

EDMOND CITY COUNCIL MINUTES

April 28, 2008

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 28 2008, in the City Council Chambers.

2. Approval of Minutes of April 14, 2008. Samuel Bassett, Turtle Creek Commons, addressed Council regarding Item 10 discussing the Bridges at Spring Creek Shopping Center. He requested the record reflect the exchange between Carrie Tomlinson, City of Edmond Urban Forrester, and Councilmember Lamb regarding the buffer zone between his residence and the shopping center. He stated his wife spoke at the last meeting regarding the 20 foot buffer zone that had been disturbed. He noted that Councilmember Lamb asked Ms. Tomlinson if the area would be required to be replanted and she responded that it would. Mr. Bassett requested this exchange be reflected in the Minutes for future reference. Motion by Miller, seconded by Page, to approve Minutes. Councilmember Page suggested that rather than amending the Minutes that the record reflect that Mr. Bassett addressed Council regarding this issue. Councilmember Lamb stated that discussion did occur and he agreed with Councilmember Page that the present Minutes reflect that Mr. Bassett addressed this issue. **Motion carried** as followed:

AYES: Mayor O'Neil, Councilmembers Page, Lamb and Miller
NAYS: None
ABSTAIN: Councilmember Waner

3. City Council Presentations:

- A. **Presentation by Gerald Coury on behalf of the Character Council, to the Edmond Family Counseling Center.**
- B. **Recognition of the Edmond Youth Council participants.**
- C. **Presentation of proclamation proclaiming May 18, 2008, as "Edmond Peace Officers' Memorial Day" and May 12-18, 2008, as "National Police Week" in the City of Edmond.**

4. Appointments to Boards and Commissions:

- A. **Appointment to the Arts and Humanities Council.** Mayor O'Neil nominated Shirley Kendrick for appointment to serve a term expiring in February, 2011.

- B. **Appointment to the Visual Arts Commission.** Councilmember Waner nominated Harold Spurr for appointment to serve a term expiring in April, 2011.
- C. **Appointment to the Kickingbird Golf Club Advisory Board.** Councilmember Lamb nominated Derek England for re-appointment to serve a term expiring in May, 2009.
- D. **Appointment to the Central Edmond Urban Development Board.** The Downtown Edmond Business Association nominated Bryanne Wallace for re-appointment to serve a term expiring in March, 2009.
- E. **Appointment to the Kickingbird Tennis Center Advisory Board.** The Edmond Tennis Association nominated Jeff Reese for re-appointment to serve a term expiring in March, 2011.

Motion by Lamb, seconded by Page, to approve Items 4.A. through 4.E. **Motion carried** as followed:

AYES: Mayor O'Neil, Councilmembers Page, Lamb and Miller
NAYS: None

- 5. **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 April 30, 2008.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending April 30, 2008.**
- 3) **Approval of Resolution No. 06-08 in support of the Oklahoma County Bond Issue election of May 13, 2008, for Tinker Air Force Base.**
- 4) **Approval to purchase approximately 11.35 acres of property adjacent to the Service-Blake Soccer Complex in the area of Danforth Road and Kelly Avenue in the amount of \$1,500,000.**
- 5) **Approval of Resolution No. 07-08 in support of the Edmond High School Rugby Club and directing the development of a management agreement to provide for use of the City property in Mitch Park by the Edmond High School Rugby Club, "The Storm". Councilmember**

Miller stated the Rugby Club began in 2007 and students from Edmond North, Santa Fe and Deer Creek high schools are involved in this program. He stated Memorial High School students are also invited to participate in the sport. He noted the Club is looking at possibly expanding to two teams. Councilmember Miller stated he was impressed with the good things the rugby club has done for the young men who are participating.

Dr. Richard Bernard, Greg McFaddin (coach and one of the founders of the club) and Chris Puckett (team Vic Captain) addressed Council in support of the resolution. Dr. Bernard stated the club has approximately 30 team members and has raised approximately \$50,000 in outside funds of services, actual cash gifts and in-kind gifts. He stated the club and their families are committed to the Rugby Club.

Motion by Miller, seconded by Lamb, to approve General Consent Item 5.A.(5). **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

- 6) **Approval of admission fee increase for Pelican Bay Aquatic Center.**
- 7) **Approval of transfer of appropriations for the Convention and Visitors Bureau - \$18,000**
- 8) **Approval of transfer of appropriations for the Vehicle Maintenance fund - \$105,000**
- 9) **Approval of transfer of appropriations for the Park Tax fund - \$12,000**
- 10) **Approval of contract with the Association of Central Oklahoma Governments to provide traffic counts.**
- 11) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for Hundred Oaks Village, Phase I.**
- 12) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) City Council Chambers renovation project

- b) Kickingbird Golf Course driving range expansion lighting project
- 13) Acceptance of Final Plat, public improvements and maintenance bonds for Belmont Park II.
- 14) Acceptance of maintenance bonds for the HVAC modifications for the Administration Building.

