



CITY COUNCIL MINUTES  
July 15, 2019

The City Council of the City of The Village, Oklahoma, met in regular session at City Hall on Monday, July 15, 2019, at 7:30 p.m., at 2304 Manchester Drive.

**COUNCIL PRESENT**

Cathy Cummings, Mayor  
Dave Bennett, Vice-Mayor  
Sonny Wilkinson, Council Member  
Adam Graham, Council Member  
George Colbert, Council Member

**STAFF PRESENT**

Bruce K. Stone, City Manager  
Beverly Whitener, City Treasurer  
Jeff Sabin, Assistant City Attorney

**ITEM I: CALL TO ORDER.**

Mayor Cummings called the meeting to order at 7:30 p.m.

**ITEM II: INVOCATION & PLEDGE OF ALLEGIANCE.**

Mayor Cummings gave the invocation and led the Council in the Pledge of Allegiance.

**ITEM III: APPROVAL OF MINUTES.**

Mayor Cummings asked if there were any corrections, additions or deletions to the Minutes of the special meeting held on June 14, 2019 and the Minutes of the regular meeting held on July 1, 2019. There were no corrections, deletions or additions and the Council approved the Minutes of the meeting held on July 1, 2019 as written.

**ITEM IV: CITIZENS DESIRING TO BE HEARD; PRESENTATIONS.**

Mayor Cummings stated that this is the time set aside for citizens to address the Council on any matter not on the posted agenda.

Louis Almaraz appeared before the Council to enlist the City's support in opposing a variance for a billboard sign on the southeast corner of Britton and May in Oklahoma City. Mr. Almaraz explained why the sign would be detrimental to his property and to other commercial properties in the area. The consensus of the Council was for legal counsel to draft a letter in opposition to the variance.

The Council discussed the appearance of signs at Veritas. The city manager advised that the Code Department would look at them and take appropriate enforcement action.



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**ITEM V: PUBLIC HEARING PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT ON THE PROPOSED REZONING OF LOT 5, BLOCK 0, MASON ADDITION, 1520 WEST BRITTON ROAD, AND THE WEST 150' OF LOT 12, BLOCK 6, CASADY HEIGHTS ADDITION FROM A-1 SINGLE FAMILY TO C-2 COMMERCIAL**

Mayor Cummings stated that this is a Public Hearing to provide an opportunity for the public to comment on the proposed rezoning of Lot 5, Block 0, Mason Addition and the west 150' of Lot 12, Block 6, Casady Heights Addition from A-1 Single Family to C-2 Commercial.

City Manager Bruce Stone advised that this hearing was supposed to be on the May 20<sup>th</sup> agenda but was cancelled due to severe weather. Mr. Stone advised that one protest was received from the out-of-state owners of Village Plaza stating that they oppose the rezoning because "there is no need for more commercial property".

The Mayor asked if anyone representing the applicant was in attendance. Mr. John Powell Walker appeared on behalf of the applicant, which is the John Powell Walker Children's Trust. Mr. Walker told the Council that he is working with other property owners to market their properties for commercial development.

Vice-Mayor Bennett noted that the address of 1520 West Britton Road did not seem correct and worried that the application might be invalid. The applicant confirmed that 1520 West Britton Road is the correct address. The Assistant City Attorney advised that the legal description on the Notice of Hearing takes precedence over the street address.

There was no further discussion and the Mayor closed the Public Hearing.

**ITEM VI: PUBLIC HEARING PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT ON THE PROPOSED REZONING OF LOT 4, BLOCK 0, MASON ADDITION, 9311 WAVERLY AVENUE FROM A-1 SINGLE FAMILY TO C-2 COMMERCIAL.**

Mayor Cummings stated that this is a Public Hearing to provide an opportunity for the public to comment on the proposed rezoning of Lot 4, Block 0, Mason Addition from A-1 Single Family to C-2 Commercial.

City Manager Bruce Stone advised the applicant called to let him know that he is out of state and would not be able to attend the hearing.

Mr. Stone advised that one protest was received from the out-of-state owners of Village Plaza stating that they oppose the rezoning because "there is no need for more commercial property".

There was no further discussion and the Mayor closed the Public Hearing.



