

**MEETING OF THE CITY COUNCIL  
GEORGE FINA MUNICIPAL BUILDING - 314 EDMOND ROAD NORTHWEST  
Monday, July 27, 2015 6:30pm**

**MEMBERS PRESENT:** Mayor Valerie Thomerson, Mayor Pro Tem Donnie Robinson, Councilman Albert Glichmann, Councilman John Brown, Councilman Robert Simpson and Councilman Bobby Williamson.

**ABSENT:** None

**STAFF PRESENT:** City Manager Jim Crosby, City Clerk/Treasurer Jennifer Smith, Attorney Matt Wheatley, City Engineer Pat Garrett, Fire Chief Andy Logan, Police Chief Scott Singer, Public Works Director Bud Stuber and Secretary Mary Ramsey

1. **CALL TO ORDER** Mayor Valerie Thomerson called the City Council meeting to order at 6:30 p.m.
2. **ROLL CALL** – Secretary Mary Ramsey called roll. A quorum was present.
3. **FLAG SALUTE** – Flag salute was led by Mayor Valerie Thomerson.
4. **INVOCATION** – Wade Harden led the invocation.
5. **CONSENT AGENDA** - All items on the consent agenda are non-controversial and may be approved by one motion for items.
  - a. Approval of Minutes for the City Council Meeting on June 22, 2015.
  - b. Approval of an Inter-local Agreement between the City of Yukon, Oklahoma and the City of Piedmont, Oklahoma for use of jail facilities for safe and secure detention and care of persons placed under arrest and taken into custody by Piedmont law enforcement officers.
  - c. Approval of an Inter-Local Agreement between the City of Yukon, Oklahoma and the City of Piedmont, Oklahoma for the city of Yukon to provide afterhours dispatch services for the City of Piedmont.
  - d. Approval of Contract with the Piedmont Public School District and the City of Piedmont, providing for a School Resource Officer (SRO).
  - e. Approval of Renewal Quotation from ersi ArcGIS Maintenance Renewal and Update.
  - f. Approval of Renewal Quotation from Meshek & Associates, PLC for the review, organization, update, and maintenance of the City of Piedmont's GIS Data & Webviewer.

- g. Approval of request to by the Police Department to surplus two (2) vehicles.
- h. Approval of an Inter-Local Mutual Cooperation Agreement between the Board of County Commissioners, Canadian County, Oklahoma, and the City of Piedmont, Oklahoma for FY2016, pertaining to 234<sup>th</sup> St. NE (Moffat Road NW) approximately ¼ mile east of Frisco Road.
- i. Approval of an Inter-Local Mutual Cooperation Agreement between the Board of County Commissioners, Canadian County, Oklahoma, and the City of Piedmont, Oklahoma for FY2016, pertaining to Frisco Road approximately ¼ mile south of 234 St. NE (Moffat Road NW).
- j. Recognition/Approval of Purchase Order/Disbursements for the City (Claims List).
- k. Recognition/Approval of June 2015 Financial Statements.

Mayor Pro Tem Donnie Robinson made a motion to approve the Consent Agenda. Motion was **seconded** by Councilman John Brown.

**The Vote was:**

**AYE:** Mayor Pro Tem Donnie Robinson, Councilman Albert Gliemann, Councilman John Brown, Councilman Bobby Williamson and Councilman Robert Simpson.

**NAYE:** None

**6. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

None

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

None

**8. BUSINESS ITEMS –**

- a. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON ORDINANCE NO. 610 AN ORDINANCE AMENDING THE CITY OF PIEDMONT CODE OF ORDINANCES BY AMENDING SECTIONS 11-101A, 12-101, AND CITY OF PIEDMONT ZONING ORDINANCE SECTION 7-1 TO PROVIDE THAT A MEMBER TO THE PARK AND RECREATION BOARD, PLANNING COMMISSION, AND/OR BOARD OF ADJUSTMENTS MAY BE REMOVED FROM OFFICE IN ADDITION TO THE REASONS SET FORTH IN SAID SECTION, BY A FOUR-FIFTHS VOTE OF THE CITY COUNCIL; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.**

Commissioner John Brown made a motion to approve Business item 8a, with additional language to be added to allow for removal on any appointed position. Should also

include PEA, Library Board. Motion was **seconded** by Councilman Bobby Williamson.

