

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

Monday, February 25, 2008

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

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

MEMBERS ABSENT: None.

CALL TO ORDER:

Mayor Mike Fina called the City Council meeting to order at 7:00 P.M.

ROLL CALL:

Deputy City Clerk Terri Kyger called the roll. There was a quorum present. There were approximately 30 citizens in the audience.

FLAG SALUTE:

Mayor Mike Fina led the flag salute.

INVOCATION:

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

PRESENTATION/PROCLAMATIONS/OATHS/APPOINTMENTS –

Mayor Mike Fina said he proclaimed the month of March as American Red Cross Month. Mr. Fina read the Proclamation for the American Red Cross.

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 February 11, 2008.
- B. Approval of Purchase Order/Disbursements for the City (Claims List).
- C. Receipt of January Statements and Comments.

- D. Receipt of the Sales Tax Record and total area from ACOG.
- E. Approval of Resolution 2-25-2008 A authorizing the City of Piedmont to acquire and equip a backhoe. Approval of a lease purchase agreement with F&M Bank for a backhoe for the City of Piedmont.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to approve Consent Agenda 6 a, c, d, e, and f as presented and pull Consent Agenda items 6 b. **The vote was:**

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

NAYE: None.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA –

Councilman John Brown asked about Pay Claim #40. Mr. Brown asked if there had been a typo on the amount.

City Clerk Amanda Percival said yes the correct amount should be \$1,349.32.

Mr. Brown asked if Pay Claim #42 was for two months.

Ms. Percival said yes.

Councilman Jeff Davis **made a motion, seconded by** Councilman Brad Coleman to approve Consent Agenda 6b. **The vote was:**

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

NAYE: None.

RECEIVE REPORT FROM PLANNING COMMISSION CHAIRMAN –

John Bickerstaff said the Planning Commission would be addressing the Application for Instructions for a PUD. Mr. Bickerstaff said they would do a step by step process on how to administer a PUD. Mr. Bickerstaff said they would also receive a report from City Engineer Joe Painter on the placement of easements in a right-of-way. Mr. Bickerstaff said they would also address Street Ordinance 466.

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

Bill Long asked what statutory budget process the City opted to use.

City Clerk Amanda Percival said she wasn't sure, but she would check and let Mr. Long know.

Mr. Long read the Principles of Democracy to the City Council.

Al Ridgley asked about the sewer system.

Mayor Mike Fina said the City Council would be discussing the sewer system later tonight.

Mr. Ridgley said the roads are falling apart that the contractor has put in. Mr. Ridgley asked if there was an inspector or some type of warranty. Mr. Ridgley said the drainage had never been done on the roads. Mr. Ridgley said Piedmont Road needs to be done like Edmond Road. Mr. Ridgley said lawsuits are going to happen if the City doesn't get the roads fixed. Mr. Ridgley said the roads need to be fixed right.

Mr. Mark Simpson read a letter in regards to the Planned Unit Development. Mr. Simpson said the main concern was the citizens felt like they were rushing through the approval of the PUD.

BUSINESS ITEMS –

- a. **CONSIDERATION AND ACTION ON AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PIEDMONT, OKLAHOMA, SECTION 5-10 PERTAINING TO PLANNED UNIT DEVELOPMENT; PROVIDING FOR PURPOSE, AUTHORIZATION, MASTER DEVELOPMENT PLANS, DESIGN STATEMENTS; PRELIMINARY PLATS, REVIEW AND DESIGN CRITERIA, AND GUIDELINES; PROVIDING FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY** Consideration

and action on an ordinance amending the zoning ordinance of the City of Piedmont, Oklahoma, section 5-10 pertaining to planned unit development; providing for purpose, authorization, master development plans, design statements; preliminary plats, review and design criteria, and guidelines; providing for modifications to planned unit developments; providing for repealer and severability; and declaring an emergency

SECOND READING

City Manager Michael Vaughn reported. Mr. Vaughn said this is the second reading of Ordinance 508. Mr. Vaughn said the Emergency Clause also needs to be considered. Mr. Vaughn said if the Emergency Clause is not approved the Ordinance will go into effect in 30 days.

City Attorney David Davis explained the Emergency Clause to the City Council.

Mr. Davis said he made the changes on the Ordinance that Councilman John Brown asked.

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

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

NAYE: None.