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**ITEM VII: PUBLIC HEARING PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT ON PROPOSED ORDINANCE 747 AMENDING CHAPTER 24, SECTION 24-154, SUBSECTION (C) AND SECTION 24-188. SUBSECTION (B) OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE; PERTAINING TO COMMERCIAL GROWERS AND PROCESSORS OF MEDICAL MARIJUANA; AMENDING CHAPTER 24, SUBSECTION 24-155 (C) OF THE CODE OF ORDINANCES; REVISING THE A-1 SINGLE FAMILY AREA REGULATIONS FOR ACCESSORY BUILDINGS LOCATED IN THE FRONT YARD.**

Mayor Cummings stated that this is a Public Hearing to provide an opportunity for the public to comment on proposed Ordinance 747.

Assistant City Attorney Jeff Sabin explained the proposed changes to Chapter 24. Mr. Sabin advised that the Ordinance would prohibit commercial growers and processors from operating in the A-1 Single Family Zoning District and would allow these commercial enterprises in the C-2 Commercial Zoning District by Specific Use Permit. Mr. Sabin further advised that the Ordinance would change the way the front yard setback is measured for carports. Mr. Sabin advised that the setback would be measured from the property line to the support column of the carport, which is the same way the front yard setback is measured for the main building.

City Manager Bruce Stone further explained the proposed change would only benefit a few "L" shaped homes in The Village that have a garage that sets back more than 25 feet from the property line but not enough to allow a full-sized carport pursuant to current regulations.

Mayor Cummings asked if situations like this could be handled by issuing a variance. Mr. Stone advised that situations like this would not meet several of the legal requirements for a variance.

Council Member Wilkinson stated that he did not like the idea of changing an ordinance just for a few people.

Mayor Cummings asked the city manager if he recommends the proposed change. Mr. Stone advised that it is appropriate to measure the front yard setback the same for all buildings and that he recommends the change.

There was no further discussion and the Mayor closed the Public Hearing.

**ITEM VIII: CONSIDERATION OF RESOLUTION 07-15-2019 (A) PERTAINING TO THE PROPOSED REZONING OF LOT 5, BLOCK 0, MASON ADDITION, 1520 WEST BRITTON ROAD, AND THE WEST 150' OF LOT 12, BLOCK 6, CASADY HEIGHTS ADDITION FROM A-1 SINGLE FAMILY TO C-2 COMMERCIAL.**



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After a brief discussion, Council Member Graham moved to approve Resolution 07-15-2019 (A). Vice-Mayor Bennett seconded the motion. The vote: Yea – Colbert, Graham, Bennett, Cummings and Wilkinson. Nay – none.

**ITEM IX: CONSIDERATION OF RESOLUTION 07-15-2019 (B) PERTAINING TO THE PROPOSED REZONING OF LOT 4, BLOCK 0, MASON ADDITION, 9311 WAVERLY AVENUE FROM A-1 SINGLE FAMILY TO C-2 COMMERCIAL.**

After a brief discussion, Council Member Wilkinson moved to approve Resolution 07-15-2019 (B). Vice-Mayor Bennett seconded the motion. The vote: Yea – Colbert, Graham, Bennett, Cummings and Wilkinson. Nay – none.

**ITEM X: CONSIDERATION OF ORDINANCE 747 AMENDING CHAPTER 24, SECTION 24-154, SUBSECTION (C) AND SECTION 24-188. SUBSECTION (B) OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE; PERTAINING TO COMMERCIAL GROWERS AND PROCESSORS OF MEDICAL MARIJUANA; AMENDING CHAPTER 24, SUBSECTION 24-155 (C) OF THE CODE OF ORDINANCES; REVISING THE A-1 SINGLE FAMILY AREA REGULATIONS FOR ACCESSORY BUILDINGS LOCATED IN THE FRONT YARD; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

After a brief discussion, Council Member Colbert moved to approve Ordinance 747. Vice-Mayor Bennett seconded the motion. The vote: Yea – Colbert, Graham, Bennett, Cummings and Wilkinson. Nay – none.

