

**ORDINANCE NO. 531**

**AN ORDINANCE OF THE CITY OF GROVE ADOPTING THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF GROVE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AMENDING ORDINANCE NO. 317 SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE OF THE CITY OF GROVE AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.**

**The Mayor and City Council of the City of Grove does ordain as follows:**

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Grove, being marked and designated as the International Fire Code, most current edition, including Appendix Chapters A, B, C, D, E, F and G, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Grove, in the State of Oklahoma regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** That the following sections are hereby revised:

Section 101.1 Insert: City of Grove

Section 109.3. Insert: misdemeanor, \$200.00, thirty (30) days

Section 111.4. Insert: " as provided in section 1-108 of the City of Grove Code of Ordinances."

**Section 3.** That the geographic limits referred to in certain sections of the 2003 *International Fire Code* are hereby established as follows:

Section 3404.2.9.5.1 Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited: City limits except the area of the industrial park.

Section 3406.2.4.4 Geographic limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited: City limits except the area of the industrial park.

Section 3804.2 Geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): City limits except the area of the industrial park.

**Section 4.** That Section 13-101 of Ordinance No. 317 of the City of Grove entitled Fire Prevention Code and all other ordinances or parts of ordinances in conflict section 13-101 herewith are hereby repealed.

**Section 5.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Grove hereby declares that it would have passed this ordinance, and

each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6.** That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 7.** That the City Clerk is hereby ordered and directed to cause this ordinance to be published.

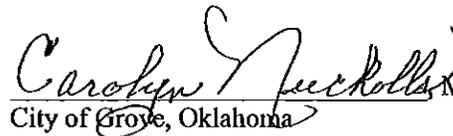
**Section 8.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its passage and adoption.

**Section 9 EMERGENCY CLAUSE, WHEREAS,** the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the City of Grove.

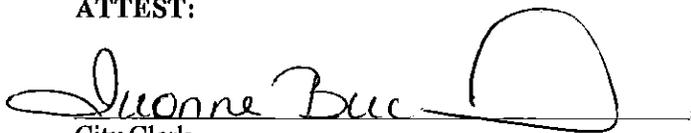
**ORDINANCE PASSED AND APPROVED** by the Mayor and City Council of the City of Grove, Oklahoma on the 1st day of November, 2005.

**EMERGENCY CLAUSE PASSED AND ADOPTED** by the City Council of the City of Grove, Oklahoma on the 1st day of November, 2005.

(City's Seal)

  
Carolyn Neekolls Mayor  
City of Grove, Oklahoma

**ATTEST:**

  
Juonne Buc  
City Clerk  
City of Grove, Oklahoma

**GROVE CITY COUNCIL  
REGULAR MEETING  
TUESDAY, NOVEMBER 1, 2005  
6:00 PM**

The Grove City Council met in regular session on Tuesday, November 1, 2005 at 6:00 PM Mayor Carolyn Nuckolls presiding. Members present were Gary Bishop, Terry Ryan, Larry Parham and Dave Helms. Also present was City Manager, Bill Galletly; Assistant City Manager, Debbie Mavity; Attorney, Ron Cates – Steidley Law Firm; City Treasurer, Lisa Allred and City Clerk, Bonnie Buzzard.

Helms made the motion to approve the Consent Agenda Items to include the addition to the Purchase Order Register as presented by the Treasurer. Seconded by Ryan. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.

Mayor Nuckolls presented a Certificate of Appreciation to "Employee of the Month" Carolyn Carmical.

Nuckolls made the motion to approve a grant application to Wal-Mart for the amount of \$1,000 for use of the Easter Egg Hunt project. Seconded by Ryan. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.

Bishop made the motion to approve Amendment No. 1 to the contract from Rose & McCrary, PC in the amount of \$4,000 pertaining to the City Hall parking lot. Seconded by Helms. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.

Parham made the motion to approve the revised contract from Garver Engineers pertaining to the 18<sup>th</sup> & Shundi Road Improvement with the amount not to exceed \$14,500. Seconded by Ryan. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.

Bishop made the motion to authorize the assistance from the Grove Police Department to the Department of Wildlife Wardens during the upcoming hunting season. Seconded by Ryan. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.

Ryan made the motion to approve the Ordinance annexing the following described property as requested by property owners Tommy & Janey Gray:

*W/2 SE/4 NE/4 And The E/2 SW/4 NE/4 And The W/2 SW/4 NE/4 Of Section Eight (8), Township Twenty-Four (24), Range Twenty-Four East, Delaware County, Oklahoma. According To The Record Plat Thereof, Containing Sixty (60) Acres More Or Less*

Seconded by Bishop. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.

