

IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED JUNE 19, 2019 AT 2:30 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA

MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
JUNE 24, 2019

PRESENT: MAYOR WILLIAM H. JOYCE, VICE MAYOR PAT DARLINGTON
COUNCILORS ALANE ZANNOTTI, JOHN WEDLAKE AND AMY DZIALOWSKI
ABSENT: NONE

1. CALL MEETING TO ORDER

Mayor Joyce called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Stillwater City Council led the audience in the Pledge of Allegiance.

3. PROCLAMATIONS/PRESENTATIONS

Mayor Joyce recognized Boy Scout Grayson Phelps from Deer Creek who is working towards his Citizenship Merit Badge.

4. CONSENT DOCKET

- a. Approve special meeting minutes June 10, 2019
- b. Approve special meeting minutes June 14, 2019
- c. Approve executive session minutes June 14, 2019
- d. Approve budget amendment appropriating funds for the rehabilitation of Stillwater Regional Airport runway 4-22 as approved by City Council on 09.10.18
- e. Approve budget amendment appropriating funds for the reconstruction of lighting on Stillwater Regional Airport runway 4-22 as approved by City Council on 09.10.18
- f. Approve budget amendment increasing budget for projected health care costs through June 30, 2019

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE THE CONSENT DOCKET AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DARLINGTON-YEA, ZANNOTTI-YEA, WEDLAKE-YEA, DZIALOWSKI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

5. PUBLIC COMMENT ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING

There were no requests to speak on agenda items not scheduled for public hearing.

6. ITEMS REMOVED FROM CONSENT DOCKET

None.

7. PUBLIC HEARINGS

None.

8. GENERAL ORDERS

- a. Approve grant agreement with OK Department of Emergency Management for a generator for use at the Water Treatment Plant (CC-19-91)

Water Utilities Engineering Director Bill Millis reported that the proposed grant is for a stationary generator at the Water Treatment Plant. The Water Treatment Plant does not have a reliable generator available to provide backup power. It is critical for the Water Treatment Plant to have power to avoid disruption in the treatment process. The engineer's estimate for the project is \$4.4 million. The grant award would provide reimbursement of up to a maximum of 75% of the original application amount, which is approximately \$3.3 million. Staff anticipates \$1.1 million in local funds coming from the Water Fund. Following the bidding process, the request for authorization of construction expenditures for the Water Treatment Plant generator project will be presented. The trailer mounted generator currently located at the Water Treatment Plant will be moved to various locations for localized outages. Staff recommended that City Council approve the grant acceptance agreement and authorize the Mayor to sign the agreement.

MOTION BY COUNCILOR WEDLAKE, SECOND BY COUNCILOR ZANNOTTI TO ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE GRANT ACCEPTANCE AGREEMENT AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.

ROLL CALL VOTE: JOYCE-YEA, DARLINGTON-YEA, ZANNOTTI-YEA, WEDLAKE-YEA, DZIALOWSKI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

9. RESOLUTIONS

- a. Resolution No. 2019-9: A resolution notifying the public of the compiling and publishing of the Code Supplement No. 6 to the Code of the City of Stillwater, Oklahoma

MOTION BY COUNCILOR ZANNOTTI, SECOND BY VICE MAYOR DARLINGTON TO ADOPT RESOLUTION NO. 2019-9 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DARLINGTON-YEA, ZANNOTTI-YEA, WEDLAKE-YEA, DZIALOWSKI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- b. Resolution No. 2019-11: A resolution of the City of Stillwater prohibiting the flying of unmanned aircraft systems (UAS) during certain public events on July 4, 2019

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT RESOLUTION NO. 2019-11 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DARLINGTON-YEA, ZANNOTTI-YEA, WEDLAKE-YEA, DZIALOWSKI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

10. ORDINANCES

a. First Reading

None.

b. Second Reading

ORDINANCE NO. 3435: AN ORDINANCE AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE V, USE CATEGORIES AND LIMITATIONS, TO CREATE DIVISION 4, HOME SHARING AND RESIDENTIAL SHORT-TERM RENTAL, SECTION 23-115.1, DEFINITIONS; SECTION 23-115.2, PERMITTED DISTRICTS; SECTION 23-115.3, HOME SHARING; LICENSE REQUIRED; COMPLIANCE WITH APPLICABLE CODES; SECTION 23-115.4, APPLICATION FORM; SECTION 23-115.5, RESIDENTIAL SHORT-TERM RENTAL; REQUIREMENTS; SECTION 23-115.6, SUSPENSION, REVOCATION, DENIAL; SECTION 23-115.7, COVENANTS; DEED RESTRICTIONS; OVERLAY REQUIREMENTS; AND, SECTION 23-115.8, PENALTY, AND DECLARING AN EMERGENCY

City Attorney John Dorman stated that Ordinance No. 3435 before City Council is the home sharing ordinance only. Mr. Dorman stated that he has been working with Assistant City Manager Paula Dennison on other options for City Council to consider, which are outlined in Alternative "A" and Alternative "B".