Council Member Wilkinson moved to adopt the Emergency Clause. Vice-Mayor Bennett seconded the motion. The vote: Yea – Colbert, Graham, Bennett, Cummings and Wilkinson. Nay – none.

**ITEM XI: CONSIDERATION OF RESOLUTION 07-15-2019 (C) APPROVING CORRECTIONS OF THE RECORDED PLAT OF THE CROSSINGS AT THE VILLAGE (HIDDEN VILLAGE PHASE 2) ADDITION TO THE CITY OF THE VILLAGE.**

City Manager Bruce Stone explained that the lot dimensions are mislabeled in Block 11 of the recorded plat of Crossings at The Village (Hidden Village) Phase 2 Addition to the City of The Village. Mr. Stone advised that the proposed corrections are minor and are in compliance with subdivision regulations and the development regulations adopted for this development.

After a brief discussion, Council Member Graham moved to approve Resolution 07-15-2019 (C). Vice-Mayor Bennett seconded the motion. The vote: Yea – Colbert, Graham, Bennett, Cummings and Wilkinson. Nay – none



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**ITEM XII: CONSIDERATION OF RESOLUTION 07-15-2019 (D) AUTHORIZING THE ISSUANCE OF A BUILDING PERMIT FOR A NEW BRAUM'S ICE CREAM AND DAIRY STORE, 9228 NORTH PENNSYLVANIA PLACE – BRAUM'S PLANNED UNIT DEVELOPMENT.**

City Manager Bruce Stone advised the Council that the zoning review was approved by the Planning & Zoning Commission and that the plans comply with the provisions of the Braum's Planned Unit Development that was approved by the Council in February 2018. Mr. Stone advised that the site plan does not show the pedestrian pathway markings required by the PUD. Mr. Stone advised that the pedestrian pathways would be marked in accordance with the approved development regulations prior to the issuance of an occupancy permit.

Council Member Wilkinson stated that he does not approve of the curb cuts or the sign as approved by the Council last year.

After a brief discussion, Council Member Colbert moved to approve Resolution 07-15-2019 (E) authorizing the issuance of a building permit for a new Braum's Ice Cream and Dairy Store. Vice-Mayor Bennett seconded the motion. Yea - Colbert, Graham, Bennett and Cummings. Nay – Wilkinson.

**ITEM XIII: CONSIDERATION OF RESOLUTION 07-15-2019 (E) AUTHORIZING THE ISSUANCE OF A BUILDING PERMIT FOR AN ADDITION TO 2119 WEST BRITTON ROAD, PIER 88 – CASADY SQUARE PLANNED UNIT DEVELOPMENT.**

City Manager Bruce Stone advised the Council that the Planning & Zoning Commission recommends that the Council authorize the issuance of a building permit. The city manager advised that the plans comply with the provisions of the Casady Square Planned Unit Development, which was approved by the Council a few years ago. Mr. Stone advised the Council that Pier 88 plans to build and 864 square feet addition to the existing building in order to add cold storage. Mr. Stone told the Council that the addition would cause the elimination of some parking, but the site would still have more parking spaces than required. Mr. Stone also noted that the development regulations for this property stipulate that the Council can establish Hours of Operation in order to avoid parking conflicts with other businesses in the shopping center. Mr. Stone advised that he did not think this would be necessary.

After a brief discussion, Council Member Wilkinson moved to approve Resolution 07-15-2019 (F) authorizing the issuance of a building permit for an addition to Pier 88. Council Member Graham seconded the motion. Yea - Colbert, Graham, Bennett, Cummings and Wilkinson. Nay – none.



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**ITEM XIV:      REPORTS:**

**a) Expenditure Reports:** The Council reviewed the following expenditure reports:

- General Fund, 07/03/2019:	\$7,349.69
- Capital Improvement, 07/03/2019:	\$960.00
- G.O. Bond Fund, 07/03/2019:	\$367.35
- General Fund, 07/11/2019:	\$188,659.59
- Animal Bond Fund, 07/11/2019:	\$45.00
- G.O. Bond Fund, 07/11/2019:	\$610.00
- General Fund, 07/11/2019:	\$2,494.60
- G.O. Bond Fund, 07/11/2019:	\$1,221,754.94

**b) Manager's Report:**

City Manager Bruce Stone reported that the monthly sales tax check was for \$468,220.87, which is an increase of \$13,517 or 2.97% over the same period last year. Mr. Stone also reported that Use Tax was \$77,097.68, which is an increase of \$27,602 over the same period last year.