Motion by Waner, seconded by Page, to approve General Consent Items 5.A.(1-4,6-14). **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

B. Approval of Purchases:

- 1) Approval of interlocal agreement with the Board of County Commissioners of Oklahoma County for rural mowing and weed control maintenance of section line rights-of-way in the amount of \$25,000.
- 2) Approval of Change Order No. 3 with J.L. Walker Construction, Inc. for the HVAC modifications at the Administration Building in the reduced amount of \$2,780.
- 3) Approval of Change Order No. 1 with Blaco Construction, LLC, for the Fretz Avenue extension project in the reduced amount of \$34,752.50.
- 4) Approval of bid disposition by the Purchasing Manager for swimming pool chemicals and services (including renewal options) for Pelican Bay Aquatic Center in the estimated annual amount of \$15,000.
- 5) Award of bid for a large excavator for the Fleet Management Department. Purchasing Manager recommended accepting bid from GW Van Keppel Co. in the amount of \$123,981.
- 6) Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$5,391.69.

Motion by Waner, seconded by Lamb, to approve General Consent Items 5.B.(1-6). **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

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

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

Mayor O'Neil reconvened the City Council meeting.

8. PLANNING CONSENT ITEMS:

- A. Consideration of Final Plat of Shoppes at Central Parke, located on the northwest corner of Kelly and Edmond Road (Aduddell Development, applicant) Case No. PR080008.
- B. Consideration of Final Plat for the Lowe's of North Edmond, located west of Kelly Avenue, south of Walgreens at Covell Road and Kelly Road (Lowe's Home Improvement Center, applicant) Case. No. PR080003.
- C. Public Hearing and Consideration of extension of commercial Site Plan approval for a retail building, located south of Danforth, west of Chowning, east of the Auto Zone (Harrison Levy, applicant) Case No. SP070003.
- D. Consideration of Final Plat of Cedar Pointe Professional Park, located on the east side of Santa Fe, west of the Cedar Pointe Addition, just over one-half mile north of Danforth (Mark Arledge and Richard Safi, applicants) Case No. PR080009.

Motion by Miller, seconded by Lamb, to approve Planning Consent Items 8.A. through 8.D. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

- E. Consideration of Final Plat for The Summit, generally located east of I-35, north of 2nd Street, extending north near Danforth (Summit Property Development, LLC, applicant) Case No. PR080010. The site contains 6.46 acres and the

application is to modify the previous plat reducing the length of the street stub-out to the north by approximately 400 feet to provide a cul-de-sac on North Saints Way. The Summit is already under construction. The property owners to the northeast own 35 acres and at this time have not indicated what their development plans are for the property or voiced any preference as to the location of the street stub-out. Staff felt that as long as the end of the cul-de-sac provides adequate width of right-of-way to provide for a collector type street to connect, the cul-de-sac as proposed represents a reasonable design alternative to the original, longer dead-end North Saints Way. Staff stated the original street would have provided a connection to Danforth less than 100 feet from the off ramp onto I-35. Staff felt the best alternative was for a future street to connect to the shorter stub-out and then cross the adjoining property and connect to Danforth. The street-stub out is not a permanent solution but is intended as a temporary solution. Planning Commission recommended approval.

Councilmember Page stated he wanted the minutes to reflect that when the previous final plat for The Summit was discussed and approved, that any connection to Danforth would be required to align with the entrance into the Sleepy Hollow Addition to the north. He noted installation of a traffic signal on 2nd Street to service both Sleepy Hollow and The Summit additions was also agreed upon. He stated a traffic signal is necessary because of circulation issues as well as the substantial amount of traffic and the density of the development.

Councilmember Waner asked the density of the entire project. Staff stated the project consists of 170 single family units plus 250 multi-family units plus a self-storage facility. Councilmember Waner stated she was concerned about the density for such a large addition with only one access. She stated that when she was a member of the Planning Commission, this item was discussed and they required a connection on Danforth due to the size of the project. She noted that now this very large project only has one access which greatly concerned her.

Councilmember Lamb noted that as the property to the northeast develops, interconnectivity becomes critical. He stated as that property develops in the future a traffic signal will probably be mandated.