Ms. Dennison reported findings regarding how 11 cities in our region and the Big 12 approach home sharing and short-term rental. In regard to Vice Mayor Darlington's inquiry regarding required parking spaces, Ms. Dennison stated that City Council has the option to make requirements over and above the standard two spaces per dwelling unit in the single-family zoning.

Ordinance No. 3435 is only the home sharing piece recommended by the Planning Commission.

Ordinance No. 3435 Alternative "A" is home sharing and residential short-term rental; when the property is in an overlay district it requires the Specific Use Permit (SUP) process to the Planning Commission and appeal to the City Council; and \$100.00 annual fee.

Ordinance No. 3435 Alternative "B" is home sharing and residential short-term rental together; it does not contain the SUP process for the short-term rental. The application is received, notice is mailed, and there is a 30-day objection period. If an objection is filed, there would be a hearing before the Planning Commission. There is an initial fee of \$100.00 and an annual fee of \$10.00. Ms. Dennison stated that she drafted Alternative "B" to streamline the process. Staff had concerns that if Alternative "A" is used, neighborhoods would band together to create overlay districts, which would be separate zoning districts that staff must administer.

Mayor Joyce stated that he did not see a basis for revocation or a revocation process after the permit is issued and asked if a mechanism could be placed in the ordinance. Mr. Dorman expressed that City Code violations would be a basis for suspending a permit and he would not recommend being specific regarding the number of violations required for revocation, due to the severity of potential violations to City Code. Vice Mayor Darlington stated that portions of the ordinance are too vague regarding suspension or revocation and requirements for proof of primary residence. Ms. Dennison suggested that at the time of renewal, if there have been violations, a hearing could be held before the Planning Commission if neighbors have concerns. Mayor Joyce stated he has a concern whether or not it is, or is not, the property owner's right to obtain the permit. Mr. Dorman stated that the owner is the holder of the permit, not the occupant. Mayor Joyce stated that the City should be notified when ownership of the

property changes. Discussion was held regarding the process Denver, Colorado, uses when addressing violations and how City Council would like to see the City of Stillwater's process work. Mr. McNickle stated that when notices are distributed, there will be instructions included regarding how to file a protest, and there could be direction on how to file a complaint regarding the property, as well. Vice Mayor Darlington would prefer a letter to go out after the permit is issued and there be no pre-hearing process. Mayor Joyce summarized changes to be made in the proposed ordinance:

- Reference to Sec. 23-115.4-2 in the suspension/revocation section
- Remove home sharing proof of primary residence
- Home sharing to be removed and incorporated into short-term rental
- Licenses to be renewed on an annual basis or upon change of ownership
- Initial application fee \$100.00
- Renewal fee \$10.00
- Limit permitting to property owner

Ms. Dennison stated that there would be a 60-90 day grace period to allow people to begin the process. Mr. Dorman stated that it could be done by resolution. City Council would like the expiration date to be changed to January 31 each year.

Ordinance No. 3435 will be brought back for second reading at the July 8, 2019 City Council meeting with the revisions directed by City Council.

11. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager: Mr. McNickle announced that a Disaster Recovery Center opens in Stillwater on June 25. Recovery specialists from FEMA, the U.S. Small Business Administration and the Oklahoma Department of Emergency Management will be at the center to assist anyone who needs guidance in filing an application.
- c. Miscellaneous items from the City Council: Councilor Zannotti shared that in Fiscal Year 2018, the City of Stillwater had 114 employees with over twenty years of dedicated service. Vice Mayor Darlington stated that in Fiscal Year 2016, Oklahoma received over \$9 billion dollars through federal spending programs guided by data derived from the 2010 Census. Councilor Wedlake announced the Chickasaw Boomer Blast Fireworks Show on Thursday, July 4 at Boomer Lake Park. Councilor Dzialowski shared a reminder that in the event of a power outage, the City's website makes electrical outages easy to report and track. Mayor Joyce recognized Special Projects Director John McClenny for his recent certification as a certified procurement officer.
 - i. Discussion about scheduling items for future meetings.

12. QUESTIONS & INQUIRIES

None.

13. APPOINTMENTS

None.

14. ADJOURN

MOTION BY COUNCILOR WEDLAKE, SECOND BY COUNCILOR ZANNOTTI TO ADJOURN THE JUNE 24, 2019 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

ROLL CALL VOTE: JOYCE-YEA, DARLINGTON-YEA, ZANNOTTI-YEA, WEDLAKE-YEA, DZIALOWSKI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

The June 24, 2019 regular meeting of the Stillwater City Council adjourned at 6:57 p.m.

**WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL**

**ELIZABETH CHRZ
CITY CLERK**

DRAFT