



NOTICE AND AGENDA OF SPECIAL MEETING

Pursuant to the Oklahoma Open Meeting Act (25 O.S. Sec. 301, et seq.), notice is hereby given that the Board of County Commissioners, Pittsburg County, will hold a special meeting as follows

DATE: FEBRUARY 15, 2023
TIME: 10:30 A.M.
PLACE: COUNTY COMMISSIONERS CONFERENCE ROOM
PITTSBURG COUNTY COURTHOUSE
115 EAST CARL ALBERT PARKWAY, ROOM 100B
MCALESTER, OKLAHOMA

FILED

FEB 13 2023

TIME 10:19 AM
HOPE TRAMMELL, COUNTY CLERK
PITTSBURG COUNTY

BY _____ DEPUTY

CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO BE TAKEN ON THE FOLLOWING LISTED ITEMS ON THE AGENDA

AGENDA

1. CALL MEETING TO ORDER

2. ROLL CALL: CHARLIE ROGERS - CHAIRMAN
ROSS SELMAN - VICE-CHAIRMAN
KEVIN SMITH - MEMBER

3. APPROVAL OF AGENDA

4. RECOGNITION OF GUESTS/PUBLIC COMMENTS

PERSONS ADDRESSING THE BOARD SHOULD STATE THEIR NAME AND ADDRESS FOR THE RECORD AND WILL BE LIMITED IN DURATION AT THE DISCRETION OF THE CHAIRMAN. COMMENTS ARE LIMITED TO ITEMS ON THE AGENDA.

5. AGENDA ITEMS

A) Discussion, Consideration and Possible Action on issues related to the Stormwater Fee charged by the City of McAlester at the Southeast Expo Center

6. RECESS OR ADJOURNMENT

Sandra Crenshaw
Chief Deputy, BOCC

**PITTSBURG COUNTY COMMISSIONERS
SPECIAL MEETING
MINUTES
FEBRUARY 15, 2023**

The Board of County Commissioners, Pittsburg County, met in special session on February 15, 2023 at 10:30 A.M., Meeting held at the Pittsburg County Commissioner's Conference Room, after proper notice and agenda were posted indicating time and date. Agenda was posted at 10:19 A.M., February 13, 2023.

ROLL CALL: The meeting was called to order by Chairman Smith.

Kevin Smith	Present
Charlie Rogers	Present
Ross Selman	Present

3. APPROVAL OF AGENDA: Smith made a motion to approve the agenda; seconded by Selman.

AYE: Charlie Rogers
Ross Selman
Kevin Smith

NAY: None.

Motion Passed.

4. RECOGNITION OF GUESTS/PUBLIC COMMENTS: None.

5. AGENDA ITEMS:

A. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON ISSUES RELATED TO THE STORMWATER FEE CHARGED BY THE CITY OF MCALISTER AT THE SOUTHEAST EXPO CENTER: Mayor Browne stated that they have spoken with the city attorney and they cannot wave the fee and they also cannot shut off the water because of the use of the building by emergency management and that they don't want to do that and that the position that it leaves them in is that they have to collect the debt in some form. Browne said that they want to come up with a solution and suggested that the city has times when they need asphalt and have issues getting asphalt from the vendors in small amounts and they would pay market rate from the county. Smith explained that the expo and the asphalt plant funds are separate funds and cannot be intermingled and that they are not allowed to sell the asphalt. Smith said that county can provide asphalt for smaller cities with less than 2,500 in population. Smith stated that none of the water run off from the expo enters the city storm water system it either runs into the lagoon at the expo or into the creek that runs away from the city. Browne stated that the creek runs into the city. Selman and Smith stated that the creek runs north and west from the expo. Smith stated that if the water ran into the city it would be part of the storm water system. Smith also stated that he also understands the city not wanting to de-annex the area for the sales tax off of the expo, but it is minimal for what the city will draw off the sales tax spent in this town while visiting events at the expo and in his opinion the de-annex would solve the whole problem. Browne stated that there is not sentiment in the planning and zoning committee or the city counsel to do that. Smith stated that in the past the city didn't have to be responsible for the storm water run off or water there wasn't even a meter set out there, the minute the county took over we started paying water. Smith stated that this should be a joint operation because the sales tax that is generated off of any of the events that come in out there the city has got to get three times what the county does and that he doesn't know what the hard numbers are.

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Selman stated that that 6 or 7 months ago that when he came to the council meeting about the issue, he thought it was said that the city could waive the fee if there was a change to the ordinance. Browne said that they had a counsel meeting last night and he specifically asked the attorney if they could wave the fee and the answer was no. Browne asked for ideas on way to trade something out, and suggested the jail fees for housing city inmates. Smith stated if they are partners on the expo facility it would benefit both of us and the county is spending around \$5,500,000.00 trying to upgrade the facility trying to bring more to the City of McAlester and he doesn't know the answers to the legality will allow. Smith stated that the county doesn't get any tourism money we don't get any hotel/motel tax money so the county is having to foot the bill and getting less of the benefits. Dave Andren, City Manager stated that the city counsel cannot provide something without getting something in return, so we have been going through a lot of agreements and the attorney has shut him down on a lot of stuff that they have tried to move on where there is no substantive return to the city and gave examples. Browne stated that it has to be a quid pro quo. Brown also gave examples of agreements. Andren gave an example such as with the City of Krebs for the meals on wheels program. Rogers asked how the City set of the fee for the storm water. Brown explained how the storm water fee is calculated. Brown asked about the jail fees. Smith stated that there are also statutes that cover those fees and in the same scenario how would we not charge you all and charge other cities. Selman stated as an example when we built emergency management, we paid a building permit and didn't receive anything other than a piece of paper stating that we could build the building. Smith stated there are a lot of things that the county pays the city for and the city gets more benefits from than the county. Browne stated that they do want to find a way to work it out. Smith stated we pay the storm water fee for all the county properties that flow into the city storm water system. Browne stated that you also have to look at the county receives sales tax for items purchased in the city limits as 40% of the county population is within the city limits. Smith stated that difference is the city can budget the sales tax however they want where the county is limited to how it was voted on and there is no wiggle room. Browne said both benefit from something that the other side doesn't. Smith stated that the county hasn't complained about the storm water fee for the buildings that the storm water dos run into the system, what we are talking about is the fee for the expo that costs the city nothing because the water doesn't run to the system. Smith asked about the city rewriting the ordinance not to benefit the expo but everybody that the water does not feed into the system. Browne stated that he would present the question to the attorney. Browne stated that he understands it not right but the difference is between right and legally right. Browne asked if attorneys can try to work something out. Smith stated that he will speak to Chuck for him to be on the look out to hear from the city attorney and the two of them can look for a legal way to handle the issue. Rogers stated that the fee is over \$12,000.00 a year the money could be used to put back into the expo to help bring in more tax dollars a year that we all benefit from. Smith stated that could possibly be put into the language that by not paying the fee the county would put so more a year to wards the expo that would benefit us by this many dollars and you by this many dollars. Brown stated that could be a possibility. Smith stated that they could show every year that the put the additional \$12,000.00 toward the facility. Smith thanked them for trying to work together on the issue and that he would like to work together in the future. Browne stated that it could benefit in the future. Smith stated that he has some ideas that could benefit everyone in the future. Andren stated he appreciates how they have worked for all needs. Smith stated there are benefits to continue to open up and work together.

6. RECESS/ADJOURNMENT: There being no further business brought before the board; Rogers made a motion to adjourn; seconded by Selman.

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AYE: Kevin Smith
Charlie Rogers
Ross Selman

NAY: None.

Motion Passed. Meeting Adjourned.