

EDMOND CITY COUNCIL MINUTES

August 11, 2003

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, August 11, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve July 28, 2003, Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

3. Appointments to Boards and Commissions:

A. Appointment to the Parks and Recreation Advisory Board.
The Chamber of Commerce nominated Chris Mook for re-appointment to serve a term expiring June, 2004.

Motion by Lamb, seconded by Page, to approve Item 3.A.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

4. GENERAL CONSENT ITEMS: (General Consent Items were voted on collectively except where noted.)

A. Approval of Administrative Items:

1) **Acceptance of maintenance bonds for the Administration Building re-roofing project.**

2) **Acceptance of public improvements and maintenance bonds for Tuscany Villas.**

3) **Approval of electric easement from Victor and Penny Helmig to provide service to the Summit Apartments, 500 N. Blackwelder.**

Motion by Miller, seconded by Page, to approve General Consent Items 4.A.(1-3). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

4) **Public Hearing and Consideration of the following ordinances and resolutions related to the terms of office of members and the terms of office of the Chairman of various City boards and commissions:**

a) Consideration of Ordinance amending Section 8.44.020(D) of the Edmond Municipal Code to provide for changes in member term limits and to provide for election and establish term limits of a Chairman of the **Police and Fire Alarm Systems Review Board**; and providing for Repealer and Severability.

b) Consideration of Ordinance amending Section 2.76.030 of the Edmond Municipal Code to provide for member term limits of the **Arts and Humanities Council**; and amending Section 2.76.110 providing for Chairperson term limits; and providing for Repealer and Severability.

c) Consideration of Ordinance amending Section 22.48.020(1) of the Edmond Municipal Code to change member term limits of the **Board of Adjustment** and amending Section 22.48.020(2) to provide for election of a Chairman and to establish term limits; and providing for Repealer and Severability.

d) Consideration of Ordinance amending Section 2.82.010 of the Edmond Municipal Code providing for appointment of officers, term limits, and organization of the **Convention and Tourism Advisory Board**; and providing for Repealer and Severability.

e) Consideration of Ordinance amending Section 2.80.030 of the Edmond Municipal Code providing for member term limits of the **Public Transportation Committee**; and amending Section 2.80.090 providing for Chairperson term limits; and providing for Repealer and Severability.

f) Consideration of Ordinance amending Section 2.54.090(1) of the Edmond Municipal Code to provide for changes in member and Chairman term limits of the **Administrative Committee of the Employees Retirement**

Plan; and providing for Repealer and Severability.

g) Consideration of Ordinance amending Section 2.64.040 of the Edmond Municipal Code to change member and Chairman term limits of the **Park and Recreation Advisory Board;** and providing for Repealer and Severability.

h) Consideration of Ordinance amending Section 2.4480.0130 of the Edmond Municipal Code to provide for changes in member term limits of the **Planning Commission;** and amending Section 2.44.020 to provide for changes in Chairman term limits; and providing for Repealer and Severability.

i) Consideration of Ordinance amending Section 2.74.030 of the Edmond Municipal Code providing for member term limits of the **Social Agency Review Commission;** and amending Section 2.74.100 providing for Chairman term limits; and providing for Repealer and Severability.

j) Consideration of Ordinance amending Section 22.26A.040 of the Edmond Municipal Code to provide for election and establish term limits of a Chairman of the **Central Urban Development Board;** and providing for Repealer and Severability.

k) Consideration of Ordinance amending Section 23.10.030A of the Edmond Municipal Code providing for member and Chairman term limits of the **Stormwater Drainage Advisory Board;** and providing for Repealer and Severability.

l) Consideration of Ordinance amending Section 2.29.040 of the Edmond Municipal Code providing for member term limits of the **Urban Forestry Commission;** and amending Section 2.92.050 providing for Chairperson term limits; and providing for Repealer and Severability.

m) Consideration of Ordinance amending Section 2.94.050B(2) of the Edmond Municipal Code providing for Chairman term limits of the **Visual Arts Commission;** and providing for Repealer and Severability.

n) Consideration of Resolution amending term limits of office of the Chairman of the **Capital Projects and Financing Task Force** (CPFTF).

Councilmember Miller stated he supports the term limits but he did not agree with limiting the terms of the Chairman. He noted by limiting the terms, the City does not have the opportunity to add new people with new talents to these committees. He requested this item be continued for further discussion.

Councilmember Sanford stated she was opposed to term limits. She cited the Alarm Review Board as an example. She stated the Alarm Review Board has a member who is an expert in the field who is relied upon by the other members of the Board. She felt that by limiting the terms the Board would lose the expertise of this member. Councilmember Sanford stated this same situation could occur with other boards as well.

