

**SPECIAL CITY COUNCIL MEETING  
Piedmont Civic Center Room B  
314 Edmond Rd NW**

**Monday, February 11, 2008**

**MEMBERS PRESENT:** Mayor Mike Fina; Councilmen Brad Coleman, Donnie Robinson, John Brown, Jeff Davis, and Councilwoman Jodi Lewis

**STAFF PRESENT:** City Manager Michael Vaughn; Community Development Director Clark Williams; City Attorney David Davis; City Clerk Amanda Percival; Secretary Terri Kyger

**MEMBERS ABSENT:** None

**CALL TO ORDER:**

Mayor Mike Fina called the City Council meeting to order at 7:09 P.M.

**ROLL CALL:**

Deputy City Clerk Terri Kyger called the roll. There was a quorum present. There were approximately 45 citizens in the audience.

**FLAG SALUTE:**

Mayor Mike Fina asked Councilman Brad Coleman to lead the flag salute.

**INVOCATION:**

Mayor Mike Fina asked Councilman Donnie Robinson to give the invocation.

**PRESENTATION/PROCLAMATION/OATHS/APPOINTMENTS –**

- a.** Approval of the Proclamations for February Dental Health Month.

Dr. Deason said February was Children's Dental Health month nationwide. Mr. Deason said they go to the schools and teach the children proper dental hygiene. Mr. Deason said there are children in the community that don't have access to dental care; no insurance or their parent's insurance is so high they can't bring them in. Mr. Deason said they were trying to target needy children, but this year they changed it and thought maybe people didn't want to get targeted so they opened up the office for children up to the age of 16 for free dental exams. Mr.

Deason said they gave them a letter telling them what dental work was needed and there was free work available. Mr. Deason said this gives everyone in the community access to dental care.

b. Presentation of awards for Employee's of the Year.

Mayor Mike Fina presented Brian Dawson with the Police Department an award for Employee of the Year.

**CONSENT AGENDA – All items on the consent agenda are non-controversial and may be approved by one motion.**

- a. Approval of Minutes for the special City Council meeting on January 3, 2008.
- b. Approval of Purchase Order/Disbursements for the City (Claims List).
- c. Receipt of December Statements and Comments.
- d. Receipt of the Sales Tax Record and total area from ACOG.
- e. Declaration of Surplus Police Vehicles
- f. Consider and adopt a Resolution accepting beneficial interest in The Piedmont Special Projects Authority, a public trust of which the City is beneficiary; and declaring an emergency.
- g. Approval of agreement between the Canadian County Board of Commissioners and the City of Piedmont for bridge improvements in the vicinity of Mustang Road between 150<sup>th</sup> Street and 164<sup>th</sup> Street.
- h. Approval of an automatic mutual aid agreement between Deer Creek Fire Protection District and Piedmont Fire Department.
- i. Declaration of 1250 feet of five-inch Surplus Fire Hose.
- j. Acceptance of an Oklahoma Department of Environmental Quality consent order regarding Piedmont sewer lagoons.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to Approve Consent Agenda 6a as presented. **The vote was:**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA –**

There were no items removed from the Consent Agenda.

**RECEIVE REPORT FROM PLANNING COMMISSION CHAIRMAN –**

John Bickerstaff said he had nothing to report.

**HEARING OF CITIZENS – Topics to include those items not listed in the agenda.**

There was no hearing of citizens.

**PUBLIC HEARINGS –**

**a. CONDUCT A PUBLIC HEARING ON AMENDING THE ZONING ORDINANCE OF THE CITY OF PIEDMONT, OKLAHOMA, CHAPTER 5, SPECIAL CONDITIONS RELATING TO LAND, BUSINESS, AND FACILITY USES, SECTION 5-10 PLANNED UNIT DEVELOPMENT**

Conduct a Public Hearing on amending the Zoning Ordinance of the City of Piedmont, Oklahoma, Chapter 5, Special Conditions relating to Land, Business, and Facility Uses, Section 5-10, Planned Unit Development.

City Manager Michael Vaughn reported. Mr. Vaughn said the Piedmont PUD Ordinance section is in need of revisions due to other changes in the subdivision regulations deleting the use of sketch plats and the inflexibility of the current ordinance regarding simultaneous submittals of a Master Plan, Preliminary Plat, and Rezoning Application.

Community Development Director Clark Williams said it is almost the same as Oklahoma City's Ordinance. Mr. Williams said Oklahoma City has completely revised their Zoning Ordinance which was set for approval by their City Council on December 27, 2007. Mr. Williams said it creates uniformity between Piedmont development regulations and Oklahoma Cities and makes it easier for developers in Oklahoma City to work in Piedmont because they don't have to decipher. Mr. Williams said it allows for flexibility for filing of a rezoning application along with a Master Plan Design statement and allows later to bring on a Preliminary Plat and on the Preliminary Plat a developer must show how the Plat will comply with the Master Design and the Master plan itself recreates additional flexibility in that you have the ability to phase the property. Mr. Williams said it gets rid of the three year limit and brings it more into line with development principles.