General discussion was held regarding the interconnectivity issues and Steve Manek, City Engineer, stated that more than 100 cars per hour at peak times at an intersection generates

the requirement for a traffic study. It was noted that when the Planned Unit Development was approved, a condition was attached stipulating that a traffic signal must be installed on 2nd Street before any occupancy permits are issued.

Brian Coon, Coon Engineering, addressed Council on behalf of the applicant and stated the only issue before Council at this meeting is whether the street stub-out can be reduced by 400 feet. He noted in the future a plat will be submitted for the self-storage shed that will contain a public easement along the west side of the street stub-out going north. Mr. Coon noted the adjoining property owner will be allowed to access the street stub-out when/if the property is developed. He stated the traffic signal on 2nd Street has been approved by the City Engineering Department and is awaiting approval from the Oklahoma Department of Transportation. Mr. Coon stated that a traffic study was commissioned regarding 2nd Street.

Mayor O'Neil stated if a connection to Danforth is not in place, he will be unable to approve any further development in that area as it is envisioned at this time.

Councilmember Lamb stated the Council could make their interest known that when the property to the northeast develops at a higher density than it is now, connectivity to The Summit will be required.

Motion by Miller, seconded by Page, to approve Planning Consent Item 8.E. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Lamb and Miller
NAYS: Councilmember Waner

- F. **Public Hearing and Consideration of amending Final Plat of Cheyenne Ridge Villas for a re-plat to allow construction of a retaining wall and addition of one lot, located south of 33rd Street, east of Bryant (Neal McGee and Sam Tippens, applicants).** The site contains 6.69 acres and was originally platted with 27 lots. There is a significant difference in grade between the east side of Cheyenne Villas Circle and the west side of this street. A retaining wall will be constructed on the west side of the addition rather than allowing individual builders to construct a series of retaining walls with different designs. The retaining wall will be located in Common Area "A" and maintained by the homeowners association. The applicant is requesting that the building lines be modified from the 20 feet shown on the original plat to 15 foot front building lines. There is no

modification to the rear yard on the east side of the addition other than on Lot 13 which allows for an 18 foot rear yard setback. An additional lot has been established with the modification of the plat. Planning Commission recommended approval.

Neal McGee addressed Council and stated the drainage will not be changed from the original plat. He stated the residential portion of the development is a stand alone development and was not designed to use the detention facility in the southwest corner of the property. He stated because of the retaining wall, only the commercial portion will drain into the detention facility and the runoff from the residential development will drain into the creek as it currently does. Mr. McGee stated maintenance of the detention facility will be jointly maintained by the homeowners association and the office development.

Steve Manek addressed Council and stated when the project was designed, the engineer calculated the flow for the entire basin and over detained for the suburban office portion of the site. He stated when the residential portion of the site is developed, the drainage will flow into the same creek, and when it leaves the property they have met the historic flow.

Councilmember Page stated he has been opposed to the development from the beginning and he is still opposed due to the drainage issues and feels the long term effects are negative. He felt the flow of the water from the homes would not drain into the detention facility. He felt the applicant was trying to squeeze additional lots in the area and that either tax payers or homeowners will be required to remedy future drainage problems caused by this development.

Councilmember Waner asked if the retaining wall was a new item and is the wall designed to safeguard the residential lots that are in existence. Mr. Manek stated the retaining wall will be constructed at the west edge of the residential lots out of the flood plain in order to keep the lots from sloping down into the flood plain and causing erosion problems. He noted the lots would also be more level.

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 8.F. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Waner, Lamb and Miller

NAYS: Councilmember Page

Councilmember Lamb temporarily left the City Council Chambers.

9. **Public Hearing and Consideration of Ordinance No. 3137 amending Edmond Plan from Educational/Institutional to General Commercial for a cellular communication tower, generally located immediately north of the YMCA building, east of Rankin (T-Mobile, applicant) Case No. Z080004.** The site contains 1,546.11 square feet. The Edmond School District owns the property to the north and the property to the east and northeast is developed as single family residences and townhomes. The cell tower is proposed to be a maximum of 130 feet tall and access will be from Rankin. The site will be fenced and an equipment building will be constructed. The tower will be located near the north property line of the YMCA building. This site will screen the base of the tower, the equipment building and fenced enclosure from Rankin. Planning Commission recommended denial.

George Wyrick, Real Estate Zoning Manager for the applicant, addressed Council and stated they originally looked at a site at 15th and Rankin last year and were instructed by Council to look elsewhere. He stated they spoke with Edmond Public Schools and the YMCA. He stated the school system does not allow any cellular towers on their property but they were able to reach an agreement with the YMCA to rent this site. Mr. Wyrick noted that T-Mobile only has one other tower within the City limits located near Coffee Creek and I-35. He stated they have co-located on several other structures and towers within the City rather than constructing additional towers. He noted that Vista Horizon has voiced their interest in sharing space on the tower and he presented letters from Vista Horizon and the YMCA to the Mayor. Mr. Wyrick stated they felt the proposed location was a good location because the tower would be shielded from the area homeowners. He stated the company received approximately 125 response cards from their customers requesting better coverage in the area which he also presented to the Mayor along with a petition signed by more than 100 citizens in support of the tower.

