on the 10th day of April, 2023.



Cynthia J. Price, City of Durant

MINUTES OF THE MEETING OF DURANT CITY COUNCIL

April 11, 2023 AT 6:00 PM

Roscoe J. Hatfield Council Chambers

300 West Evergreen

Durant, Oklahoma

CALL TO ORDER

Acting Mayor Sherrer called the meeting to order at 6:07 p.m.

INVOCATION/FLAG SALUTE

Ken Bartholomew, Pastor of Worship and Administration of First Baptist Church of Durant, provided the invocation. Council Member Mike Morris led the flag salute.

ROLL CALL

Present:

Council Member Steve Brittingham

Council Member Humphrey Miller

Council Member Curtis Morris

Acting Mayor Danny Sherrer

City Attorney Tom Marcum

City Manager Lisa Taylor

City Clerk Cynthia J. Price

Absent:

None

PRESENTATIONS

1. Presentation of Employee Service Awards for 1st Quarter 2023

The following employees received service awards:

5 YEARS

Eric Jeffers (Fire): Certificate, Pin, \$50

10 YEARS

Jonathan (Chase) Brown (Fire): Certificate, Pin, \$50

Christopher Bryant (Fire): Certificate, Pin, \$50

15 YEARS

Jay Bergner (Fire): Certificate, Pin, \$150

Keith Cook (Fire): Certificate, Pin, \$150

25 YEARS

Jeff Langford (Fire): Plaque, Certificate, Pin, \$250

Linnie Stinson (Fire): Plaque, Certificate, Pin, \$250

2. Presentation of Proclamation Declaring April 2023 as Autism Awareness & Acceptance Month

Acting Mayor Sherrer presented a Proclamation Declaring April 2023 as Autism Awareness & Acceptance Month. Mr. Reuben Marris of the Owen Foundation followed with remarks.

CITIZEN COMMENTS

Citizens wishing to address the council regarding matters which are not listed on the agenda will be required to sign up no later than 5 minutes prior to the scheduled start time of the meeting. The sign-in sheet will contain space for citizen's name, address, phone number, and topic to be discussed. In this way, city staff will be able to follow-up on any issues presented if necessary.

There were no citizen comments.

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Called Meeting Minutes of March 14, 2023
- b. Consider Approval of Special Called Meeting Minutes of March 27, 2023
- c. Consider Approval of Budget Supplements BA 23-11
- d. Consider Approval of Contract for Professional Services Between City of Durant and Oklahoma Municipal Management Services for General Management Assistance (C-2023-21)

- e. Consider Approval of AirMedCare Network Group Full Census Membership for City of Durant (C-2023-20)
- f. Consider Approval of the Expenditure of Economic Development Sales Tax Funds in the Amount of \$38,740.00 to United Manufacturing and Distribution LLC (UMD) for the Remediation of 68 Waldron Road Facility Interior Contamination of DIA-Owned Property
- g. Consider Approval of Change Order 6 for Schiralli Construction Corporation

Motion To: Approve Consent Items as Presented

Motion By: Humphrey Miller

Seconded By: Curtis Morris

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

- a. City Clerk Monthly Report - March 2023
- b. Community Development Monthly Report - March 2023
- c. Economic Development Monthly Report- March 2023
- d. Emergency Management Monthly Report - March 2023
- e. Finance Department - March 2023 Sales Tax Reports
- f. Fire Department Monthly Report - March 2023
- g. Grants Department Monthly Report - March 2023
- h. Library Monthly Report - March 2023
- i. Neighborhood Services Monthly Report - March 2023
- j. Parks Department Monthly Report - March 2023
- k. Police Department Monthly Report - February 2023
- l. Street Department Monthly Report - February 2023

4. Administration

- a. Consider Approval of Resolution to Participate in Teva-Allegran-CVS-Walgreen-Walmart Settlement Agreement

Motion To: Approve Resolution to Participate in Teva-Allegran -CVS-Walgreen-Walmart Settlement Agreement

Motion By: Curtis Morris

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- b. Consider Approval of Resolution Amending Certain Fees on the Fee Schedule; Directing Posting (R-2023-08)

No action.

- c. Discussion, Consideration and Possible Action on Ordinance O-2023-05 Amending Sections 158.14 (A) (1) (Exemptions From Sign Permit Requirements) and 158.19 (A) (B) (Tables) of the Durant Code of Ordinances.
 - 1) Ordinance O-2023-05. Section 1.
 - 2) Ordinance O-2023-05. Section 2. Emergency Clause.