Councilmember Lamb noted that some of the committees have their own way of electing a Chairman. He stated he felt they would be taking momentum away from the committees by limiting the terms of the chairman.

Mayor Naifeh stated this matter was discussed by the previous Council and she felt that the ordinances would provide a consistency for all the boards and commissions.

Councilmember Page stated he was concerned that the ordinances did not contain a provision regarding attendance. He noted that some of the boards are unable to conduct business due to a lack of quorum and he felt a strict attendance policy should be in effect.

General discussion was held and consensus of Council was to continue this matter for further discussion.

Motion by Miller, seconded by Page, to continue General Consent Items 4.A.4(a-n) to a future meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

B. Approval of Purchases:

1) **Approval of Resolution No. 23-03 appointing Vantage Paving as Purchasing Agent for the street overlay project on Kelly from Covell to Coffee Creek.**

2) **Award of bids for automated side load unit and front load unit for the Fleet Management Department.** Purchasing Manager recommended accepting bid from United Engines for a total amount of \$337,405.

3) **Award of bid for a backhoe/loader for the Fleet Management Department.** Purchasing Manager recommended accepting bid from OCT Equipment in the amount of \$68,320.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.B.(1-3). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Motion by Miller, seconded by Page, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

7. **PLANNING CONSENT ITEMS:**

A. **Public Hearing and Consideration of extension of commercial Site Plan approval for a new office building located at 2020 S.E. 15th Street (Jana Ratliff, applicant) Case No. SP020054.** The building contains 6400 square feet with a pitch roof. The exterior walls are brick and stone on all four walls. The property is unplatted but the site plan was originally submitted prior to requiring that commercial property be platted.

Councilmember Lamb stated he felt since the application is for an extension, the original approval is over one year old and the applicant should be required to submit a Final Plat as is the current practice under Title 21.

Jana Ratliff addressed Council and stated she plans to lease space in the building and provided additional parking spaces for that reason. Ms. Ratliff noted that she has changed her site plan two or three times and do more grading because the City has not cleaned the detention pond

next to her property. She stated if she is required to submit a plat it would delay her project even further than she's already been delayed and add an extra expense to the project.

Councilmember Lamb noted that requiring a plat after the Site Plan has been approved would not slow the project down. He stated a plat was required of another developer at the last meeting after the Site plan had been approved.

Leroy Cartwright addressed Council and asked how a person could be required to submit a Final Plat when she already had a building permit.

General discussion was held on requiring an Final Plat at a later date.

Mayor Naifeh stated she felt the applicant should not be required to submit a Final Plat because she has spent the time and expense to do extra things that most developers are not required to do. She stated she felt it was a nice project and she would vote against requiring a Final Plat.

Motion by Miller to approve the Site Plan extension contingent upon submittal of a Final Plat at a later date. No second was made and discussion continued.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 7.A. as submitted. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page and
Miller
NAYS: Councilmembers Lamb and Sanford

- B. **Public Hearing and Consideration of Ordinance No. 2807 rezoning from "G-A" General Agricultural District to "L-1" Lake Preservation District, located east of Air Depot, north of 33rd Street (North Development Co., LLC, applicant) Case No. Z030034.** The application complies with the Edmond Plan III.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2807 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller

NAYS: None

- C. **Public Hearing and Consideration of commercial Site Plan for three commercial offices in Parcel 10 of the Villages of Stonebridge, located west of Boulevard, south of 33rd Street (Turner & Company/ACF, LLC, applicant) Case No. SP030019.** The site contains three buildings and has 62 parking spaces.

Josh Moore addressed Council representing the applicant. He stated because each lot will be sold individually they were allowed to have three signs. He stated a sign will be located at the entrance to the development and then each building will have a sign above the doorway. Mr. Moore stated as each building is sold and new signs are requested they will comply with all City regulations.

Councilmember Page commended the applicant for more than doubling their landscaping.

Motion by Page, seconded by Miller, to approve Planning Consent Item 7.C. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

- D. **Acceptance of utility easement for sanitary sewer line located south of Covell Road (JABO, LLC, applicant).**

Motion by Lamb, seconded by Page, to approve Planning Consent Item 7.D. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

8. **Public Hearing and Consideration of commercial Site Plan approval for Under the Sun Garden Center, located on the north side of 33rd Street, between Broadway and the railroad tracks (John Henry and Company, applicant) Case No. SP030015.** The building will contain 1,860 square feet and 23 parking spaces will be provided. A tent will be located west of the building toward the railroad and will be used for seasonal displays. Only wall signs will be used.

