

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 10th day of November, 2020 and that an agenda of said meeting was posted at the place of such meeting at 11:00 a.m. on the 7th day of May, 2021.



Cynthia J. Price, City of Durant

**MINUTES OF THE MEETING OF DURANT CITY COUNCIL
May 11, 2021 AT 6:00 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma**

CALL TO ORDER

Mayor Grube called the meeting to order at 6:01 p.m.

INVOCATION/FLAG SALUTE

Assistant City Manager James Dalton provided the invocation.

Durant Police Department Honor Guard posted the colors.

ROLL CALL

Present:

Council Member Steve Brittingham

Council Member Humphrey Miller

Council Member Curtis Morris

Vice Mayor Danny Sherrer

Mayor Oden Grube

City Attorney Tom Marcum

City Manager John Dean

City Clerk Cynthia J. Price

Absent:

None

PRESENTATIONS

- 1. Proclamation Declaring and Recognizing May 9th through May 15th of 2021 as National Police Week in Support of the Law Enforcement Officers That Have Lost Their Lives in the Line of Duty for the Safety and Protection of Others.**

Mayor Grube read aloud the Proclamation Declaring and Recognizing May 9th Through May 15th of 2021 as National Police Week in Support of Law Enforcement Officials that have Lost Their Lives in the Line Of Duty for the Safety and Protection of Others.

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 April 13, 2021
- b. Consider Approval of Special Called Meeting Minutes of April 19, 2021
- c. Consider Approval of Special Called Meeting Minutes of May 4, 2021
- d. Consider Approval of Budget Supplement BA 2021-10
- e. Consider Approval of Arledge & Associates PC, FY 2021 Agreed-Upon Procedures Engagement Letter (C-2021-27) and FY 2021 Single Audit Engagement Letter (C-2021-28)
- f. Consider Approval of Service Agreement with Crawford & Associates, P.C. for Accounting and Consulting Services (C-2021-24)
- g. Consider Approval of the Appointment of Jeff Shattuck to Represent the Durant Industrial Authority on the Durant Tourism Economic Development Authority.
- h. Consider Approval of Mayoral Appointment of Dr. Thomas Newsom, President of Southeastern Oklahoma State University, to Serve a Four Year Term as Non-Voting Advisory Member of the Durant Industrial Authority Representing an Educational Institution Serving the City of Durant, Oklahoma Pursuant to the Supplement to Trust Indenture of Durant Industrial Authority Dated June 14, 2016.
- i. Consider Approval to Purchase Motorola Flex Mobile Records Management System in the Amount of \$231,070
- j. Consider Approval of Amendment to the City of Durant Personnel Manual to Include Paid Parental Leave.

Motion To: Approve Consent Items as Presented

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

- a. Assistant City Manager Report - April 2021
- b. City Clerk Monthly Report - April 2021
- c. City Manager Monthly Report - April 2021
- d. Community Development Monthly Report - April, 2021
- e. Economic Development Report
- f. Emergency Management Monthly Report - April 2021
- g. Financial Statements and Sales Tax Breakdown- March 2021
- h. Fire Department Monthly Report - April 2021
- i. Human Resources Report - April 2021
- j. Library Monthly Report - April 2021
- k. Neighborhood Services Monthly Report - April 2021
- l. Police Department Monthly Report - March 2021
- m. Street Department Monthly Report - April 2021

4. Administration

- a. Consider Acceptance of FY19-20 Annual Financial Statements and Auditor's Reports, including Single Audit Report

Jake Winkler, Certified Public Accountant and Partner with Arledge and Associates, P.C., addressed council and reviewed the FY2019 - 2020 Annual Financial Statements, Auditor's Reports and Single Audit Report. Mr. Winkler stated there were no audit findings or issues to report.

Motion To: Accept FY2019-2020 Annual Financial Statements, Auditor's Reports and Single Audit Report.