**Mayor Mike Fina opened the Public Hearing at 7:25 P.M.**

**Mayor Mike Fina closed the Public Hearing at 7:26 P.M.**

**b. CONSIDERATION AND ACTION ON AMENDING THE ZONING ORDINANCE OF THE CITY OF PIEDMONT, OKLAHOMA, CHAPTER 5, SPECIAL CONDITIONS RELATING TO LAND, BUSINESS, AND FACILITY USES, SECTION 5-10 PLANNED UNIT DEVELOPMENT**

Consideration and action on amending the Zoning Ordinance of the City of Piedmont, Oklahoma, Chapter 5, Special Conditions relating to Land, Business, and Facility Uses, Section 5-10, Planned Unit Development.

Mr. Williams said at the Preliminary Plat stage you discuss infrastructure, drainage plans, infrastructure improvements, and offsite improvements.

Mr. Williams said you go from conceptual review to the submission of a Master Plan Design statement, a rezoning application, and then a preliminary plat. Mr. Williams said there would be separate filings. Mr. Williams said it provides flexibility so the developer does not have to invest thousands of dollars in detail surveys and adjustments that are required for a preliminary plat. Mr. Williams said it allows you to get enough picture to see if this is something you want to move forward with. Mr. Williams said then you get a rezoning and when it comes back to a preliminary plat, it is a negotiating process regarding the plat. Mr. Williams said when you come in at the end of the rezoning request you have a document that supports the rezoning request and when you see the preliminary plat you have to tell the story of why it fits the plan. Mr. Williams said it is a community and development process.

Mayor Mike Fina said he would like to make an amendment to the Ordinance.

Mr. Fina said #3 should be changed to Piedmont Comprehensive Plan rather than Oklahoma City Comprehensive Plan.

Mr. Fina said he would like to see a checklist from the applicant when it is presented to the Planning Commission and City Council.

Mr. Williams said there is an application form that staff may put together for review. Mr. Williams said he may bring it to the next meeting. Mr. Williams said it is for a residential and commercial PUD. Mr. Williams said it has an itemized checklist as Mr. Fina suggested.

Mr. Fina said he would like to see a section added for a PUD review committee. Mr. Fina said after the City staff looks at it he would like to have it reviewed by the Fire Department, Police Department, Parks and Recreation Board, Mayor, and Planning Chairman.

City Attorney David Davis said the Ordinance says upon receipt of a completed application and application fee for the PUD, the Planning Department staff shall

transmit the application and all supporting material to the various city departments involved with the review process, and to appropriate officials or agencies of the city, county, adjoining counties or municipalities, school and special districts, and other official bodies as deemed necessary or mandated by law, including any review required by regional or state bodies under applicable State or Federal law.

Mr. Davis said the PUD will be reviewed by all City Departments, Mayor, Chairman of the Planning Commission, and Parks and Recreation Board.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to approve Sections 1-3. **The vote was:**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to approve Section 4, Emergency Clause. **The vote was:**

**AYE:** Councilman John Brown, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** Councilman Brad Coleman and Donnie Robinson

**c. CONDUCT A PUBLIC HEARING TO CONSIDER ADDING A NEW SECTION III-7 TO THE PIEDMONT SUBDIVISION REGULATIONS PROVIDING A PROCEDURE FOR APPROVAL OF CONVEYANCES BY THE COMMUNITY DEVELOPMENT DIRECTOR UNDER CERTAIN LIMITED CONDITIONS**

Conduct a public hearing to consider adding a new Section III-7 to the Piedmont Subdivision Regulations providing a procedure for approval of conveyances by the Community Development Director under certain limited conditions.

City Manager Michael Vaughn reported. Mr. Vaughn said this is an amendment to provide the City with the ability, like the surrounding cities do to allow a developer to sell off a commercially zoned lot without having to go through the normal plating procedures through the Planning Commission and City Council. Mr. Vaughn said it is only under certain conditions. Mr. Vaughn said before this deed approval is made, they have to meet zoning ordinances and regulations. Mr. Vaughn said it allows a streamline procedure.

Mr. Williams said it provides flexibility. Mr. Williams said the applicant has to submit to staff agreements to show the extension of infrastructure and infrastructure has to meet the City guidelines.

City Attorney David Davis said this Ordinance is limited to property that is zoned commercial and industrial, it doesn't apply to residential. Mr. Davis said the two additions were made after the Planning Commission meeting. Mr. Davis said one is a survey that will be submitted with application and also a copy of all easements necessary to service the property. Mr. Davis said also, all deeds approved under this section shall be forwarded to the Planning Commission, Mayor, and City Council. Mr. Davis said it doesn't waive any requirements in the Ordinance as far as improvements are concerned; it just gives limited circumstances the ability for staff to approve a subdivision of land if it meets all of the criteria.