Jeff Norman addressed Council and urged approval.

Motion by Page, seconded by Lamb, to approve Item 8. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

9. Consideration of sign variance for Market Depot, located south of 33rd Street, west of Broadway (Pascal Aughtry, representing Blackledge Architects, applicant). The sign is 38.8 feet long and 4.2 feet tall with a total of 162 square feet. A variance is requested because this type of sign cannot be placed on the roof of a building above the height of any portion of the structure. A pre-existing billboard on the property is not owned by this property owner. Wall and ground signs will be requested at a later date for individual businesses locating in the development.

Pascal Aughtry addressed Council and stated they have gone over and above what is required by providing more landscaping than required, drilling their own water well and installing brick over the old stucco on the exterior walls. Mr. Aughtry stated they attempted to make the building look old and tie into the railroad tracks which are just behind the building. He noted that they have installed the same type of lights as those used on the 2nd Street corridor. Mr. Aughtry stated the sign would be backlit with green aluminum channel letters. He noted the sign would be similar to the signs on the shopping center across the street. He stated that the sign would not be advertising any one business, it was just a general sign for the development. Mr. Aughtry stated it was their intent to install monument signs for the other businesses that may request a sign.

Councilmember Miller stated he felt the sign would enhance the look of the building.

Councilmember Lamb stated he felt it was a great looking building but since the application would qualify for two 25 feet tall, 80 square foot ground signs on Broadway, he asked if the applicant would be willing to limit the ground signs to no more than 20 feet tall and 75 square feet.

Randy Allen, developer, addressed Council and stated any monument signs would have to meet their architectural standards which he felt were more stringent than the City's standards. Mr. Allen noted that all the signs would tie into the period of the building. He stated he did not know what the tenant mix would be at this time so he could not say with certainty what type of signs would be requested in the future. He felt he exceeded the landscaping requirements and also installed more

paving. He stated it is a quality project and he felt he had gone over and above what is required but that he would agree to install monument type ground signs if requested by Council.

Councilmember Lamb stated he was not asking for the small monument type signs found close to residential areas but just for the smaller sign 20 foot tall 75 square feet sign whether it be a monument or pole sign. He noted that the sign variance is for a very dramatic sign which is clearly not in City codes and this would be a very small trade in total signage.

Mayor Naifeh stated that although the sign will look great on the building she would vote no because she is always apposed to sign variances. She noted that the applicant's standards were high but for consistency along Broadway she could not support the variance. Mayor Naifeh also noted that the property is the only one along Broadway that contains a billboard even though it is owned by some one other than the applicant.

Motion by Miller, seconded by Page, to approve Item 9 as submitted. **Motion carried** as follows:

AYES: Councilmembers Page, Sanford and Miller
NAYS: Mayor Naifeh and Councilmember Lamb

10. Public Hearing and Consideration of Ordinance No. 2808 repealing and amending the requirements for rezoning and Special Use Permit notice to require posting of a sign on property prior to the zoning change. The sign would be required to be six feet tall, 32 square feet (4x8). State statutes require the following information when a sign is used for these purposes: 1) date, time and place of the public meeting; 2) who will conduct the meeting; 3) the desired zoning classification; and 4) the proposed use of the property. The applicant will be required to post the sign at his expense prior to the application being completed for processing. If a project is continued it will be the developer's responsibility to update the sign with the new meeting date. A digital photograph showing the sign has been posted will be required prior to the application being considered by the Planning Commission. The photograph will then be posted on the City's internet web site.

Councilmember Miller requested the zoning designation be spelled out so that it is clearly understood by the public. He also requested that "Rezoning" and the proposed usage be in larger letters that will stand out.

Councilmember Sanford stated she wanted to make sure that the meeting dates are on the sign so that each time citizens drive by the site they will be reminded about the meeting.

Mayor Naifeh asked how often the sign would be updated and stated she does not want it to be a hardship for businesses to continually have to update the sign at a large expense. It was noted that the method used to update the sign would be at the discretion of the developer.

Leroy Cartwright, Dan O'Neil, John Luton and Betty Jean Blue all addressed Council in support of the sign. Mr. O'Neil requested the signage also be required for Plan Amendments and Site Plans. Consensus of Council was not to approve those additional requirements at this time. Further discussion on the Plan Amendment will be considered at a later date.

Mayor Naifeh stated she was opposed to approving the ordinance with the Emergency Clause. She felt that business owners needed the 30 days that it would take for the ordinance to go into effect in order to comply for projects that are already in the works or almost ready to submit to the City.