**The Vote was:**

**AYE:** Mayor Pro Tem Donnie Robinson, Councilman Albert Gliechmann, Councilman John Brown, Councilman Bobby Williamson and Councilman Robert Simpson.

**NAYE:** None

**b. CONDUCT A PUBLIC HEARING TO CONSIDER A FORMAL APPLICATION FOR REZONING AND SUBMISSION OF A PUD MASTER DEVELOPMENT OF HIDDEN HOLLOW, REQUESTED BY VOLTERRA, LLC FOR A PLANNED UNIT DEVELOPMENT (PUD) FOR RESIDENTIAL USE OF THE FOLLOW DESCRIBED PROPERTY:**

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-three (33), Township Fourteen (14) North, Range Five (5) West of the Indian Meridian, Canadian County, Oklahoma, being described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence N89°56'25"W along the South line of said Southeast Quarter (SE/4) a distance of 914.09 feet to a set Mag Nail, said point is the Point of Beginning; thence continuing N89°56'25"W along said South line of said Southeast Quarter (SE/4) a distance of 379.00 feet to a set Mag Nail; thence N00°01'26"E a distance of 726.00 feet to a set 3/8" Iron Rod; thence N89°56'25"W and parallel with the said South line of said Southeast Quarter (SE/4) a distance of 300.00 feet to a set 3/8" Iron Rod; thence N00°01'26"E a distance of 235.09 feet to a set 3/8" Iron Rod; thence N00°03'31"E a distance of 662.82 feet to a set 3/8" Iron Rod; thence N89°56'25"W parallel with said South line of said Southeast Quarter (SE/4) a distance of 1034.93 feet to a point on the West line of said Southeast Quarter (SE/4); thence N00°29'43"E along said West line a distance of 1013.16 feet to the Northwest corner of said Southeast Quarter (SE/4) a found 3/8" Iron Rod; thence N89°51'29"E along the North line of said Southeast Quarter (SE/4) a distance of 1183.23 feet to a set 3/8" Iron Rod; thence S00°23'57"W a distance of 660.03 feet to a set 3/8" Iron Rod; thence N89°51'29"E parallel with the North line of said Southeast Quarter (SE/4) a distance of 132.00 feet to a set 3/8" Iron Rod; thence S00°26'24"W a distance of 659.79 feet to a set 3/8" Iron Rod; thence S89°58'26"E a distance of 659.66 feet to a set 3/8" Iron Rod; thence S00°20'04"W a distance of 357.38 feet to a set 3/8" Iron Rod; thence N89°56'25"W parallel with the South line of Southeast Quarter (SE/4) a distance of 253.38 feet to a set 3/8" Iron Rod; thence S00°20'10"W a distance of 963.28 feet to the Point of Beginning.

This property is generally located on the north side of Washington Street East, 915' west of the intersection of Washington Street East and Mustang Road.

David Box – representing the developer

- Case has been ongoing for 1 year
- First presented to Planning Commission with a request for straight zoning RE2.
- Request was met with resistance from the surrounding neighbors and the Planning Commission
- It was suggested by some on the Planning Commission that we come back with a PUD so that a confirmation was made that a quality development would be developed for Piedmont and the concerned neighbors.
- At the time of the zoning request we had 52 lots, when we came back with the PUD we reduced the lots to 35 lots. We have 47 acres at .73 dwelling

units per acre. Piedmont Comprehensive Plan calls for medium density up to 4 dwelling units per acre.