Mike Roark, Executive Director of the YMCA, addressed Council and stated they based their decision to lease space for the cellular tower after receiving information from schools, churches and other YMCA's nationwide. He stated they felt the tower would be safe and would also benefit the YMCA and ultimately the City of Edmond.

Pam Hibbs, area property owner, addressed Council in opposition. She presented a petition to the Mayor containing 112 signatures of area residents who are opposed to the cellular tower's location. She felt it was detrimental to property values, not consistent with the Edmond Plan, not compatible with present zoning and would be setting a precedent allowing other towers to be constructed in residential areas. Ms. Hibbs stated City ordinances require

buildings/towers to have adequate room to implode on itself should a problem arise and that the proposed tower location does not provide adequate space since it would be only 17½ feet from the YMCA. She read a letter from Edmond Realtor Pete Reeser stating that property values would decrease if the tower is placed at the proposed site. Ms. Hibbs stated her research shows the effect of a tower decreases home values by 20.7% to 21%.

Robert Pike, who owns the home nearest the proposed tower, also addressed Council in opposition. Mr. Pike requested the Mayor recuse himself from voting since he encouraged the YMCA to allow the tower to be located on their property. He noted that Mayor O'Neil's support of the tower was inconsistent with his previous reputation with the Edmond Neighborhood Alliance when he placed the interest of area homeowners above corporate interests. He also agreed that approval of the tower will set a precedent for future tower locations.

Jamin Yaeger and Ed Shine also addressed Council in opposition. Mr. Yaeger stated he felt the tower should either be located on a hilltop or on a church steeple for more adequate coverage and also felt a precedent would be set. He also questioned the safety of a fence topped with barbed wire surrounding the tower. Mr. Shine also requested the Mayor recuse himself from voting.

Mayor O'Neil stated he opposed the previous location for the tower because it would have been located in the back yard of a single family residence. He noted the new ordinance regarding cellular towers had just been approved and the previous tower location was the last application to be reviewed under the old ordinance which required a Special Use Permit for cell towers. Mayor O'Neil stated he pushed for approval of the new ordinance which was modeled after the Nichols Hills ordinance. He stated the proposed site is mostly surrounded by multi-family as well as some single family residences. He stated the following three criteria are contained in the ordinance that make the ordinance palatable:

- 1) Requires that tower locations be in commercial areas which he felt the YMCA qualifies for even though it is on the Plan as educational/institutional
- 2) Requires that towers be separated so there is a no-fall zone. He noted that several existing towers are located in City subdivisions.
- 3) Requires the ability to screen the towers from view. He noted this location is screened for the most part from area residences because it is surrounded by trees but can be seen when driving down Rankin.

Councilmember Waner stated this application was the first application under the new Title 22. She stated that although the

Planning Commission recommended denial they are only a recommending body and the Council has the final decision. She stated she is uncomfortable with the comments made regarding the Mayor efforts on behalf of the this project. She noted that all members of the Council work very hard to consider the issues for every angle and also spend a lot of time reviewing all the issues. She stated she regretted that anyone would think otherwise. Councilmember Waner stated she felt that the new Title 22 gives Council a certain amount of comfort and is a big improvement over the previous ordinance.

Councilmember Miller stated the tower will be located over a football length away from the property lines of the nearest residences. He noted the prior issue with the tower location was because the tower would have been located in a residential backyard. He stated Council rejected that location and requested the applicants contact the schools which chose not to allow cellular towers on their property. He stated the Council must provide a significant reason to deny this application and he feels the YMCA location is the best location for this area.

Councilmember Page stated he also was concerned with the comments regarding the Mayor and stated all members of the Council tried to look at issues and compromise to achieve the best possible outcome for all parties. He stated he was opposed to the application and could not support it.

Peter Ward, area resident, addressed Council and stated the Council's first responsibility is to the citizens and not commercial interests.