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

AYE: Councilmen Jeff Davis, John Brown, and Councilwoman Jodi Lewis

NAYE: Councilmen Donnie Robinson and Brad Coleman

Motion failed.

b. **CONSIDERATION AND ACTION ON AN ORDINANCE AMENDING THE PIEDMONT CODE OF ORDINANCES PERTAINING TO REGULATIONS FOR SUBDIVISION OF LAND; ADDING A NEW SECTION III-7. PROVIDING A PROCEDURE FOR APPROVAL OF CONVEYANCES BY THE COMMUNITY DEVELOPMENT DIRECTOR UNDER CERTAIN LIMITED CONDITIONS; PROVIDING FOR FEES; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.**

Consideration and action on an ordinance amending the Piedmont Code of Ordinances pertaining to regulations for subdivision of land; adding a new section iii-7. providing a procedure for approval of conveyances by the Community Development Director under certain limited conditions; providing for fees; providing for repealer and severability; and declaring an emergency. **SECOND READING**

City Manager Michael Vaughn reported. Mr. Vaughn said the City Council approved the first reading of this Ordinance without approval of the Emergency Clause at the February 11, 2008, special meeting. Mr. Vaughn said the same conditions apply; if the Emergency Clause is not approved the Ordinance will go into effect in 30 days.

Councilman John 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 Jeff Davis said he didn't think it was necessary.

Councilman Donnie Robinson said that could delay what they are trying to accomplish.

Mr. Brown said it gives the Planning Commission the authority to put it on the agenda.

Mr. Robinson said it is a wasted step and process.

Mr. Davis said the application has to meet the ordinance.

Mayor Mike Fina said he was okay with the way it is done.

Councilman Brad Coleman said they have a competent staff and the Community Development Director is allowed to approve it.

City Attorney David Davis said the Community Development Director shall review the application and may submit it for review and comment to other agencies and/or departments as staff deems necessary. Within ten 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.

City Attorney David Davis said these are the procedures that Oklahoma City uses so the developers will be familiar with them.

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

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

NAYE: None.

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

AYE: Councilmen Jeff Davis and John Brown

NAYE: Councilmen Donnie Robinson, Brad Coleman, and Councilwoman Jodi Lewis

Motion failed.

c. **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. **CONTINUED FROM FEBRUARY 11, 2008**

City Manager Michael Vaughn reported. Mr. Vaughn said City Council conducted a public hearing portion of this PUD rezoning request and closed it at its February 11, 2008, Special Meeting.

Councilman Jeff Davis asked if the applicant would have to wait for 30 days for this to be in effect.

City Attorney David Davis said yes, he would have to wait 30 days for it to be in effect.

Mr. Davis said the Master Design Plan will be provided by Phil Boevers.

Mr. Davis said it could be approved subject to a statement of utility lines and services to be installed, including which lines will be dedicated to the city and which will remain private as well as such improvements to offsite water and sewer lines and the provision to such extensions thereto as directed by the City Engineer.

Mr. Davis said this could be approved subject to this information being provided before the preliminary plat stage. Mr. Davis said this was not a requirement in the old ordinance. Mr. Davis said the Master Design Plan did not include the statement and needs to be furnished prior to the preliminary plat and would be subject to ordinance adopted to come into effect.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to approve Ordinance 508 becoming effective in 30 days and furnish an element of design statement 5-10 (b)-13.

A statement of utility lines and services to be installed, including which lines will be dedicated to the City and which will remain private as well as such improvements to offsite water and sewer lines and the provision to such extensions thereto as directed by the City Engineer.

AYE: Councilmen Donnie Robinson, Jeff Davis, John Brown, Brad Coleman, 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

City Manager Michael Vaughn reported. Mr. Vaughn said the City had received an invoice from DWG, Inc. in the amount of \$8,437.50 as well as an engagement letter.

Mayor Mike Fina **made a motion, seconded by Councilman Jeff Davis** to deny the extra charges submitted by DWG, Inc. **The vote was:**

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

NAYE: None.

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

City Manager Michael Vaughn reported. Mr. Vaughn said the City of Piedmont is a member of the Central Oklahoma Water Resources Authority (COWRA). Mr. Vaughn said COWRA has invoiced the City for \$5880. Mr. Vaughn said this reflects the Cities membership fees for the period of July 1, 2007, through July 1, 2008. Mr. Vaughn said the City has not budgeted any funds for these payments in this fiscal year. Mr. Vaughn said at this point a decision needs to be made whether Piedmont wants to stay in the Authority, and therefore pay the amounts due or withdraw.

Councilman John Brown said he talked to COWRA and they will be drilling wells to see if there are low arsenic levels. Mr. Brown said it will be beneficial if there

are low areas without arsenic. Mr. Brown suggested they meet with COWRA, pay the membership dues, and wait and see what happens with the study.

Councilwoman Jodi Lewis asked if this had been discussed previously.

Councilman John Brown said it was continued. Mr. Brown said COWRA is moving forward with a study and will be doing good things.

Ms. Lewis asked what the City of Piedmont got from COWRA.

Mr. Brown said they were involved with Garber-Wellington, but the state legislation put a stop to that.