Motion To: Approve Ordinance O-2023-05, Section 1, Amending Section 158.14 (A)(1) and Section 158.19 (A)(B) (Tables) of the Durant Code of Ordinances With the Addition of a Height Limit of 100 Feet

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

Motion To: Approve Ordinance O-2023-05, Section 2, Emergency Clause

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- d. Discussion, Consideration and Possible Action on Ordinance O-2023-06 Amending Section 156.034 (Permitted Uses in Districts) of the Durant Code of Ordinances.
 - 1) Ordinance O-2023-06. Section 1.
 - 2) Ordinance O-2023-06. Section 2. Emergency Clause.

Motion To: Approve Ordinance O-2023-06, Section 1, Amending Section 156.034 of the Durant Code of Ordinances Changing the Permitted Use In Districts from 'R' to 'X'

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

Motion To: Approve Ordinance O-2023-06, Section 2, Emergency Clause

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- e. Discussion, Consideration and Possible Action on a Final Plat Request for property near Sunnyside Road and Sunny Meadows Drive (PC-2023-05).

Motion To: Approve Final Plat Request for Property Near Sunnyside Road and Sunny Meadows Drive (PC-2023-05)

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- f. Discussion, Consideration and Possible Action on Ordinance, O-2023-07, a Rezoning request from A-1, General Agriculture to R-1, Single-Family Residential for property near Sunnyside Road and Sunny Meadows Drive (PC2023-05).
 - 1) Ordinance O-2023-07. Section 1.
 - 2) Ordinance O-2023-07. Section 2. Emergency Clause.

Motion To: Approve Ordinance O-2023-07, Section 1

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

Motion To: Ordinance O-2023-07, Section 2, Emergency Clause

Motion By: Curtis Morris

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- g. Discussion, Consideration and Possible Action on a Re-Plat request for property near 21st Avenue and Main Street (PC2023-07).

Motion To: Approve Re-Plat Request for Property Near 21st Avenue and Main Street

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- h. Discussion, Consideration and Possible Action on a Re-Plat Request for property near South 2nd Avenue and West Tennessee Street (PC2023-08).

Motion To: Approve Re-Plat Request for Property Near South 2nd Avenue and West Tennessee Street (PC-2023-08)

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- i. Discussion, Consideration and Possible Action on a Planned Unit Development (PUD) request for property located at 3324 Enterprise Drive (PC2023-11).

Motion To: Approve Planned Unit Development (PUD) Request for Property Located at 3324 Enterprise Drive (PC-2023-11)

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Sherrer

Nays: None

Abstain: None

Recusal: Morris

- j. Discussion, Consideration and Possible Action on a Final Plat request for property located near Washington Avenue and Mockingbird Lane (PC2023-12).

Motion To: Approve Final Plat Request for Property Located Near Washington Avenue and Mockingbird Lane (PC2023-12)

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- k. Discussion, Consideration and Possible Action on Resolution R-2023-06, a Conditional Use Permit (CUP) request for property located near Washington Avenue and Mockingbird Lane (PC2023-12).

Motion To: Approve Resolution R-2023-06, a Conditional Use Permit (CUP) Request for Property Located Near Washington Avenue and Mockingbird Lane (PC2023-12)

Motion By: Curtis Morris

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

- l. Consider Approval of Resolution Authorizing the Calling and Holding of an Election in the City of Durant, State of Oklahoma (the "City"), for the Purpose of Submitting to the Registered Qualified Electors of Said City the Question of Approval or Rejection of an Ordinance of the City, Which Amends Ordinance No. 1430 of the City and Ordinance No. 1431 of the City by Eliminating the Termination Date for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinances and by Modifying the Purpose of Said Tax; and Containing Other Provisions Relating Thereto (R-2023-09)

No action.

- m. Consider Approval of Ordinance of the City of Durant, Oklahoma (the "City"), Amending Ordinance No. 1430 and 1431 of the City, by Eliminating the September 30, 2024 Termination Date for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinances and by Modifying the Purpose of Said Tax Levied Pursuant to Said Ordinances; Providing for the Effective Date; Providing Remainder of Ordinances Remain Unchanged; Providing that the Provisions of This Ordinance are Cumulative and in Addition to Any and All Taxing Provisions of Other City Ordinances; Providing for Severability of Provisions; and Containing Other Provisions Related Thereto (O-2023-09)

No action.

5. New Business

There was no new business.

ADJOURNMENT

Motion To: Adjourn Meeting

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

PRESENTATION OF CERTIFICATES OF APPRECIATION TO OUTGOING COUNCIL MEMBERS