Motion by Miller, seconded by Waner, to approve Ordinance No. 3137 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Waner and Miller
NAYS: Councilmember Page

Motion by Miller, seconded by Waner, to attach Emergency Clause to Ordinance No. 3137. **Motion carried** as follows and Ordinance No. 3137 is in effect immediately:

AYES: Mayor O'Neil, Councilmembers Page, Waner and Miller
NAYS: None

10. Public Hearing and Consideration of Ordinance No. 3138 rezoning from "A" Single Family Dwelling District to "E-1" General Commercial District for a cellular communication tower, generally located immediately north of the YMCA building, east of Rankin (T-

Mobile, applicant) Case No. Z080005. This is a companion to the above item and was discussed at that time.

Motion by Waner, seconded by Miller, to approve Ordinance No. 3138 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner and
Miller
NAYS: None

Councilmember Lamb returned to the City Council Chambers.

11. Public Hearing and Consideration of Ordinance No. 3139 rezoning from "R-2" Urban Estate Dwelling District to "A" Single Family Dwelling District, generally located south of Covell Road, one-half mile west of Douglas (Covell Development, LLC, applicant) Case No. Z080003. The site contains 2.61 acres. The Edmond Plan projects the property as residential with no distinction as to density. The northeast quarter of the section contains the Redbud Canyon Addition with 101 single family lots. The Monarch Addition is planned for a portion of the northwest quarter and the proposed development will be included within the boundary of the Monarch Addition. A private street will be constructed in the northern portion of the property, connecting to Covell Road, but the majority of the area would be developed as lots in the Monarch Addition. Planning Commission recommended denial.

Keith Beatty, engineer with Isch and Associates, addressed Council and stated the 40 foot strip of land was not shown on the Preliminary Plat but was included in the legal description. He stated the meets and bounds excluded that portion of the property on the Final Plat. He stated a different engineer submitted the Final Plat which excluded the 40 foot strip.

Todd McKinnis, attorney representing the applicant, addressed Council and stated they did not know about this issue until Isch and Associates informed them and they immediately informed the City Planning staff. He stated they were well into their platting of the property at the time. He stated since it was a different engineer who prepared the Final Plat they did not know the reason behind the exclusion of the 40 foot strip.

Gary Spencer, applicant, addressed Council and stated his brother owned the Redbud Canyon tract and he purchased the property to the west. He noted the fence line was used by the previous owner as the property line since the fence has been in place for 30 to 40 years. Mr. Beatty stated when the previous owners had the property surveyed, they claimed they owned the 40 foot strip by prescription due to the length of time the fence has been in

place. He stated the 40 foot strip was not included in the lots when residents purchased their property in Redbud Canyon.

Mr. McKinnis stated he wanted to make it clear that his client owns the property but it was just excluded when the Final Plat was prepared. He stated his client would be willing to deed restrict every lot on their east boundary that would run with the property prohibiting any habitable structure from being constructed in the 40 foot strip. He stated they would include the homeowners association in the notification of the deed restriction and give the homeowners association the authority to monitor and enforce the restriction.

Clayton Hammon and Jason Offerman, Redbud Canyon, addressed Council in opposition. They both felt the density of the Monarch development is not in character with Redbud Canyon which are one acre lots. Bob Praskac, Redbud Canyon, addressed Council and stated he was not opposed to the rezoning but he was concerned that a shed or some other type of building could be placed on the property and he requested that no buildings of any type be allowed.

Mr. McKinnis addressed Council and stated he understood the homeowner's concerns but the property was already zoned for single family dwelling when Mr. Offerman purchased his property. He stated the deed restriction will prohibit any structures that would not normally be approved by the homeowners association that would not be consistent with the covenants and restrictions of the neighborhood. He stated he was requested by homeowners to deed restrict the property prohibiting all permanent structures but that would also prohibit any playground equipment. Mr. McKinnis stated that restriction would be difficult to control.

Councilmember Lamb stated he felt the application was a logical solution for this issue.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3139 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Waner, Lamb and Miller
NAYS: Councilmember Page

12. Public Hearing and Consideration of Preliminary Plat of Monarch Addition, located on the east side of Midwest Boulevard, south of Covell Road (Covell Development, LLC, applicant) Case No. PR070040. The site contains 138 acres with 37.5 acres (27%) of open space, not including detention areas or pipeline easements. The streets will be private with a gated access and the addition

will contain 154 lots. The proposed addition is west of the Redbud Canyon Addition and south of the Creekview Addition. Extension of water and sewer lines are not planned at this time but the developer understands that those lines must be extended prior to approval of the Final Plat. The developer will work with an adjacent developer who will need to extend the sanitary sewer line for the Woodland Park Addition to connect with the Coffee Creek Wastewater Treatment Plant through this proposed addition. The applicant will likewise need to connect to a water line installed by the Woodland Park developer on Covell Road. The common area south of the Creekview Addition is a transmission easement and no lot lines extend into that area. The applicant's engineers have evaluated the FEMA floodplain, which are shown as common area, and no lot lines extend into the floodplain. The applicant plans to construct a street across the floodplain linking the two areas of the addition and also providing for an additional exit in emergencies. The street will need to be approved by the Stormwater Drainage Advisory Board prior to construction. The access easement to Covell Road was approved by the Oklahoma County Planning Commission in 1969 when the Creekview Addition was approved. The easement is located adjacent to the 40 foot strip of land on the east side of the development. Planning Commission recommended denial.