Randel Shadid addressed Council in opposition to approving the Emergency Clause.

Steve Murdock, City Attorney, addressed Council and reminded citizens that the current City notification process is in compliance with State Statutes.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2808 as read by title by City Planner effective in 30 days.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

11. Public Hearing and Consideration of Ordinance No. 2809 repealing and amending the requirements for Board of Adjustment notice to require posting of a sign on property prior to the zoning change. This sign would have the same requirements as the above noted sign.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2809 as read by title by City Planner effective in 30 days.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Items 12 and 13 were discussed together.

12. Public Hearing and Discussion of new Site Plan standards and land disturbance standards required as proposed in draft of Title 22 Zoning. The new Site Plan standards will relate to large format commercial buildings. In Edmond, 25,000 square feet or more is usually perceived as large format. A consultant hired by the City to assist with revising Title 22 recommended that large format buildings be required to submit a preservation landscape plan accurately identifying existing trees or grouping of trees that could be retained and the plans to ensure that area would not be adversely affected by grading, parking lots or retaining walls. The preservation landscape plan would be submitted with the grading plan. The consultant also recommended that the current "sensitive border standard" be improved when large format retail is adjacent to residential areas.

Vick LaSaxon, Tom Langdon, Judy Langdon, John Luton (Edmond Neighborhood Alliance President), Jeff Thompson, Sarah Landrigan (Fox Lake residents) and Leroy Cartwright addressed Council on this matter. Mr. Langdon requested Title 22 contain a provision requiring that a Site Plan be approved prior to cutting down any trees larger than six inches in diameter. Mr. Luton requested that Title 22 contain consequences for violators. Mr. Cartwright requested that the proposed ordinances pertain to the entire City and not just the I-35 Corridor. All the residents requested that Council act quickly to preserve the natural beauty along I-35.

Councilmembers Sanford and Miller requested the minimum square footage considered a large format business be designated as any building containing at least 20,000 square feet.

Councilmember Page requested larger buffers and better preservation of existing landscaping. He suggested a bonus point program be implemented for preservation efforts by the developers. Councilmember Page also stated he feels that landscaping plans should be approved by a registered arborist.

Mayor Naifeh stated she was opposed to requiring approval of landscaping plans by an arborist because she felt that if the

appropriate standards are required there would be no need for a registered arborist. She noted there were many business people qualified to develop a landscaping plan who were not arborists that would comply with the requirements developed by the City.

Councilmember Lamb stated he supported requiring a tree permit but that it should only apply to commercial developments and not individual homeowners. He stated the Council will be asked to consider some amendments to the current Title 22 regarding preservation of existing landscaping at their next meeting on August 25. Councilmember Lamb stated the steering committee is working aggressively to get the final draft of the entire Title 22 completed in time to begin public hearings before the end of the year.

13. Public Hearing and Discussion of tree permit standards and land disturbance standards required as proposed in draft of Title 22 Zoning Code. The ordinance proposes that City Council approve all tree permits when the Site Plan is considered with the Planning Commission acting as a recommending body. An inventory of existing trees on site will be required. Preservation of existing trees of the size contained in the ordinance will represent credits that will be applied toward the landscaping standard.

The Land Disturbance Permit will coordinate with the grading plan for commercial, multi-family and industrial projects as well as the Tree Permit Standards and Title 23 Drainage and Erosion Control requirements. The proposed ordinance will emphasize retention of natural vegetation and add to standards not contained in Title 23. Tree location and replacement will also be evaluated. City staff recommended the City Engineer be designated as the reviewing authority rather than the Planning staff, due to the expertise required.

14. Executive Session to discuss the purchase of real property located on East 2nd Street, east of Rocky Road, Edmond (Executive Session authorized pursuant to 25. Okla. Stat. Section 307 (B)(3)).

Motion by Miller, seconded by Lamb, to meet in Executive Session to discuss the above item. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 8:20 p.m. and returned to the City Council Chambers at 8:45 p.m.

Motion by Miller, seconded by Page, to adjourn Executive Session. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

15. Consideration of action regarding the purchase of real property located on East 2nd Street, east of Rocky Road, Edmond. Mayor Naifeh stated no action would be taken on this item.

16. NEW BUSINESS:

Councilmember Lamb stated the Urban Forestry Commission would submit a City Green evaluation on the economic benefits of trees at the next meeting.

17. Motion by Lamb, seconded by Page, to adjourn meeting.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

City Clerk

Mayor