The Emergency Clause to the Ordinance was voted upon separately and passed by a motion made by Helms. Seconded by Ryan. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.

Bishop made the motion to approve an Ordinance amending Ordinance #503 pertaining to the Flood Damage Prevention Ordinance. Seconded by Parham. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.

The Emergency Clause to the Ordinance was not voted upon separately, therefore the effective date of this Ordinance will be thirty (30) days after passage and legal publication.

Helms made the motion to approve an Ordinance amending Ordinance #~~347~~<sup>531</sup> adopting the International Fire Codes for the City of Grove. Seconded by Bishop, Ryan, Helms and Nuckolls. NAY: Parham. Motion carried.

The Emergency Clause to the Ordinance was voted upon separately and passed by a motion made by Nuckolls. Seconded by Ryan. AYE: Bishop, Ryan, Helms and Nuckolls. NAY: Parham. Motion carried.

Nuckolls opened the floor for discussion regarding the Chamber of Commerce and the Grand Lake Association. Helms reported that he asked this item be placed on the agenda because of his concerns for the future growth of both organizations and the long term effect this decision will have on Grove should the two organization part their relationship at the Visitors Center located on Highway 59 North. Helms realized that the Chamber of Commerce has announced the moving of their office, however asked if the two entities could reconcile their differences and work together. Helms asked both Glenn Sharp and Larry Herrelson to join together to assist in organizing a meeting between the Grand Lake Association and Chamber of Commerce to see if an agreement might be achieved. Herrelson agreed to meet and discuss a possible solution. No action was taken from the Council.

Nuckolls opened the floor for discussion regarding the salary adjustment for the City Treasurer, Community Development Director and Deputy Chief of Police. Nuckolls reported that she would like to see this item tabled and strongly expressed her opinion regarding the need for an Executive Session for all three (3) positions. Galletly reported that the Council could only go into Executive Session to discuss the City Treasurer, since she is an Employee of the Council. The other two positions are employees of the City Manager, therefore he asked that they consider the possible salary adjustment for them. Ryan made the motion to approve the salary adjustment as follows:

- Community Development Director                      Increase of \$3,500 per year
- Deputy Chief    Increase of \$1,050 per year

Seconded by Helms. AYE: Ryan, Parham and Helms. NAY: Bishop and Nuckolls. Motion carried.

#### **CITY MANAGERS REPORT:**

Galletly reported on the letter in the packets from the Town of Kansas expressing their appreciation to the City of Grove for their generosity in helping them to obtain two police cars.

#### **WARD REPORTS:**

Bishop asked for an update on the Highway 59 project. Galletly reported that they are still trying to acquire right-of-ways and that he would pass along any information when it becomes available. Ryan heard that ODOT is having problems obtaining some of the properties needed and might have involves some type of legal actions. This might affect the time line that the City/GMSA has in expending those funds.

Parham reported that on July 19<sup>th</sup> the City approved the land acquisitions for the Airport. Parham asked for an update on that project. Chairman Gary Trippensee addressed the Council to say that they will be closing on that property this month.

Parham reported that Earl Shero addressed the Council at the last meeting and Parham wanted to remark in regards to his statement that the City of Grove strictly wants to comply with all laws of the State of Oklahoma.

#### **PUBLIC COMMENTS:**

Ms. Judith Read asked that the Council intervene with the AEP/PSO contract on clearing the trees from the right-of-ways and power lines. Read reported that the contract personal are doing a horrible job and that it looks awful.

Mr. Earl Shero addressed the Council to report that he has authorized his Attorney, Winston Conner to offer the follow settlement to the City of Grove in the case pending Shero vs. City of Grove in Delaware County Case #CV-2005-242:

*...offering to settle with the City by dismissing his request for injunction and declaratory judgment, thereby dissolving the temporary injunction in place. Shero request the City to reimburse him for only \$5,000 of his attorney fees and expenses, and he will adsorb the rest of his attorney fees and expenses personally...*

Shero added that it is his hopes that the City of Grove considers this settlement prior to Friday, because after that the case will move forward.

Mr. Bill Miller complimented the City of Grove on the web page. He added that it looks real nice.

At 6:50 PM Ryan made the motion to adjourn. Seconded by Nuckolls. AYE: Bishop, Ryan, Parham, Helms and Nuckolls. NAY: None. Motion carried.