Mr. McKinnis addressed Council and stated the reason for submitting the Preliminary Plat at this time is to allow the applicant to determine the design of the development and how the lots would be laid out. He stated once the preliminary plat is approved the applicant will then be able to determine where the sewer line will be placed or if a sewer line will be needed. He noted that if the lots are platted for one to two acres, the sewer line will not be constructed. Mr. McKinnis stated that action would impact their plans and the City's infrastructure plans as well as other developers who are attempting to provide City water to the east side of the northeast quadrant of the City.

Councilmember Page stated there is only one place for the sewer line to be installed but he felt they did not know exactly where the floodplain is located. He stated he felt the plat was too close to the floodplain and that the Council should continue to protect the quality of the water shed. Councilmember Page stated there have been several situations in the past that now will require citizens to repair these past mistakes of engineers.

Steve Manek, City Engineer, addressed Council and stated the Engineering staff does have updated FEMA floodplain maps. He noted the new floodplain maps increased the floodplain in this development causing the applicant to amend the plat from what was envisioned in the beginning.

General discussion was held regarding access to the development and the need for more than one access for a project of this size. It was determined that two access points on Midwest Boulevard would not comply with the 300 foot driveway separation in compliance with the access management program. Mr. McKinnis noted that all the lots in the Creekview Addition are 100 feet wide except for Lot 25 which is 130 feet. Lot 25 accommodates the 30 foot access easement approved by the Oklahoma County Planning Commission and the applicant owns another 40 feet for a combined total of 70 feet.

Mr. McKinnis stated the rezoning was approved in 2006 for a maximum of 275 lots but the applicant reduced the number of lots to 154, equaling 1.1 units per acre, due to the amended floodplain. He noted this is less than allowed in single family zoning. He stated the 40 foot strip is outside the buildable area and is considered common area. Mr. McKinnis stated the project will be developed in multiple phases from west to east. He noted the access to Covell will be the last improvement of the development. He stated their commitment to homeowners in Redbud Canyon is that the applicant will agree to whatever access is required by the City to move traffic. He stated utilities will be made available to residents because they have the ability to accommodate the City's infrastructure plans for sewer and water access. Mr. McKinnis stated the ability to tap into the water and sewer lines will be offered to resident of Redbud Canyon as part of their plat. He noted the property is zoned for single family and the Edmond Plan IV also projects the property as single family. He stated they are attempting to get some level of certainty as to the layout of their property so the City's plans can be accommodated. He noted when the access easement was accepted by the County in 1969 it was meant for access purposes for the properties to the south and now will serve the purpose for which it was approved. Mr. McKinnis stated Mr. Merritt who owns Lot 25 in the Creekview Addition has built into the easement by six feet and is not pleased that a road will be constructed. He stated the applicant is attempting to provide access as required by the City an equal distance between Mr. Merritt's property and Mr. Hammon's property in Redbud Canyon. He stated when the final plat is approved in the future, the access should be designed in such a way to have the least impact on both property owners. He reiterated that the applicant owns the land and the easement is in place for access purposes.

Matthew Winton, attorney representing John and Shannon Merritt, addressed Council in opposition to the access onto Covell. He stated neither the Oklahoma County Clerk's records nor the plat from 1969 show the 30 foot as a public easement. Mr. Winton stated there are approximately 19 driveways from existing homes onto Covell and adding another access to Covell would be a

significant traffic issue for Council's consideration. He noted the homeowners feel that the applicant does not have a legal right to use the easement.

Mr. McKinnis stated if the easement is private, his client has the right to use the easement. He stated the title policy that Mr. and Mrs. Merritt received when they purchased their property contains an exception for a 30 foot road easement on the east side of their property. He stated his client will follow the access management requirements of the City. Mr. McKinnis stated that rights of homeowners who utilize property outside their property lines do not dominate over the rights of the property owner.

Joe Lake, David Wright, Percy Heuback, Clayton Hammon, and Paul Keller, all residents of Redbud Canyon, addressed Council in opposition. Their primary concerns were increased traffic problems, loss of trees and animal habitat. Mr. Wright requested that if an access was necessary that it be for emergencies only with a crash gate. He also requested a wall for noise and dirt control.