**Mayor Mike Fina opened the Public Hearing at 7:37 P.M.**

Phil Boevers asked if there had been a change on the amount of lots.

Mr. Davis said it had been deleted. Mr. Davis said at the Planning Commission it was determined that it was in an Oklahoma City Ordinance because it applied to residential property and there wasn't any need in commercial property.

Sunny Hunter said as a Chamber Board member and private citizen she was asking for this to be approved because it would further enhance the City.

**Mayor Mike Fina closed the Public Hearing at 7:39 P.M.**

**d. CONSIDERATION AND ACTION ON ADDING A NEW SECTION III-7 TO THE PIEDMONT SUBDIVISION REGULATIONS PROVIDING A PROCEDURE FOR APPROVAL OF CONVEYANCES BY THE COMMUNITY DEVELOPMENT DIRECTOR UNDER CERTAIN LIMITED CONDITIONS**

Consideration and action on adding a new Section III-7 to the Piedmont Subdivision Regulations providing a procedure for approval of conveyances by the Community Development Director under certain limited conditions.

Councilman John Brown had a question under Section III-7 C. 2. Mr. Brown said the Ordinance says Community Development shall review the application and may submit it for review and comment to other agencies and/or departments as staff deems necessary. Mr. Brown said within 10 days of the official date of application, the Community Development Director shall approve or disapprove

the application for deed approval and shall notify the applicant of said decision. Mr. Brown said this is a lot split and he would like for it to be like any other lot split in town and be submitted to the Planning Commission Chairman for signature.

Councilman Donnie Robinson said he didn't think it was necessary because the Community Development Director has the expertise to make those calls and it would be adding another step in the process.

Councilwoman Jodi Lewis said it would be good for some perceptives too.

Mr. Brown said if the Planning Commission Chairman has a problem with it, he could put it on the Planning Commission agenda. Mr. Brown said he was trying to make things consistent with the way they do everything else. Mr. Brown said he didn't think it would add any extra time.

City Attorney David Davis said what if the Chairman refuses, then what would you do. Mr. Davis said it would have to go on the Planning Commission agenda and then there wouldn't be a procedure.

Mr. Davis said there is a procedure already if the Community Development Director doesn't approve it, then the applicant can go directly to the Planning Commission for approval, but if he does approve it, there is not a procedure for it to go to the Planning Commission because it is already approved. Mr. Davis said he could see a conflict.

Mr. Bickerstaff said what Mr. Brown is talking about is consistent on how lot splits are done today. Mr. Bickerstaff said there is a provision, if it is denied it can be carried forward to the Planning Commission regardless of whoever approves it. Mr. Bickerstaff said it would not delay or hold things up. Mr. Bickerstaff said it would just be a signature.

Mr. Davis said the Planning Commission ask for copies of all deeds approved under this section by the Community Development Director to be forward to the Chairman of the Planning Commission, the Mayor, and City Council members. Mr. Davis said this would be after the fact. Mr. Davis said you could change it. The Community Development Director would make a recommendation, but the Chairman of Planning Commission would have to approve it.

Mr. Brown asked if the Chairman of the Planning Commission can override a lot split if the Community Development Director refuses to sign it.

Mr. Davis said he could because without the Planning Commission Chair's signature, it can't be recorded. Mr. Davis said that is how the Ordinance is written on a lot split. Mr. Davis said it is an issue of delegation if you are not comfortably delegating the authority. Mr. Davis said he didn't have a problem with the Planning Commission Chairman reviewing them before they are approved if you want to add that. Mr. Davis said he didn't think you could have two people approve it without someone having overriding authority over the other. Mr. Davis said it is set up somewhat different than a lot split. Mr. Davis said for a lot split, the authority is delegated to the Planning Commission Chairman, here the authority is delegated to the community Development Director and that is the difference.

Mr. Brown said his problem is that City Council doesn't find out about it until it is already done and can't be undone.

Mr. Davis said you would hope that you wouldn't want to be able to undo it, if it meets all of your ordinances.

Councilman Jeff Davis said it has to meet all of our ordinances, so why would you have to have another signature

Councilman Donnie Robinson **made a motion, seconded by** Councilman Brad Coleman to approve Section 1-3. **The vote was:**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to approve Section 4, Emergency Clause. **The vote was:**

**AYE:** Councilman John Brown, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** Councilman Brad Coleman and Donnie Robinson

e. **PUBLIC HEARING ON A MIXED USE RESIDENTIAL AND COMMERCIAL PUD REZONING REQUEST BY SBS ENTERPRISES LLC**

Conduct a Public Hearing on a mixed use residential and commercial PUD rezoning request by SDS Enterprises LLC.

City Manager Michael Vaughn reported. Mr. Vaughn said this is an application for a request to rezone the property located in the North Half Section 33, Township 14 North, Range 05 West. Mr. Vaughn said it contains 297 acres. Mr. Vaughn said the PUD as presented includes commercial as well as residential areas. Mr. Vaughn said there has been a Master Design Statement submitted along with the PUD. Mr. Vaughn said this is a rezoning and there are several infrastructure issues that will have to be answered before anything is done and everyone involved knows that.

