

**MINUTES OF THE CLINTON CITY COUNCIL
JANUARY 15, 2013**

Minutes of the regular meeting of the Mayor and City Council of the City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, January 15, 2013 at 5:30 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on January 10, 2013.

Mayor Adams called the meeting to order with the following present;

MAYOR: Seth Adams

COUNCIL: Don Rodolph, Bob Marcy, Jason Hulin

CITY MANAGER: Steve Hewitt

CITY CLERK: Lisa Anders

CITY TREASURER: Debra Blanchard

DEPUTY CITY CLERK: Rhonda Williams

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Gerald Green

OTHERS: Julie Menge, Stephen Jones, Kris Wermey, Narci Smith, Gene McCullough, Randy Carpenter, Jeremy Bush, Dan Day, Lucas Martinez, Burke Covey, Mike Murley, Wilma Jackson, Troy Dobbs, Roy Dobbs, Gary Jones, Mary Helen Jones, Curtis Maloy, Steve Jones, Conan Wilson, Bobby Hoffman, Dacia Phillips, James Kuykendall and others.

Doyle Kinney of the First Christian Church opened the meeting with prayer and Councilman Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 4: COUNCIL REPORTS

None

AGENDA ITEM NO. 5. MANAGER'S REPORT

None

AGENDA ITEM NO. 6: CONSENT AGENDA

A. Minutes of Regular Meeting of January 2, 2013

Moved by Councilman Marcy and seconded by Councilman Hulin, that Consent Agenda Item No. 3 (a) be approved.

Mayor put the motion to a roll call vote:

Aye: Marcy, Hulin, Rodolph, Adams

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 7: ACTION ITEMS

7A. PRESENTATION AND CONSIDERATION OF 2011-2012 AUDIT

James Kuykendall of Britton, Kuykendall & Miller presented and reviewed the 2011-2012 audit of the City of Clinton. He reviewed the assets and expenditures of each authority. He said the financial statements are accurate reports and verified that the City of Clinton is in compliance with state and federal regulations.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to approve the 2011-2012 audit as presented.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Marcy, Hulin, Adams

Nay: None

Mayor declared the motion carried.

7B. PROCLAMATION REGARDING CLINTON MINISTERIAL ALLIANCE

Mayor Adams read the proclamation regarding the Clinton Ministerial Alliance.

Roy Dobbs said he appreciated the proclamation and support from the City but was looking for a commitment regarding not scheduling activities on Wednesday and Sunday so there could be more of a focus for church activities. He said this would indicate that the City and the Ministerial Alliance is on the same page.

City Manager Steve Hewitt said that a resolution could be considered but said that the City cannot control other entities.

Assistant City Attorney Ryan Meacham said future action would require a resolution.

7C. REQUEST AUTHORIZATION TO GO TO BID FOR POLICE UNITS

City Manager Steve Hewitt explained that the current budget provides for the purchase of a police unit. He said with the Chapman Road project being delayed, that frees up some funding for other capital improvement purchases. He recommended bidding two police units.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to authorize staff to go to bid for two police units.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Marcy, Hulin, Adams

Nay: None

Mayor declared the motion carried.

7D. CONSIDER RESOLUTION 809 REGARDING MUNICIPALITIES TO RESTORE LOCAL RIGHTS

City Manager Steve Hewitt introduced Clint Miller of the Western Oklahoma Tobacco Control Coalition. He explained the purpose of the resolution is to show support for municipalities to have the right to make stricter rules at the local level regarding issues such as tobacco control.

Clinton Miller explained that the funding for the project is from the state tobacco settlement trust and is a multi-county organization. One example he gave for stricter rules is increasing the fine for violations regarding the sale of tobacco.

Motion was made by Councilman Rodolph and seconded by Councilman Hulin to approve Resolution 809 regarding municipalities to restore local rights.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Hulin, Marcy, Adams

Nay: None

Mayor declared the motion carried.