Mayor O'Neil announced the Council would be recessed for five minutes.

Paul Prescott, Robert Drumm, John Rose, Jason Offerman, Dena Bleeker, all residents of Redbud Canyon, and Sharon Newman (3617 Coffee Creek Lane) also addressed Council in opposition. Redbud Canyon residents were concerned about the access to Covell. Ms. Newman stated she felt the density was too intense and she requested the Council give consideration to keeping some nature in northeast Edmond.

Mr. Manek stated two entrances onto Midwest Boulevard would not meet the 300 foot driveway separation. He noted there is also a high pressure gas line that runs along the northern portion of the property that can not be built upon as well as the floodplain that is located in the southern portion of the property.

Lydia Lee addressed Council and requested clarification of the standards or policy requiring two access points. She stated she has attended meetings during which the Council approved developments containing more than 154 lots with only one access.

Councilmember Miller stated the transportation study that was adopted as an ordinance specifically addresses points of access for residential areas that contain a specific number of lots. He noted that in the past, the Council that was in office at the time did not force the access issues and that is the reason that more than one access was not required on a consistent basis. He stated he felt this was more of a safety issue rather than for

convenience of the homeowners since it will provide more than one exit for the addition in the event of an emergency.

Councilmember Waner stated she agreed that this was a safety issue. She noted the lots on the west side of the development are surrounded by floodplain on two areas and conceivably the entrance is opposite a floodplain.

Councilmember Lamb stated when the applicant designs the box for the bridge to cross the floodplain, they will be required prior to the Final Plat for the east portion to receive approval from the Stormwater Drainage Advisory Board because they will be developing in the floodplain. He stated one reason the Council requires two access points is for emergency events that may occur in the future. He noted Council must plan for the 100 year flood event even though floods occur much more frequently. Councilmember Lamb stated the east portion of the development would be unserved in the event of a flood because conceivably the bridge would be under water so a plan must be in place for another access. He noted an event has occurred in the past where an addition was completely isolated due to the bridge that was used for access was under water. He stated the requirement for two access points is for emergency events that cannot be predicted but must be provided for.

Mayor O'Neil stated requiring two access points is a serious issue that has been discussed for a long time. He noted there is a street easement that has been in place since 1969 and while this situation is not the best for everyone concerned, it is a valid easement and must be adhered to. He stated due to the unresolved safety and line of sight issues plus the impact to the homeowners on Covell, he requested this item be continued for 30 days in order for staff to review the safety aspect and determine if the access should be a full-scale or emergency access. He requested the developer work with area homeowners to discuss the roadway issues. Mayor O'Neil stated he felt the half acre lots in this area are reasonable but the issue now is the access onto Covell.

Mr. McKinnis stated he was not opposed to continuing this matter but he reiterated that his client made a good faith effort to resolve this issue and that as long as the only issue for continuance is to look at the line of sight and safety issues regarding the access onto Covell, he had no objections.

Steve Manek addressed Council and stated he visited the site today and took photographs of the area. He stated the line of sight distance is not as issue and he felt there was adequate room to see any oncoming traffic.

Councilmember Page stated he can not support the application as it exists. He stated he was opposed to the location of the access. He noted his goal is to protect the quality of the environmental issues related to the floodplain and the water shed. He stated he felt the development was being "shoe spooned in" and that there was not adequate room for this dense of a project. He noted the grade changes are quite severe in some areas in which back yards would back up to the floodplain. He stated he just can not support the project for those reasons.

Councilmember Waner stated the east side of the development is dense and that two of the lots are very close to the floodplain. She stated she felt the platting and access easement has been in place for many years and that she can only support the application if there are two permanent exits.

Councilmember Lamb as part of his motion to continue specifically referenced the purpose of the continuance was to allow the developer and the City staff to determine any safety concerns regarding the type of access onto Covell.

Motion by Lamb, seconded by Waner, to continue Item No. 12 to May 27th to allow the developer and the City staff to determine any safety concerns regarding the type of access onto Covell. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

13. Public Hearing and Consideration of Ordinance amending Edmond Plan from Institutional/Lake Residential to General Commercial for two tracts of land, generally located east of I-35, on the south side of 2nd Street, east of the existing entry drive to Life Church (Life Covenant Church, Inc., applicant) Case No. Z080012. The applicant requested this item be continued to May 12, 2008.

14. Public Hearing and Consideration of Ordinance rezoning from "G-A" General Agricultural to "E-1" General Commercial for two tracts of land, generally located east of I-35, on the south side of 2nd Street, east of the existing entry drive to Life Church (Life Covenant Church, Inc., applicant) Case No. Z080013. This is a companion to the above item and was also continued to May 12, 2008.