Community Development Director Clark Williams said that staff has reviewed this and made some general comments regarding the PUD submittal. Mr. Williams said Ordinance 508 was approved with the exception of the Emergency being denied. Mr. Williams said the staff notes that the property was broken down into certain uses. Mr. Williams explained the proposed breakdown of proposed land used on the 297 acre parcel.

**Mayor Mike Fina opened the Public Hearing at 8:07 P.M.**

James Durst said he is highly in favor of the PUD. Mr. Durst said the City of Piedmont needs commercial and retail businesses in order to bring in taxes. Mr. Durst said he believed it would be a good thing for the community and he was in favor.

Brent Young said he lives at 815 Edmond Rd NE. Mr. Young said his concern is the lack of infrastructure and why would you approve RS 3 zoning when you don't have the infrastructure to support what the City currently has. Mr. Young asked if there were any ideas about what they were going to do with the sewer since there is a moratorium going on. Mr. Young said he is not against development, but there needs to be infrastructure in first before this is considered.

Buel Hoar said he agreed the Master Design Plan is excellent. Mr. Hoar said he is in favor because the City expenses go on and we have to keep up with increase revenue. Mr. Hoar said there are two ways to increase the revenue, one is tax and permit increase and the other is growth and if you are anti growth and live in Piedmont you will need to be ready for an increase in taxes, permits, and associated cost, because cost will continue. Mr. Hoar said even though he and Phil Boevers are competitors, the true competitor is at NW Highway and Highway 4. Mr. Hoar said if the City doesn't offer low cost housing, it is going to be forced upon the City. Mr. Hoar said this Master Plan provides for everything. Mr. Hoar said he urged them to vote for this.

Eric Anderson said he was speaking on behalf of the Chamber Board of Directors. Mr. Anderson said the Chamber Board of Directors unanimously enforces the proposed mixed use to promote the local business economy and increase tax base. Mr. Anderson said rezoning this land will attract the retail and commercial businesses that have overlooked Piedmont until this option

Tina Stewart said she had lived on Edmond Road since 1985. Ms. Stewart said she lived across the street where Mr. Boevers commercial property will go in. Ms. Stewart said she thought there were a lot of people who benefited from the sale of land in Piedmont and they have made money. Ms. Stewart said Mr. Boevers will make money on this. Ms. Stewart said she thinks the property that she owns is going to go down in value because of the commercial property that is going in across the street. Ms. Stewart said she didn't think many of the citizens would want to purchase her home knowing that it is going to be across the street from commercial property. Ms. Stewart said she knew Piedmont was going to grow, but she came here because she wanted to live in a small community. Ms. Stewart said she is not sure how the water and sewer is going to be taken care of. Ms. Stewart said she thought it was a nice idea and Piedmont is going to grow, but she has concerns for the value of her 3.2 acres that she cannot turn into commercial property and make any money. Ms. Stewart said she wants to know how the value of her home is going to be affected.

Terry Anderson said he would like to support the PUD because it is in the best interest of Piedmont.

Rodney said he is not against growth, but however he believed that plan and appropriate growth is better than something we have not looked at. He said we have got infrastructure problems and look at the roads, they can't handle traffic. He said look at the Police and Fire Departments. He said three to four families per acre are tough in the get go and putting apartment complexes in is not the situation we want. He said he didn't think they wanted that kind of situation, do we want growth and businesses, yes. He said it is too late to change the man's development, but to say all the growth is going to pass us by if we don't approve it; that is worrying about something that hasn't occurred yet. He said until this meets the needs of the current residents of Piedmont, with the potential residents of Piedmont, the people that are paying the taxes now, this is the wrong time to send this kind of statement.

Mayor Mike Fina said the apartment complex has been removed from the plan.

Sunny Hunter said this is the time. Ms. Hunter said last year they might have been getting some of the businesses that were going down NW Expressway and

Council. Ms. Hunter said the time is now; we need to get businesses in here and need to have revenue or we're not going to be able to do anything for the streets, etc. Ms. Hunter said we need the taxes revenue and will not get it if we don't build something like this. Ms. Hunter said she enjoys the doctor's office, Dollar General, Subway, and Sonic and if it wasn't for these people, we wouldn't have them now. Ms. Hunter said they were after the betterment of Piedmont. Ms. Hunter asked that this be passed.

Howard Lewis said he lives within 1000' of the PUD. Mr. Lewis said there are some minor questions, but the overall concept has been thought out. Mr. Lewis said he has no connections with the group that is going to build this so his comments on being in favor of it are his own beliefs. Mr. Lewis said he has never seen commercial property go for less than residential property. Mr. Lewis said there will be a time the North side of Edmond will be commercial. Mr. Lewis said go to Edmond and Oklahoma City and you will see it happen and how it happens. Mr. Lewis said to put him on the pro side for this project.