7E. CONSIDER REQUEST OF RED KNIGHTS INTERNATIONAL MOTORCYCLE CLUB REGARDING SPECIAL EVENT ON SEPTEMBER 6-8, 2013

Steve Jones, president of the Red Knights International Motorcycle Club said his organization is planning an event similar to the one held last year in September. Last year, 500 people were in attendance and they are expecting more this year. He explained some of the events planned for the weekend at Nance Rotary Park. He said this statewide meeting would last for three days. He requested it be declared as a Special Event.

City Manager Steve Hewitt said the city had no issues last year with the event.

Dan Day expressed his appreciation to the Red Knights and explained that proceeds from the event were donated to the Multi-County Youth Shelter.

Motion was made by Councilman Hulin and seconded by Councilman Marcy to approve the request of the Red Knights International Motorcycle Club regarding a special event on September 6-8, 2013 at Nance Rotary Park.

Mayor put the motion to a roll call vote:

Aye: Hulin, Marcy, Rodolph, Adams

Nay: None

Mayor declared the motion carried.

7F. CONSIDER APPOINTMENT TO MIDWESTERN OKLAHOMA INDUSTRIAL FOUNDATION

City Manager Steve Hewitt reported that he and Curtis Constien have been serving on this board and both are willing to be reappointed. He explained that Phyllis Smith had been on the board and an appointment would need to be made to fill her unexpired term.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to reappoint Steve Hewitt and Curtis Constien to the MOIF Board and appoint Seth Adams to fill the unexpired term of Phyllis Smith.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Marcy, Hulin, Adams
Nay: None

Mayor declared the motion carried.

7G. CONSIDER ORDINANCE NO. 942 REGARDING COLLECTION OF COURT COSTS

City Manager Steve Hewitt explained that court costs established at the state level have changed so the ordinance being presented would follow the state charges and be implemented as the state changes in the future.

Motion was made by Councilman Hulin and seconded by Councilman Marcy to adopt Ordinance No. 942 regarding collection of court costs.

Mayor put the motion to a roll call vote:

Aye: Hulin, Marcy, Rodolph, Adams
Nay: None

Mayor declared the motion carried.

7H. DISCUSS AND CONSIDER APPOINTMENT TO WARD FOUR

Mayor Seth Adams said that Mustafa Sami had contacted him and withdrew his application for Ward Four Councilman. He said that applications have been submitted by Burke Covey and Lucas Martinez.

Councilman Rodolph recommended the Mayor and Councilman Hulin interview both candidates and come back to the Council with a recommendation regarding the appointment.

7I. CONSIDER RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT WITH OKLAHOMA DEPARTMENT OF TRANSPORTATION REGARDING CHAPMAN ROAD

City Manager Steve Hewitt presented the agreement with Oklahoma Department of Transportation regarding Chapman Road. A breakdown of the funding was presented. He explained that the agreement would authorize the city to negotiate with landowners and then move forward with the project. He said they hope to bid the project this summer.

Councilman Rodolph asked if the city negotiates the right-of-way.

City Manager Steve Hewitt said the city negotiates and bids the project. He said all right-of-way must be secured before the project goes to bid. He said some of the right-of-ways will be permanent while others are temporary. He said ODOT would review the bids.

Motion was made by Councilman Rodolph and seconded by Councilman Hulin to approve the Right-of-Way, Public Utility and Encroachment Agreement with ODOT regarding Chapman Road.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Hulin, Marcy, Adams

Nay: None

Mayor declared the motion carried.

7J. CONSIDER RESOLUTION NO. 810 REGARDING RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT WITH OKLAHOMA DEPARTMENT OF TRANSPORTATION REGARDING CHAPMAN ROAD

Motion was made by Councilman Hulin and seconded by Councilman Marcy to approve Resolution Nol. 810 regarding right-of-way, public utility and encroachment agreement with ODOT regarding Chapman Road.

Mayor put the motion to a roll call vote:

Aye: Hulin, Marcy, Rodolph, Adams

Nay: None

Mayor declared the motion carried.