Mayor Mike Fina said it is surrounding municipalities looking for water solutions and if the City doesn't stay in COWRA and they find a solution, the City will not be included.

Councilman Brad Coleman said he attended a Water Issue Summit. Mr. Coleman explained what they discussed at the summit.

Mr. Coleman said he thought it was the City's duty to stay a member of COWRA.

Mr. Brown said the larger the group in COWRA, the better.

Ms. Lewis said for \$6,000 she felt the City should reap some benefits. Ms. Lewis said everyone felt they should be involved in COWRA, but she would like to keep a close eye on what is going on and monitor it. Ms. Lewis said the City needs to evaluate their role.

Mayor Fina recommended they continue this item and talk with COWRA to make sure Piedmont has an equal seat.

Mr. Vaughn said he will talk to COWRA and report back.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to continue this item until March 24, 2008. **The vote was:**

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

NAYE: None.

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

Mayor Mike Fina said the Chamber of Commerce has decided not to continue the Fourth of July celebration. Mr. Fina said it is a very important event in the community. Mr. Fina said the City needs continue the Fourth of July celebration and not stop it because of the tragedy that happened last year. Mr. Fina said a tragedy defines you or you define yourself how you deal with tragedy. Mr. Fina said it will not send the right message to the State if they don't continue because eyes will be on us July 4th.

Mr. Fina said Western Enterprise offered to put on the event this year. Mr. Fina asked Mr. Layton if he knew if they were still willing to put it on. Mr. Fina said he would like to have an electronics fire show this year.

Gary Layton said he would contact Western Enterprise and see if they are still willing to put on a fire show.

Councilman John Brown asked Mr. Layton if he knew the cost to put on the fireworks show.

Mr. Layton said the cost would be between \$8,000 to \$10,000 for a full show. Mr. Layton said Western Enterprise was proposing to put on a show orchestrated with music. Mr. Layton said the electronic show would cost more money.

Councilman Donnie Robinson suggested the Mayor attend the meeting with Mr. Layton with Western Enterprise.

Councilwoman Jodi Lewis asked how much money the City had donated in the past.

Mr. Layton said \$1,250 was designated. Mr. Layton said the money is designated by the City. Mr. Layton said the people that donated the money were asked what they wanted them to do with the money and they were told they wanted the money since it was set aside for the fireworks. Mr. Layton said the money was put in CD's.

Ms. Lewis asked why the City had not received their money back.

Mr. Layton said the City had not asked for the money back. Mr. Layton said the money is set aside from the Chamber of Commerce account and is earning interest. Mr. Layton said they would give the City back the money.

Councilman Brad Coleman asked if the tragedy is why the Chamber of Commerce is not sponsoring the fireworks event.

Mr. Layton said it had a lot to do with it, but it requires a lot of time and effort to put on the fire show. Mr. Layton said raising money was a big part of it too.

Councilman John Brown said the fire show is a big part of the community and is important to the City.

Mr. Fina said he would like to recruit a community coordinator under Parks and Recreation Board. Mr. Fina said he would like for the Parks and Recreation Board to put this together.

Mr. Layton said the Chamber of Commerce will do what they can to help.

Councilman Brad Coleman said if the City sponsors the show, a lot of the people who donated to the Chamber of Commerce may not give to the City because they pay a water bill.

Mr. Layton suggested they have a parade, decide where they want to have the fireworks show and where the money is coming from.

Mr. Fina said in the next 30 days he would talk to Western Enterprise and recruit a community coordinator and have a plan at the next meeting.

Mayor Mike Fina **made a motion, seconded by** Councilman John Brown to continue this item until the March 24, 2008, meeting and bring back more details.

The vote was:

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

NAYE: None.

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

City Manager Michael Vaughn reported. Mr. Vaughn said this is the same report they received at the last meeting.

Mr. Vaughn explained the 5 options for increasing capacity of the Piedmont Sewer System.

Mr. Vaughn said he had met with DEQ to ask what they thought was the best option was and they said they just wanted the City to comply with regulations.

Bill Long said he looked at the Painter and Associates waste water study and it had a different approach.

Councilman Donnie Robinson said the Oklahoma City lines have changed since then.

Councilman Brad Coleman said he would like to see a cost of eliminating the lift stations.

Buel Hoar said anything fluid that comes from the lagoons goes uphill. Mr. Hoar said they need to analyze what the true costs are. Mr. Hoar said they should consider the east side drainage because it would be cheaper in the long run.

Councilman Donnie Robinson **made a motion, seconded by** Councilman John Brown to enter into Executive Session. **The vote was:**

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

NAYE: None.

City Manager Michael Vaughn said staff recommendation is to pursue Option 1 and have the City Engineer check the elevation and cost. **The vote was:**

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

NAYE: None.