Mark Simpson said he read the PUD and the way it is written, the citizens and developers are going to pay for infrastructure. Mr. Simpson said it will cause taxes to go up and they will have to pay for water and sewer for this development. Mr. Simpson said he is not against it if the developer brings the entire infrastructure to it because the town of Piedmont and the citizens cannot be burdened with paying for municipal bonds for water and sewer lines for development. Mr. Simpson said if the City Council votes to make him bring the infrastructure in, he is for it 100%, but the citizens in town cannot pay for the infrastructure.

Cindy Cheatwood said by not looking at this seriously a year ago we have been bypassed on Northwest Highway and they have picked up potential businesses that Piedmont might have been able to obtain. Ms. Cheatwood said if we delay any longer we are going to lose the potential of having very nice tax based businesses look at our town. Ms. Cheatwood said the Chamber of Commerce discussed that Starbucks, restaurants, and other businesses are going on the NW Expressway and that Piedmont could have acquired it if they would have had this in place. Ms. Cheatwood said it is important that we do this. Ms. Cheatwood said everyone talks about wanting better streets, wanting better water and sewer, tax base is the way to do it or otherwise it is going to have to be a burden to the citizens. Ms. Cheatwood said she is 100% in favor of this and 100% for bringing businesses into Piedmont where we spend the money, not where we go to NW Highway and spend the money and another municipality is getting our funds. Ms. Cheatwood said she is in favor the proposal.

Larry Gage said he is not for or against this proposal. Mr. Gage said he didn't think we needed to approach this from an us and them standpoint and that is what he sees happenings. Mr. Gage said the concern he hears from those that say they are against it are mainly those that wonder who is going to pay for the infrastructure. Mr. Gage said the citizens that live here now are paying for the water tank that came in and the line that came up. Mr. Gage said the citizens can't afford to pay for the sewer. Mr. Gage said growth has to pay for growth and that is how it is done in Oklahoma City and it has to start in Piedmont. Mr. Gage said they need to make sure growth pays for growth and it will grow. Mr. Gage asked if the commercial property that comes in now could be hooked to sewer. Mr. Gage said that is something that needs to be looked at to make it happen. Mr. Gage said the lots are going to be on septic systems and they need to be on sewer. Mr. Gage said they need to insist that the line is paid for by the people coming to the community that are going to live here not the citizens that live here now. Mr. Gage said that is the problem it is not us and them, Piedmont is going to grow, it is just how are we going to make the people that live there pay for it.

Jimmy Weaver said he is a resident of Piedmont as well as a small business owner. Mr. Weaver said he is for it. Mr. Weaver said businesses are coming down Northwest Expressway. Mr. Weaver said he has been approached as well as another business for people to develop on NW Highway and move their business. Mr. Weaver said he didn't want to do that, he wanted to keep his business in Piedmont to help Piedmont. Mr. Weaver said by adding these commercial lots, it is going to help businesses that are already here to expand and also help to draw in other businesses. Mr. Weaver said he thought by prolonging this it is going to create greater problems for Piedmont in the future.

David Parrot said he is a citizen in Piedmont. Mr. Parrot said he thinks the City and citizens have spent a lot of time looking at the future of Piedmont. Mr. Parrot said he has seen the growth and heard the rumors about NW Highway. Mr. Parrot said in looking at this proposal they have to start somewhere. Mr. Parrot said he had seen other developments in Oklahoma City where people oppose it for various reasons. Mr. Parrot said he does think some questions need to be answered about infrastructure. Mr. Parrot said he has seen other instances in Oklahoma City where people oppose something like this and end up getting something worse later on. Mr. Parrot said Piedmont is getting passed and they need to start somewhere. Mr. Parrot said he thought it is a good place to start.

**Mayor Mike Fina closed the Public Hearing at 8:30 P.M.**

f. **CONSIDERATION AND ACTION ON A MIXED USE RESIDENTIAL AND COMMERCIAL PUD REZONING REQUEST ON SBS ENTERPRISES LLC**

Consideration and action on a mixed use residential and commercial PUD rezoning request by SDS Enterprises LLC.

Warren Peacock said he is the consultant on the project. Mr. Peacock said there have been a lot of things said and he cannot disagree with a lot of that has been said with the concerns of the residents and people. Mr. Peacock said this development has been laid out to try to be a good cross sectional use of the land, which would provide some different types of residential for single family, a gated community, assisted living, condominiums and more upscale type homes. Mr. Peacock said there will be trails and walkways to interconnect the entire development so people can use them for exercise routes or to get to the commercial areas. Mr. Peacock said this PUD is strictly what everybody has talked about that is needed. Mr. Peacock said this type of development Piedmont can look at their infrastructure and facilities and determine how this going to impact everything throughout the City. Mr. Peacock said all of the infrastructure inside the development will be done by the developer. Mr. Peacock said there will be a tremendous amount of fees and taxes generated from this project as it develops will help pay for the internal infrastructure, but also the offsite infrastructure. Mr. Peacock said the developer is aware there are problems with the sewer and that has to be taken care of before this can go forward. Mr. Peacock said this lays out a plan for this large tract of land and gives Piedmont an opportunity to make revisions for the future because you understand what goes in there and what the impact will be. Mr. Peacock said this offers the City a great planning tool to move forward and capture a lot of the commercial businesses that are going outside of the City.

