

EDMOND CITY COUNCIL MINUTES

November 27, 2000

Mayor Bob Rudkin called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, November 27, 2000, in the City Council Chambers.

2. Approval of Minutes. Motion by Huggins, seconded by Knox, to approve Minutes of the November 13, 2000, City Council meeting. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins
and Moore
NAYS: None

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

A. **Approval of Administrative Items:**

- 1) **Acceptance of City Manager's Financial Report for month ending October 31, 2000.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending October 31, 2000.**
- 3) **Approval of supplemental appropriations - Building Department - \$23,000**
- 4) **Consideration of approval to declare 424 N. Boulevard a public nuisance.** John Schwartz, 505 N. Boulevard, addressed Council and stated the property has been in need of abatement for several years. He stated the property is a health hazard and looks terrible. Mr. Schwartz urged the Council to take permanent action to get the property cleaned up. Walter Palmer addressed Council and stated he owns rental property next to the subject property. He stated he is unable to rent his house due to the condition of this property.

Steve Murdock, City Attorney, addressed Council and stated staff has been working on problems at this location for at least 10 years. He stated the resident says that all the items stored outside are recyclable. Mr. Murdock stated staff has abated the property numerous times but in a few weeks the property is back to the same condition. He noted at one time the

property was condemned by the Oklahoma County Health Department. He suggested the property be abated and if it is not maintained that the City apply to District Court for a judgment to condemn the property and have it razed. Mr. Murdock stated he would send a letter to the property owner notifying her of the Council's decision. Bill Fitzgerald, Code Enforcement Officer, also addressed Council.

Motion by Moore, seconded by Knox, to approve General Consent Item 3.A.(4). **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins
and Moore
NAYS: None

5) **Acceptance of the following public improvements and maintenance bonds:**

- a) Edmond Dental Clinic
- b) Time Rental
- c) Spring Creek Plaza
- d) Coltrane Park
- e) Taco Cabana
- f) Matthews Funeral Home
- g) Edmond Mini Warehouse
- h) Citizens Bank ATM

6) **Approval of Change Order No. 1 with Luckinbill, Inc. for the University of Central Oklahoma Highland Park Sanitary Sewer Relocation project.**

7) **Approval of Change Order No. 1 with Matthews Trenching Company for the Spring Creek Sanitary Sewer Interceptor, Phase I.**

8) **Approval of supplemental appropriations - Vehicle Maintenance Fund - \$20,000**

Motion by Moore, seconded by Knox, to approve General Consent Items 3.A.(1-3,5-8). **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins
and Moore
NAYS: None

9) **Public Hearing and Consideration of Ordinance No. 2586 repealing and amending Chapter 23.40, Flood Damage Prevention, of the Edmond Municipal Code.**

Councilmember Knox addressed Council on behalf of the Stormwater Drainage Advisory Board (SWAB) and stated that a majority of the changes were administrative and would shorten the length of time and simplify the process to obtain permission from the City to develop in the floodplain. Councilmember Knox stated most cities have ordinances that allow changes in the floodwater level up to 12 inches to be handled administratively. He noted the City of Edmond ordinance is still more restrictive than other area cities. He stated the SWAB recommended the following changes to the ordinance:

- 1) Would allow the Floodplain Administrator to issue floodplain development permits for development in the flood fringe area of the floodplain if the proposed rise in the base flood elevation does not exceed three inches and the rise is restricted to the applicant's property.
- 2) Requires the applicant to post a \$20,000 cash bond or letter of credit as collateral when a LOMA or LOMR from FEMA is required after the floodplain development is completed.
- 3) Prohibits the building of residential or commercial structures on land that once was in the floodplain but since has been elevated above the floodplain with fill.
- 4) Granting or denial of a floodplain permit application does not set a precedent for future applications.
- 5) Other changes are the result of updating and expanding definitions and language clarifications of the ordinance.

Dan O'Neil addressed Council about his concerns with Item 4. Mr. O'Neil requested the Stormwater Board submit suggestions to improve the stormwater assessment districts. He also requested the SWAB address the problem of converting detention ponds from the builder to the homeowner associations the next time the ordinance is amended.

Motion by Huggins, seconded by Knox, to approve Ordinance No. 2586 as read by title by City Attorney. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins
and Moore
NAYS: None

4. Approval of Tort Claim Committee's recommendation on Tort Claim.

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
20-0072 Street Department	Deny - \$657.00

Motion by Knox, seconded by Huggins, to approve Tort Claim Committee's recommendation on Tort Claim. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins and Moore
 NAYS: None

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

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins and Moore
 NAYS: None

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for an automotive repair business, located on the east side of Santa Fe, one-fourth mile south of Danforth (Christian Brothers, applicant).** David Miller, area resident, addressed Council and stated the deed restrictions and restricted covenants to convert the property back to Suburban Office should the business cease to operate, agreed upon by the applicant when the Edmond Plan was amended several months ago, has not been filed of record with the Oklahoma County Clerk. Mr. Miller stated the agreement to close the business on weekends after the first 120 days of business has also not been filed of record. He stated the Site Plan does not include fencing on the south side of the site and he asked if the fence would be extended to the south side. Mr. Miller also felt that 32 parking spaces were not needed since the applicant agreed to no outside parking of vehicles. He requested that no building permits be issued until these items are included in the Site Plan and filed and recorded with the Oklahoma County Clerk.

Randal Shadid, attorney representing the applicant, addressed Council and stated the restrictive covenants have not been recorded due to the petition drive to overturn the rezoning of the property. He stated now that the rezoning was in place, the covenants would be filed. Mr. Shadid stated he notified City staff in a letter dated October 29th to include

in the PUD Design Statement the restriction to close on weekends after the first 120 days of service and no outside storage other than nighttime drop offs. He stated fencing is not required on the south side of the site.

Dan O'Neil addressed Council and asked if the Plat would be filed. Bob Schiermeyer, City Planner, addressed Council and stated the plat will be filed as soon as the street is finished and accepted by Council.

Councilmember Rice stated he voted to deny the rezoning but he liked the Site Plan and would like to see more of this type of plan, but he still felt that the use was not compatible with this area.

Motion by Knox, seconded by Huggins, to approve Planning Consent Item 8.A. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox and Huggins
NAYS: Councilmembers Rice and Moore

B. Public Hearing and Consideration of commercial Site Plan approval for a new building, located on the north side of Enterprise Drive, east of Kelly, one-half mile south of 15th Street (Lambrecht Construction, applicant).

Motion by Moore, seconded by Rice, to approve Planning Consent Item 8.B. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins and Moore
NAYS: None

C. Public Hearing and Consideration of commercial Site Plan approval for a new office building, located on the north side of Ayers, immediately east of the Little Blessings Day Care Center, extending from Ayers to Thatcher (Oklahoma Natural Gas Company, applicant). The building will contain 2,500 square feet. David Odle, City Architect, addressed Council and stated the building will have a residential appearance to blend with the surrounding homes.

Motion by Moore, seconded by Rice, to approve Planning Consent Item 8.C. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins and Moore
NAYS: None

9. NEW BUSINESS:

Leonard Martin, City Manager, requested the GIS department demonstrate their system prior to the next Council meeting.

Councilmember Knox requested a tour of the Central Communications 9-1-1 system.

10. Motion by Moore, seconded by Huggins, to adjourn meeting.
Motion carried as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox, Huggins
and Moore

NAYS: None

City Clerk

Mayor