Mr. Stone reported that Bond Project #2 is complete with the exception of some additional work the city has requested on Northampton and Ridgeview Circle.

The city manager reported that Bond Project #3, which is the resurfacing project area south of Britton Road and west of Penn is complete and that the resurfacing looks very good. Mr. Stone noted that there is still much to do south of Britton Road and that funds are in the budget to resurface Westchester and Wellington later in the fiscal year.

Mr. Stone reported that Crossland has started with traffic control on Bond Project #4 (Britton east of Penn and Penn south of Britton) and that this has generated some complaints already.

The city manager reported that Brewer Construction (Bond Project #7) has completed work from Orlando to almost the end of the project on Northland just north of Lakeside. Mr. Stone advised that the only remaining work to be done is small section of pavement and the installation of the steel grate across Northland.

Mr. Stone reported that the relocation of fiber optic cable is complete and that the junction boxes for the storm drain are in the process of being installed. Council Member Wilkinson asked about the status of work on the bridge at Village Drive. Mr. Stone advised that this work has also been delayed by fiber optic cable and that he would check to see where the contractor is on this.



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The city manager reported that Verizon MCI Metro will soon begin installing new fiber optic cable from Penn to the cell tower behind City Hall.

Mr. Stone reported on the meeting with the MLS staff and told the Council that the plan to close the library entrance on Vineyard Boulevard was not well-received. Mr. Stone advised that he expected to receive a formal response from the library. The Council briefly discussed the issue of access to the library. Some members of the Council stated that it might be a good idea to study this further and explore other options.

The city manager reported that staff would meet with representatives of Bancfirst on July 17<sup>th</sup> to explore financing options for public improvements in the TIF project area.

c) **Monthly Department Reports:** The Council reviewed the monthly department reports.

d) **Reports from the Council:**

Council Member Graham told the Council that he would not be able to make the next regularly scheduled Council Meeting.

Council Member Wilkinson asked about the post on Facebook where an elderly resident was denied use of the City's bulk waste drop-off facility. City Treasurer Beverly Whitener advised that the resident had not paid her utility bill for over five years and that the caller hung up on the Billing Clerk before any other options could be discussed.

Mayor Cummings asked the Assistant City Attorney if the City could impose a tax on the sale of medical marijuana. Jeff Sabin advised that medical marijuana is subject to the 7% state tax and the 9% city and state sales tax. Mr. Sabin advised that Cities do not have statutory authority to impose any additional tax not specifically authorized by the Oklahoma State Department of Health or by state law.

Mayor Cummings stated that there seems to be a lot of confusion about where medical marijuana can be smoked legally. The city manager passed out a FAQ sheet which answers various questions about the medical marijuana law. Mr. Stone advised that the Oklahoma Smoking in Public Places Act governs where medical marijuana can be smoked. Mr. Stone advised that it can be smoked/vaped at any place where smoking and vaping is not prohibited.

Mayor Cummings asked if City Hall could be used as a drop off location for donated school supplies. The city manager advised that this would be fine.

Mayor Cummings announced that there would be Yoga in the Park on Saturday, July 20<sup>th</sup>.



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The Mayor told the Council that she is honored to be selected by the Journal Record as one of the top 50 women in Oklahoma “making a difference.” Mayor Cummings said that she and the other 49 successful nominees would be recognized at a banquet on October 10<sup>th</sup>. The Council congratulated the Mayor on this well-deserved honor.

Assistant City Attorney Jeff Sabin advised the Council that he would draft a letter in opposition to the proposed variance for a billboard sign at Britton and May.

**ITEM XV. NEW BUSINESS.**

There was no New Business to come before the Council.

**ITEM XVI: ADJOURNMENT**

There being no further business, the Mayor adjourned the meeting at 9:40 p.m.

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Mayor Cummings

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Vice-Mayor Bennett

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Council Member Colbert

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Council Member Graham

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City Clerk

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Council Member Wilkinson