Phil Boevers said permit fees and sales tax revenue on this project alone is around \$7 million. Mr. Boevers said if there has not been anything put in there that this will be a joint venture, because that has not been discussed with anybody. Mr. Boevers said they have not had a chance to look at outside infrastructure because they didn't know if this was going to be passed.

Community Development Director Clark Williams said there had been a protest on the property. Mr. Williams said they had received a petition on Thursday, February 7.

Councilman Brad Coleman said part of the cooperation made with the PUD was in regards to the trails. Mr. Coleman said the developer has not said he would put in the trails and they asked for reserve along the borders and throughout the

addition for a way to walk through so the children wouldn't have to go out of the area without going out onto the streets.

Mr. Coleman said there are trail grants available. Mr. Coleman said the trail area will have to have easements to install trails. Mr. Coleman said he didn't know when this would happen, but it will leave the City the possibility to go in and do trail improvements that will benefit the entire community.

Mr. Coleman said Oklahoma City has retail designed along NW Expressway. Mr. Coleman said the City is heading to a crossroads for bonding. Mr. Coleman said as citizens they need to make the decision to promote retail growth or pass it by. Mr. Coleman said they need to look at bond issue for the streets. Mr. Coleman said the condition of streets in front of your property is going to affect the value. Mr. Coleman said there are a lot of needs the City has. Mr. Coleman said the Fire and Police Department need more help. Mr. Coleman said when he worked with Mr. Boevers and the concept of the PUD is to make it a sense of neighborhood, but still have commercial that is needed along Edmond Road. Mr. Coleman said the City is lacking on infrastructure. Mr. Coleman said infrastructure will have to be addressed on separate plans at a later time. Mr. Coleman said this is strictly a zoning issue. Mr. Coleman said he tried to work with the developer and this is necessary if they are going to take the step to get retail for tax base. Mr. Coleman said retail developers look at traffic count and a stable population. Mr. Coleman said this proposal will give the things needed in that respect.

Councilman John Brown asked City Attorney if the City was bound legally by the contents in the master document.

City Attorney said that was correct. Mr. Davis said the development plan included and stated they are part of the rezoning.

Mr. Brown said the sewer system will not be built in the addition under this proposal until the City of Piedmont has raised the consent order by DEQ.

Mr. Brown said if they borrow more money they have to have a new revenue source. Mr. Brown said there is not enough money to pay any more loans. Mr. Brown said by pledging the sewer tap fees from this addition they will be able to pay the loan.

Mr. Brown said they cannot do a bond for sewer because not everyone is on the sewer system. Mr. Brown said he didn't feel like a bond would be fair since not everyone is on the system.

Mr. Brown said the City budget is hard to balance with the current revenue the City has. Mr. Brown said the City doesn't have the money to pave roads. Mr. Brown said they have got to generate the income from businesses from additional growth to pay the bills.

Mayor Mike Fina said he would like to add on Page 4: **The developer realizes that no building permits will be approved until the City has sufficiently and completely satisfied all requirements set forth by the Oklahoma Department of Environmental Quality CASE NO 07-366 above Development Concept.**

Councilman Jeff Davis asked what if the developer was to run sewer from Oklahoma City to this development.

Mr. Fina said if it satisfies the Consent Order he is fine with it.

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

Mr. Fina said he would like to strike all of the language on Page 5 and insert **Utility and Drainage will conform to all subdivision regulations and ordinances of the City of Piedmont and will be addressed by the Specific Design Plan in the Preliminary Plat.**

The City Council agreed to leave in Electric, Gas and Cable as presented and take out Services, Water, Sanitary Sewer, Paving and Drainage and put in the above language.

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

Mr. Fina said it will be noted that the developer will submit a Master Drainage Plan. Mr. Fina said on page 4 **insert the language a Master Drainage plan will be submitted with Specific Design Plan on the first phase of the development.**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

Mr. Fina said on Page 6 he would like to strike: **it is recommended that the Piedmont Comprehensive Plan be amended so that no industrial zoned property lies in Section 33.**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis,  
and Councilwoman Jodi Lewis

**NAYE:** None.

Mr. Fina said he would like to strike all of the comments regarding Appendix E.