- Planning Commission vote 2 to 1 in favor.
- Site has water, sewer is not accessible, and there are no easements in place. Piedmont subdivision regulations require sewer if the development is within 300 feet of the sewer main. This development is more than 1000 feet away from the sewer main. Development is well within the requirements of the sewer plan. DEQ allows for septic sewer solution on ½ acres, the development lots are double that, at 1 acre.
- The density is less than what the Comprehensive plan calls for. Legally this development is less than what the law would call for.
- Concessions were made for the Planning Commission:
  - Deceleration lanes on Washington if at time of development a traffic study would require them.
  - 15 feet sanitary sewer easements if sewer becomes available we could trap into.
  - Berm to prevent headlight population
  - Provided a stubbed out street to north for future development.
  - Additional landscaping has been provided.

#### Roy Mayabb-

- Concerned about the aerobic system and its contamination. Concerned that the debris will flow into his pond and his cow will be sick.
- Have not addressed a sight proof fence that should go all the way around the development
- Concerned about the high pressure gas line that run across the front of the development. Who is responsible?
- Understands there is a 6 square mile requires for sewer, this development is within that 6 miles.

#### Bill Long-

- The surrounding lots are 2.5 acres or larger, the blue portion of the mapping.
- There have been 6 to 8 valid reasons for this development to not be development.
- It comes before the City Council without the approval of the Planning Commission.
- Neighbors where required to conduct protest multiple times, 94% of the surrounding neighbors oppose this development. 80% of the property owners oppose.
- The land shape is irregular with all kinds of issues:
  - Has a blue line that runs in the middle of the property that will flood the folks downstream.

- It has a road that literally run along the back fence of our properties.
- The road is almost 4000 feet.
- The smallest part of the property has a road that is also a blue line.

Marva Oard:

- Member of the Planning Commission
- This development does not meet the requirements of a PUD.
- Public Concerns
  - One road in and out.
  - 60 plus vehicles, school buses, trash services in and out every day, life for the Oard family will change.
- Believe this development will lower our property value. There is no way we could have project that a development would run the entire 300 feet of our back fence.

Dan Oard:

Public Safety concerns:

- What would happen if a fire where to occur in the back of the development?
- Cul-de-sac recommendation is not over 1000 feet, this cul-de-sac is 4000 feet.
- Very dangerous, bad situation

Randy Park

- Come from Florida, was a commercial developer.
- Love the idea of growth, but the growth has to look right to surrounding area.
- Development does not fit, new housing needs to be in the appropriate areas.

David Box:

- High pressure gas lines are common and developer will look at the lines and work with utility.
- Developer is willing to provide 6 foot stockade fence to assist with sight proof fence.
- Cul de sacs are at the discretion of the Planning Commission.
- Number of no votes has no bearing on the District Court action, they look at:
  - Comprehensive Plan
  - Planning Commission
  - Staff

Mayor Valerie Thomerson closed the Public hearing.

**c. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON A FORMAL APPLICATION FOR REZONING AND SUBMISSION OF A PUD MASTER DEVELOPMENT OF HIDDEN HOLLOW, REQUESTED BY VOLTERA, LLC FOR A PLANNED UNIT DEVELOPMENT (PUD) FOR RESIDENTIAL USE OF THE FOLLOWING DESCRIBED PROPERTY:**

See above for the full legal description.

Councilman Robert Simpson made a motion to open discussion on business item 8c. Motion was **seconded** by Councilman John Brown.

Councilman Robert Simpson concerned about:

- Length of the cul-de-sac
- One entrance and one out
- Why did Planning Commission go against our own recommendation
- Development does not meet PUD requirements
- High pressure gas line is an issue. – need to see an engineer report.

Mayor Pro Tem Donnie Robinson concerned about:

- Perimeter of the development
- Lack of infrastructure. City has made investment to make services available. City has an A/B pay back system.
- 80% of people who are already here and invested in Piedmont that oppose.

Councilman John Brown concerns:

- This development is not a PUD, should have been a straight zoning change. Everything we are discussing should have been dealt with at the Platting process
- The Planning Commission has turned this into something it is not. This should have been a zoning request.
- Remember the City Council passing a 6 square mile sewer requirement, do not like aerobic systems.
- Ponds are liability problem, Home Owner Association do not take care of them. It needs to be a retention pond that drains.
- Asked City Attorney if City has any legal rights to require the development to hook up to sewer? City Attorney explained no because the development is not within 300 feet. An ordinance will need to be changed.