Motion by Miller, seconded by Page, to continue Items 13 and 14 to May 12, 2008, as requested by the applicant. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

15. Public Hearing and Consideration of Ordinance No. 3140 closing a public utility easement, located at 1633 Natchez Road (Thomas and Karin Dallas, applicants) Case No. ES080001. The applicants are proposing to close the east four feet of the 15 foot utility easement on the west side of their lot in order to construct an outdoor kitchen and pool in their backyard. The easement contains water, sewer and electric lines on the east side of the property. Planning Commission recommended approval.

Motion by Lamb, seconded by Waner, to approve Ordinance No. 3140 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

16. Public Hearing and Consideration of Preliminary Plat for Iron Horse Ranch V Addition, generally located north of Coffee Creek Road, west of Coltrane (The Ranch Property Co., LLC, applicant) Case No. PR070023. The site contains 19.49 acres with private streets. The addition will contain 67 lots and is served with full City utilities. The addition is immediately south of the Walnut Ridge Addition. Only 50 feet of right-of-way is being provided along Coltrane. The applicant has left a reserve common area adjacent to the right-of-way and there is a high pressure gas pipeline through that area. A 25 foot wide tree preserve is along the north side of the development. This is the last phase of the Iron Horse Ranch development. Planning Commission recommended approval.

Dee Greninger addressed Council on behalf of the applicant and stated there is a 25 foot no-clearing zone on the north boundary next to the Walnut Ridge Addition. He stated he would place a deed restriction with the plat to preserve the 25 foot buffer zone. Mr. Greninger stated the applicant would transplant large cedar or pine trees next to the neighbor on the north. He stated a six-foot cedar fence with stone columns would also be installed on the north property line. He stated during installation of the fence they made a commitment to the Walnut Ridge homeowners that they will only clear five to seven feet in order to install the fence.

Councilmember Lamb requested the deed restriction run with the property rather than being common area that may not be maintained.

Motion by Lamb, seconded by Waner, to approve Item 16 subject to the deed restriction to preserve the 25 foot buffer area to run with the property. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

17. Consideration of Final Plat for Iron Horse Ranch V Addition, generally located north of Coffee Creek Road, west of Coltrane (The Ranch Property Co., LLC, applicant) Case No. PR070024. This is companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Item 17 subject to the deed restriction to preserve the 25 foot buffer area to run with the property the . **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

18. Public Hearing and Consideration of Site Plan approval and Specific Use Permit for a fire sprinkled building, located south of 15th Street, east of Bryant (Cathedral of the Hills Church, applicant) Case No. SP080005. The site contains 8.23 acres and an addition on the east side of the existing church is proposed. The addition will be used for classrooms and other church assembly uses. The exterior walls are a combination of stone veneer and stucco and 51 parking spaces will be provided. Planning Commission recommended approval.

Motion by Miller, seconded by Lamb, to approve Item 18. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

19. Public Hearing and Consideration of Site Plan approval for a convenience store/service station, located on the east side of Broadway, between 8th and 9th Streets (OnCue Express, applicant) Case No. SP080006. The applicant requested this item be continued to May 12, 2008.

Motion by Miller, seconded by Page, to continue Item 19 as to May 12, 2008, requested by the applicant. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

20. **Executive Session to discuss the appointment, employment of the City Manager and City Attorney (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(1)).**

21. **Executive Session to discuss the purchase of real property generally located in the vicinity of the Central Edmond Urban District (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)).**

22. **Executive Session to discuss the following pending claim (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(4)):**

Estes vs. City of Edmond

Motion by Lamb, seconded by Waner, to meet in Executive Session to discuss the above three items. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 9:29 p.m. and returned to the City Council Chambers at 10:30 p.m.

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

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

23. **Consideration of action with regard to the appointment, employment of the City Manager and City Attorney.**

Motion by Waner, seconded by Miller, to retain the services of the City Manager and increase his base salary by 5% annually and the City's contribution to his retirement plan to 10%. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

Motion by Waner, seconded by Miller, to retain the services of the City Attorney and increase his base salary by 5% annually and the

City's contribution to his retirement plan to 8.5%. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

24. Consideration of action with regard to the purchase of real property generally located in the vicinity of the Central Edmond Urban District. Mayor O'Neil stated no action would be taken on this item.

25. Consideration of action with regard to the above claim.

Motion by Miller, seconded by Lamb, to authorize City Attorney to proceed with settlement of claim. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

26. NEW BUSINESS: None

27. Motion by Miller, seconded by Lamb, to adjourn meeting. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

City Clerk

Mayor