Mayor Mike Fina asked the staff to work on a proposal and come back with a solid plan with a dollar amount.

h. CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF RESOLUTION 2-25-2008 B AUTHORIZING BUDGET AMENDMENT 6 FOR THE 2007-2008 FISCAL YEAR.

City Manager Michael Vaughn reported. Mr. Vaughn said the Library received a grant from the Oklahoma Department of Libraries in the amount of \$5,375. Mr. Vaughn said this amendment would add this grant to the library budget. Mr. Vaughn said the Parks and Recreation Board received \$5,607.46 in donations for the Winter Wonderland. Mr. Vaughn said they have requested that this amount be added to their budget. Mr. Vaughn said the 2007-2008 budget included \$2,301 for a rural fire grant. Mr. Vaughn said the Piedmont Fire Department received \$5,100. Mr. Vaughn said this amendment would add the additional amount of the grant to the Fire Department budget. Mr. Vaughn said currently the City has \$38,000 in the budget for the City of Piedmont's share to replace the bridge on Mustang Road between 150th and 164th. Mr. Vaughn said FEMA is requiring that the new bridge meet additional requirements because the area is in the 100 flood plain. Mr. Vaughn said this result is an increase in the cost of the bridge. Mr. Vaughn said this amendment will increase the budget for the City's half to \$100,000.

Councilman John Brown **made a motion, seconded by** Councilman Donnie Robinson to approve Resolution 2-25-2008 B authorizing Budget Amendment 6 for Fiscal Year 2007-2008. **The vote was:**

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

NAYE: None.

i. RECEIVE A REPORT FROM THE P3 COMMITTEE ON C3 (COMMUNITY CITIZEN COLLABORATION).

Councilwoman Jodi Lewis introduced Ms. Heath and Mr. Pierce and explained what the P3 Committee was trying to accomplish.

Mary Lynn Heath said she had been working on community foundation. Ms. Heath explained what some of their ideas were for Piedmont.

Ms. Heath said there was a small group of citizens interested in giving tax deductible dollars to keep the money in Piedmont.

Mike Pierce said he had been focusing on a community website. Mr. Pierce explained the options that would be available on the website.

NEW BUSINESS:

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

Mayor Fina said they had received new signed easements from the ownership group along the route of the waterline on Piedmont Road. Mr. Fina this would declare the necessity of acquiring easements across private property for construction of a sewer transmission line to connect with the Oklahoma City Sewer Treatment System. Mr. Fina said he would like to declare this as new business.

City Attorney David Davis explained what the requirements were to declare New Business.

Councilman Jeff Davis **made a motion, seconded by** Councilman John Brown to declare this as new business. **The vote was:**

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

NAYE: Councilman Brad Coleman

Councilman Jeff Davis **made a motion, seconded by** Councilman John Brown to accept the easements. **The vote was:**

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

NAYE: None.

Councilman John Brown said they need to reconsider the emergency clause for the administrative deed. Mr. Brown said there is an administrative deed that needs to be filed and this needs to be declared as an emergency.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to vote to reconsider the emergency clause for administrative deed on item 11b.

The vote was:

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

NAYE: None.

ABSTAIN: Councilman Donnie Robinson

Councilman Donnie Robinsons said he abstained because he didn't think all the facts had been told. Mr. Robinson said they are seeking office space in another area in town and he wanted to exclude himself from voting.

Councilman John Brown **made a motion, seconded by** Councilman Jeff Davis to approve the emergency clause for administrative deed on item 11b.

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

NAYE: None.

ABSTAIN: Councilman Donnie Robinson

Mayor Mike Fina recessed the City Council meeting at 9:50 P.M.

Mayor Mike Fina reconvened the City Council meeting at 9:53 P.M.

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**

COUNCILMEMBER COMMENTS –

Councilman Brad Coleman said the road was bad on North Piedmont Road between 192nd and 206th.

Councilman John Brown said there was some heavy dirt moving on County Line Road South of Skyler Ridge. Mr. Brown asked if the City knew what was going on.

Community Development Director Clark Williams said that Chesapeake had bought the land. Mr. Williams said he would check into it.

Mr. Brown said the City needs to send the grate all to Mustang Road.

Councilman Jeff Davis said the drainage was bad on the culvert on 206th. Mr. Davis said Silver Star should not send a bill on their services.

Mayor Mike Fina said Randy Lewis with OG&E said he would participate in the Independence Day celebration.

ADJOURN –

Councilwoman Jodi Lewis **made a motion, seconded by** Councilman Donnie Robinson to adjourn the City Council meeting at 9:58 P.M., Monday, February 25, 2008.

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

NAYE: None.

ATTEST:

Mayor Mike Fina

Deputy City Clerk Terri Kyger