**See Appendix E for a map of all abutting zoning districts.**

**The Town Central PUD will be a significant element shaping Piedmont's future. The location of this development will have an impact on the community, as its success is detrimental to the future development of the commercial storefronts the city needs in order to offer local services and to enrich its fledging sales tax base.**

**Efforts to recruit retail interest will be enhanced by concentrated development with easy access to Town Central stores through a carefully orchestrated plan that encourage a sense of community by offering adequate pedestrian and vehicular access to all commercial zones.**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis,  
and Councilwoman Jodi Lewis

**NAYE:** None.

Mr. Fina said on Page 7 he would like to change under DEVELOPMENT SEQUENCE to read:

**A Development Sequence will be submitted under the Specific Design Plan.**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis,  
and Councilwoman Jodi Lewis

**NAYE:** None.

Under the Design Statement #10, add to Page 9: A statement on the existing and proposed streets, including right-of way standards and street design concepts as well as providing for the treatment and improvements to abutting arterials **will be submitted with a Specific Design Plan.**

**AYE:** Councilman Brad Coleman, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** Councilman John Brown

Mr. Fina said on Page 10 under Maintenance (Public) he would like it to read: The City of Piedmont will maintain all public **streets** as designated upon the **acceptance** of any plat within the Town Central development.

Page 10 under Maintenance (Private) to read: It shall be the duty of the Town Central Property Owners Association to maintain all drainage improvements and channels excepting those within the public right-of-ways. Furthermore the TCPOA shall be responsible for the maintenance and upkeep of all common areas, greenbelts, **boulevards and entrances. Details to be included in plat restrictions.**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

Mr. Fina said under Maintenance (Private) he would also like to add another section: **Condos - the homeowners association will maintain facades, grounds, and common areas. Duplexes – details to be included in Plat restrictions.**

Mr. Fina said on Page 10 he would like to strike **Schedule of implementing Public Improvements, Minor Amendment and Major Amendment.**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

Mr. Davis suggested adding: **Amendments to the PUD shall be in accordance with Section 5-10 of the Piedmont Code of Ordinance.**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis,  
and Councilwoman Jodi Lewis

**NAYE:** None.

Councilwoman Jodi Lewis said the PUD presented was good, but the Mayor made it a better document. Ms. Lewis said it hasn't been an easy decision, but may be best for the future of Piedmont.

Councilman Jeff Davis said this is best for the future. Mr. Davis said they have to carry forward and this will make Piedmont proud.

Councilman Donnie Robinson said everyone spoke concerns was the cost of infrastructure. Mr. Robinson said that was the concerns of the City Council also. Mr. Robinson said it is about the future of the City. Mr. Robinson said he didn't think the citizens here should have to pay for infrastructure.

Mayor Mike Fina **made a motion, seconded by Councilman Brad Coleman** to continue this item until the February 25, 2008 meeting. **The vote was:**

**AYE:** Councilman Brad Coleman, John Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

**BUSINESS ITEMS-**

**a. CONSIDERATION AND POSSIBLE ACTION ON APPLICATION OF TS VENTURES LLC TO VACATE THAT PORTION OF HARRISON AVENUE LYING BETWEEN LOTS ONE THROUGH SEVEN OF BLOCK ONE AND LOTS ONE THROUGH SEVEN BLOCK FOURTEEN OF THE ORIGINAL TOWN PLAT OF PIEDMONT**

Consideration and possible action on an application of TS Ventures LLC to vacate that portion of Harrison Avenue lying between Lots one (1) through seven (7) of Block One (1) and lots one (1) through seven (7) of Block Fourteen (14) of the Original Town Plat of Piedmont.

City Manager Michael Vaughn reported. Mr. Vaughn said Mr. Ted Hyde through TS Ventures LLC, has requested in District Court that Harrison Avenue NW be vacated between Piedmont Road and approximately First Street NW. Mr. Vaughn said the Planning Commission heard this item at their January 14, 2008, meeting and voted to approve the vacation of Harrison Avenue.

Community Development Director Clark Williams said part of the area lies in a flood plain. Mr. Williams said the City would be hard pressed to build a street through there because of the requirements. Mr. Williams said the City had no objections.

Mr. Hyde said it is a flood zone area and he would use it for parking.

Ms. Lyn Land said they had applied for a grant for sidewalks. Mr. Land said citizens in Piedmont want sidewalks.

Councilman John Brown asked Mr. Hyde if he would be willing to let the City put sidewalks to the school in the future.

Mr. Hyde said if sidewalks were put in there would be major water problems.

Councilman Jeff Davis **made a motion, seconded by** Councilman Brad Coleman to approve. **The vote was:**

**AYE:** Councilman Brad Coleman, Jeff Brown, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** Councilman Donnie Robinson

**b. CONSIDERATION AND POSSIBLE ACTION ON AWARDING THE BID FOR A BACKHOE LOADER FOR THE STREET DEPARTMENT**

City Manager Michael Vaughn reported. Mr. Vaughn said at the January 3, 2007 City Council meeting, the Council authorized publication of an RFP for a backhoe. Mr. Vaughn said the RFP was published in the Piedmont-Surrey Gazette on January 10, 2008 and 17<sup>th</sup>, and the bids were opened on the 24<sup>th</sup>. Mr. Vaughn said they had received two bids. Mr. Vaughn said Mr. Stuber reviewed the bids and felt they filled his needs, and recommended the John Deere. Mr. Vaughn said if they do a lease-purchase it will need to be brought back before the Council.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to bring back the backhoe loader for lease-purchase. **The vote was:**

**AYE:** Councilman Brad Coleman, Jeff Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

NAYE: None.