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on Ordinance O-2021-11 a Rezoning request from A-1, General Agriculture to R-2, Two-Family Residential and PC2021-08 a Preliminary Plat for property located near Cemetery Road and Rodeo Road
 - 1. Consider Action on Preliminary Plat and Ordinance O-2021-11 Section 1.
 - 2. Consider Action on Ordinance O-2021-11 Section 2. (Emergency Clause)

The property is five acres and would contain eight half-acre lots with duplex style homes. This would be considered spot zoning. The Planning Commission recommends denial of rezoning request and the preliminary plat.

Speaker - Dustin Wolf, Developer - Spoke in favor of rezoning request and preliminary plat.

Item 4.b.1. and 4.b.2

Motion To: Deny Preliminary Plat and Ordinance O-2021-11.

Motion By: Steve Brittingham

Seconded By: Curtis Morris

Ayes: Brittingham, Miller, Morris, Grube

Nays: None

Abstain: Danny Sherrer

- c. Discussion, Consideration and Possible Action on Ordinance O-2021-12 a Rezoning request from R-3, General Residential to C-2 Highway Commercial and Commercial Recreation District for property located at 211 S. 1st Street (PC2021-10)
 - 1. Consider action on Ordinance O-2021-12 Section 1.
 - 2. Consider action on Ordinance O-2021-12 Section 2 (Emergency Clause)

The property owners are wanting to convert a condemned residential house to a commercial venture. The lot is 3600 square feet. The Planning Commission recommended denial for this zoning request.

Speaker - Charles Maxey - spoke in favor of rezoning request from R-3 to C-3.

City Attorney Tom Marcum stated applicant requested C-2 on his application. If applicant wants to now request rezoning to C-3, council could not consider the revised request at this meeting. Applicant can come back before council in the future for consideration of his C-3 request once proper notice has been given.

No action.

- d. Discussion, Consideration and Possible Action of Ordinance O-2021-13 a Rezoning request from R-3 General Residential to C-3, General Commercial for property located at 106 SE 3rd Ave (PC2021-11)

- 1. Consider action on Ordinance O-2021-13 Section 1.
- 2. Consider action on Ordinance O-2021-13 Section 2 (Emergency Clause).

The property is currently being used as a gas station. The applicant is wanting to add a dispensary to the location. There was a letter of protest received. Several citizens spoke in protest to the rezoning request at the Planning Commission meeting. The Planning Commission recommended denial.

Speaker - Ty Osmani, Applicant, spoke in favor of rezoning request.

Motion To: Deny Ordinance O-2021-13

Motion By: Curtis Morris

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- e. Discussion, Consideration and Possible Action on Ordinance Number O-2021-14 a Rezoning request from A-1 General Agriculture to I-1, Light Industrial for property located near Hillcrest Avenue and McLean Drive (PC2021-12)

- 1. Consider action on Ordinance O-2021-14 Section 1.
- 2. Consider action on Ordinance O-2021-14 Section 2 (Emergency Clause).

This is a 20 acre property. No letters of protest were received. Several citizens voiced concerns at the Planning Commission Meeting. The Planning Commission recommended approval. Community Development Director Danielle Barker recommended approval.

Item 4.e.1

Motion To: Approve Ordinance O-2021-14, Section 1.

Motion By: Humphrey Miller

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Item 4.e.2.

Motion To: Approve Ordinance O-2021-14, Section 2, emergency clause.

Motion By: Humphrey Miller

Seconded By: Curtis Morris

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- f. Discussion, Consideration and Possible Action on PC2021-01, the 2040 Comprehensive Plan and Future Land Use Map

No action taken.

- g. Discussion, Consideration and Possible Action to Restrict On-Street Parking on South First Avenue from Main Street to Arkansas Street and to Put in Place Appropriate Signage.

Motion To: Approve Restriction of On-Street Parking on South First Avenue from Main Street to Arkansas Street and Put in Place Appropriate Signage.

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

5. Public Hearings

There were no public hearings.

6. New Business

There was no new business.

ADJOURNMENT

Motion To: Adjourn Meeting.

Motion By: Danny Sherrer

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None