Councilman John Brown made a motion to approve PUD with the pond being changed to a water retention pond. Motion was **seconded** by Councilman Bobby Williamson.

**The Vote was:**

**AYE:** Councilman John Brown, and Councilman Bobby Williamson.

**NAYE:** Mayor Pro Tem Donnie Robinson, Councilman Robert Simpson and Councilman Albert Gliemann.

Mayor Valerie Thomerson asked for meeting to take a 10 minute break.

City Attorney Matt Wheatley advised Council during the break that the first motion deviated too far from the agenda item. A new motion and vote needs occur.

Mayor Pro Tem Donnie Robinson made a motion to reject business item 8c. Motion was **seconded** by Councilman Robert Simpson.

**The Vote was:**

**AYE:** Mayor Pro Tem Donnie Robinson, Councilman Albert Gliemann, Councilman John Brown and Councilman Robert Simpson.

**NAYE:** Councilman Bobby Williamson

Business item 8c did not pass.

- d. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION FOR APPROVAL TO ACCEPT BIDS FROM MYCO CONSTRUCTION CORPORATION FOR THE BASE BID, ALTERNATE 1, ALTERNATE 2, AND ALTERNATE 3 OF THE 2015 ROADWAY IMPROVEMENTS PROJECT.**

Mayor Pro Tem Donnie Robinson made a motion to approve business item 8d. Councilman Bobby Williamson **seconded** the motion.

**The Vote was:**

**AYE:** Mayor Pro Tem Donnie Robinson, Councilman Albert Gliemann, and Councilman Bobby Williamson.

**NAYE:** Councilman Robert Simpson and Councilman John Brown

**9. NEW BUSINESS –**

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

None

**MOTION TO RECESS TO PIEDMONT MUNICIPAL AUTHORITY**

Councilman John Brown made a motion to recess to the Piedmont Municipal Authority. Motion was **seconded** by Councilman Robert Simpson.

**The Vote was:**

**AYE:** Mayor Pro Tem Donnie Robinson, Councilman Albert Glicchmann, Councilman John Brown, Councilman Bobby Williamson and Councilman Robert Simpson.

**NAYE:** None

## **10. PIEDMONT MUNICIPAL AUTHORITY**

### **MOTION TO ADJOURN TO RECONVENE TO REGULAR CITY COUNCIL MEETING**

## **11. CITY MANAGER REPORT –**

Moffat road repair is underway. Discovered a few phone lines and gas lines that were not expected, we are meeting this week to find a resolution.

Crain will be here this week to lift the box out on Moffat road.

Road should be finished soon.

## **12. ADMINISTRATION REPORT –**

None

## **13. COUNCILMEMBER COMMENTS-**

Councilman John Brown – we need to take a look at our ordinances. We may need to appoint a committee. What happened tonight is not right, not fair to the developer. We need to get our ordinance changed and updates.

Mayor Pro Tem Donnie Robinson – Thank you to the staff for all of the work that has been done on the roads.

Concerned about ordinance that we have passed in the past and they are not present tonight. We need to get it straighten out; this process should be cut and dry. A residential development should be straight forward.

Councilman Bobby Williamson – glad to see activity go on at the wash out, out on 234<sup>th</sup>.

## **14. ADJOURN –**

Mayor Pro Tem Donnie Robinson made a motion to adjourn the City Council meeting at 8:20 p.m. Motion was **seconded** by Councilman Robert Simpson.

**The Vote was:**

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**AYE:** Mayor Pro Tem Donnie Robinson, Councilman Albert Gliemann, Councilman John Brown, Councilman Bobby Williamson and Councilman Robert Simpson.

**NAYE:** None

  
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Mayor, Valerie Thomerson

  
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Secretary, Mary Ramsey