**c. CONSIDERATION AND POSSIBLE ACTION ON AWARDING THE BID FOR AUDIT SERVICES FOR THE FISCAL YEAR 2006-2007**

City Manager Michael Vaughn reported. Mr. Vaughn said the Council authorized publication of an RFP for audit services for fiscal year 2006-2007. Mr. Vaughn said bids were opened on January 24, 2008. Mr. Vaughn said Mr. Vaughn said they had received six proposals. Mr. Vaughn said Havern, Behrens & Heim are who they would like to use.

City Clerk Amanda Percival said the cities of El Reno, Bethany, and Yukon use this firm.

Councilman Jeff Davis **made a motion, seconded by** Councilman John Brown to hire Havern, Behrens, and Heim for audit services. **The vote was:**

**AYE:** Councilman Brad Coleman, Jeff Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

NAYE: None.

**d. CONSIDERATION AND POSSIBLE ACTION ON APPROVAL ADDITIONAL CHARGES BY DWG, INC. FOR THE AUDIT OF THE 2005-2006 FISCAL YEAR**

Mayor Mike Fina said this item would be put on the February 12, 2008, agenda.

**e. CONSIDERATION AND POSSIBLE ACTION ON PAYMENT OF INVOICES TO THE CENTRAL OKLAHOMA WATER RESOURCES AUTHORITY (COWRA) FOR MEMBERSHIP DUES**

Mayor Mike Fina said this item would be put on the February 25, 2008, agenda.

**f. CONSIDERATION AND POSSIBLE ACTION ON THE CITY OF PIEDMONT SPONSORING THE ANNUAL 4<sup>TH</sup> OF JULY CELEBRATION**

Mayor Mike Fina said this item would be put on the February 25, 2008, agenda.

**g. RECEIVE A REPORT FORM THE CITY ENGINEER ON OPTIONS FOR SEWER CONNECTIONS TO OKLAHOMA CITY**

Mayor Mike Fin said this item would be put on the February 25, 2008, agenda.

**EXECUTIVE SESSION –**

**a. CONSIDERATION AND POSSIBLE ACTION ON DECLARING THE NECESSITY OF ACQUIRING EASEMENTS ACROSS PRIVATE PROPERTY FOR CONSTRUCTION OF A SEWER TRANSMISSION LINE TO CONNECT WITH THE OKLAHOMA CITY SEWER TREATMENT SYSTEM (PROPOSED EXECUTIVE SESSION AS AUTHORIZED UNDER THE OKLAHOMA OPEN MEETING ACT, 25 OKLAHOMA STATUTES SECTIONS 307B3 AND 307B4 TO DISCUSS THE PURCHASE OF REAL PROPERTY AND TO DISCUSS WITH THE ATTORNEY THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE THE NECESSARY EASEMENTS. THE ATTORNEY HAS ADVISED THE CITY THAT THE PUBLIC DISCUSSION OF THESE MATTERS WOULD IMPAIR HIS ABILITY TO ACQUIRE THE EASEMENTS).**

Mayor Mike Fina said the Executive Session would be put on the February 25, 2008, agenda.

**NEW BUSINESS:**

**Unplanned items – Requires 4/5ths Majority to Declare “New Business.”**

**Mayor Mike Fina recessed the City Council meeting at 9:58 P.M.**

**Mayor Mike Fina reconvened the City Council meeting at 10:01 P.M.**

Councilman John Brown **made a motion, seconded by** Councilman Brad Coleman to extend the City Council past 10:00 P.M. **The vote was:**

**AYE:** Councilman Brad Coleman, Jeff Brown, Donnie Robinson, and Jeff Davis

**NAYE:** Councilwoman Jodi Lewis

**COUNCILMEMBER COMMENTS –**

Mayor Mike Fina said there would be an election for Vice-Mayor in May. Mr. Fina said that he assumed that Donnie Robinson was serving as Vice-Mayor and he would like for him to remain in that position until the election.

Councilman Brad Coleman said that he had discussed disposing of City property with the City Manager. Mr. Coleman said he would like to see it sold on Internet auction rather than sealed auction.

**ADJOURN –**

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to adjourn the City Council meeting at 10:03 P.M., February 11, 2008.

**AYE:** Councilman Brad Coleman, Jeff Brown, Donnie Robinson, Jeff Davis, and Councilwoman Jodi Lewis

**NAYE:** None.

**ATTEST:**

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**Mayor Mike Fina**

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**Deputy City Clerk Terri Kyger**