7K. CONSIDER AND DISCUSS THE EMPLOYMENT, HIRING, APPOINTMENT, PROMOTION, RESIGNATION OR DESIGNATION OF DUTIES OF THE CITY MANAGER INCLUDING AN EXECUTIVE SESSION AS AUTHORIZED BY 25 O.S. ss 307B(1)

Motion was made by Councilman Hulin and seconded by Councilman Marcy to go into executive session and include City Manager Steve Hewitt in the meeting.

Mayor put the motion to a roll call vote:

Aye: Hulin, Marcy, Rodolph, Adams

Nay: None

Mayor declared the meeting in executive session at 6:20 P.M.

RECONVENE

Motion was made by Councilman Hulin and seconded by Councilman Marcy to enter into regular session.

Mayor put the motion to a roll call vote:

Aye: Hulin, Marcy, Rodolph, Adams

Nay: None

Mayor declared the meeting in regular session at 6:45 p.m.

Mayor Adams stated that no action was taken.

AGENDA ITEM NO. 8: ADJOURNMENT

Moved by Councilman Rodolph and seconded by Councilman Marcy to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Marcy, Hulin, Adams

Nay: None

Mayor declared the meeting adjourned at 6:50 P.M.

RESOLUTION #809 FOR OKLAHOMA MUNICIPALITIES TO RESTORE LOCAL RIGHTS

Whereas local governments have the right and responsibility to adopt laws that protect the health and safety of their citizens; and **Whereas** the people in local communities should have the right to protect themselves against the harmful effects of secondhand smoke; and

Whereas Oklahoma has had a preemptive state law since 1987, which prohibits local governments from enacting laws that restrict smoking in any public places; and

Whereas the vast majority of states do not preempt local smoke-free air legislation and Oklahoma is one of only two states that preempts all smoke-free air legislation; and

Whereas more than 3,500 local governments throughout the country have successfully passed smoke-free air laws to protect people against the harmful effects of secondhand smoke; and

Whereas 48.7% of the U.S. population lives in cities or states with smoke-free laws for enclosed public places and workplaces, restaurants, and bars, while many of these Oklahoma venues remain smoke-filled and their employees and patrons remain unprotected from secondhand smoke because of preemptive state law; and

Whereas the tobacco industry, in an effort to negate such local legislation, has long had as its chief legislative strategy the preemption of local authority to regulate smoke-free laws; and

Whereas preemptive state laws have a devastating effect on tobacco control efforts, economic development, and on the public health of the states' residents and workers; and

Whereas multiple states have successfully overturned preemption and restored local control to enact and enforce smoke-free air laws; and

Whereas protecting people from the harmful effects of secondhand smoke is best accomplished by local communities working directly with the people most affected by smoke-free air laws; and

Whereas numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmoker, including heart disease, stroke, respiratory disease, and lung cancer; and

Whereas the 2006 U.S. Surgeon General's report, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*," concluded that there is 1) no risk-free level of exposure to secondhand smoke; 2) ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; 3) smoke-free workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace, and 4) evidence from peer-reviewed studies shows that smoke-free policies and laws do not have an adverse economic impact on the hospitality industry; and

Whereas the Oklahoma State Legislature should not deprive local governments of the authority to protect people from the harmful effects of secondhand smoke;

Now, therefore, be it resolved that the City of Clinton, Oklahoma urges the State Legislature to repeal any preemption of local smoke-free air and restore the right of local governments to enact and enforce smoke-free air laws.

And be it further resolved that the City of Clinton, Oklahoma strongly encourages other local governmental entities in Oklahoma to adopt similar resolutions.

Mayor

1-15-13

Date

ATTEST:

Clerk

RESOLUTION No. 810

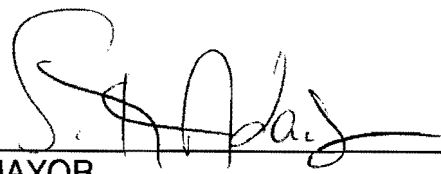
WHEREAS, it appearing reasonable and necessary for the CITY OF CLINTON , CUSTER COUNTY, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as STP-120B(070)UR J/P 19669(04), in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

NOW, THEREFORE, BE IT RESOLVED by the CITY OF CLINTON, CUSTER COUNTY, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:



CITY CLERK



MAYOR