



CITY COUNCIL MINUTES  
February 17, 2020

The City Council of the City of The Village, Oklahoma, met in regular session at City Hall on Monday, February 17, 2020, at 7:30 p.m., at 2304 Manchester Drive.

**COUNCIL PRESENT**

Cathy Cummings, Mayor  
Dave Bennett, Vice-Mayor  
Adam Graham, Council Member  
Sonny Wilkinson, Council Member  
Bubba Symes, Council Member

**STAFF PRESENT**

Bruce K. Stone, City Manager  
Beverly K. 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 meeting held on February 3, 2020. There were no corrections, deletions or additions and the Council approved the Minutes of the meetings held on February 3, 2020, as written.

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

Mayor Cummings stated that this is the time for citizens to bring up matters that are not on the posted agenda.

- a) *Presentation of Plaques to the Ward One Winner of the 2019 Holiday Lights Contest, 1502 Andover Court, Mark Gray & Eddie Witte. The recipients were not in attendance to receive their plaque.*

Wes Cox, owner of Friendly Dispensary, told the Council that his store was robbed recently and that The Village Police were great to work with. Mr. Cox further stated that he is thankful that the department was able to apprehend a suspect in the case.

Jane Lowther thanked the City for getting the fence in Meeker Park repaired. Ms. Lowther further stated that the derelict vehicle on Lanesboro has been removed.



## CITY COUNCIL MINUTES

February 17, 2020

Ms. Lowther noted the recent award received by City Manager Bruce Stone and suggested that the information be posted on the City's website. *(Note: the city manager was inducted into the NW Oklahoma City Chamber of Commerce Hall of Honor)*

Ms. Lowther asked if citizens of Casady Manor could be involved in the planning and design of (2018 Bond Issue Phase 2) park improvements for Meeker Park. The Council appeared open to the idea.

**ITEM V: PUBLIC HEARING TO PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT ON PROPOSED AMENDMENT TO THE SETBACK REGULATIONS FOR THE HEFNER OFFICES PLANNED UNIT DEVELOPMENT, BLOCK 2, LOTS 5 AND 6 LAKESIDE ESTATES ADDITION TO THE CITY OF THE VILLAGE, OKLAHOMA, OKLAHOMA COUNTY, OKLAHOMA.**

Mayor Cummings stated that this is a public hearing to provide an opportunity for the public to comment on the proposed amendment to the setback regulations for the Hefner Offices PUD.

Keith Taggart, 10721 Sunrise Blvd, appeared before the Council. Mr. Taggart told the Council that he is not against the proposal but expressed his concern that adequate privacy and setback be maintained from abutting residential property.

Braxton Banks, 10820 Quail Circle, appeared before the Council with concerns about the proposed amendments to the Planned Unit Development. Mr. Braxton showed the Council pictures of his fence, the drainage channel and adjacent properties to the east. Mr. Braxton told the Council he is concerned about privacy and drainage, but primarily drainage. Mr. Braxton described the multiple times he, his neighbors and some of the previous homeowners have had flooding problems. Mr. Braxton acknowledged that the retention pond in Mulford Center might help but expressed his concern that more intense development proposed for the Hefner Offices PUD would make the situation worse. A discussion of Mr. Braxton's 8' fence ensued and whether the 6' foot fence required for the PUD would be adequate to maintain privacy, especially with the proximity of proposed offices to his property line. The city manager suggested that the developer alter the site plan by moving two of the buildings further away from abutting residential property and closer to the two buildings on the north side of the development.

The city manager showed the Council an illustration of the proposed placement of the office buildings near Hefner Road. Mr. Stone advised that a two-story building this close to the street would stand out significantly. The Council also discussed the proposed reduction in setback proposed for the west boundary of the development and how this would encroach on the privacy of the residences on Quail Circle. After a lengthy discussion, the consensus of the Council was to establish the setbacks as follows:



CITY COUNCIL MINUTES  
February 17, 2020

- a) *North Boundary - Not less than the setback of the house immediately to the west of the property. (new)*
- b) *South Boundary - 7.5' from the property line. (no change)*
- c) *East Boundary - 0' from the property line. (no change)*
- d) *West Boundary - 15' from the property line. (no change)*
- e) *No internal setbacks. (new)*

The Council discussed drainage issues extensively and asked the City Engineer several questions. City Engineer Bryan Coon assured the Council that the developer would have to provide storm water detention to ensure that the water from the property drains the same way it does now and that the runoff does not exceed the historical runoff before the lots were first developed for residential in the 1960s.

Vice-Mayor Bennett asked about the “drop off” from the residential property to the drainage channel. The city engineer advised that a portion of the property does slope significantly to the channel and that all of these factors would be taken into consideration when retention is put in by the developer.

Council Member Wilkinson asked about the design of the buildings and what the front of the building would look like. The city manager advised that the buildings would have a residential look similar to the new exhibit provided by the developer in the PUD Design Document. It was also noted that the City’s landscaping and architectural design standards will apply to this development.

Council Member Symes asked ingress/egress from the development. Mr. Stone advised that curb cuts must be 50’ apart and noted that this requirement would limit the number of entrances to two. Mr. Stone further explained that a common access agreement between the property owners would be needed so that all properties would have ingress and egress on Hefner. Mr. Stone added that the proposed final plat provides a notation that a common access agreement is required.

There were no further comments from the public and the Mayor closed the Public Hearing.

**ITEM VI: CONSIDERATION OF RESOLUTION 02-17-2020 (A) PERTAINING TO PROPOSED AMENDMENT TO SETBACK REGULATIONS FOR THE HEFNER OFFICES PLANNED UNIT DEVELOPMENT.**



## CITY COUNCIL MINUTES

February 17, 2020

After a brief discussion, Council Member Wilkinson moved to approve Resolution 02-17-2020 (B) approving the proposed setback regulations for the Hefner Offices Planned Unit Development with the amendments included in Exhibit A of the Resolution. Vice-Mayor Bennett seconded the motion. The vote: Yea – Symes, Graham, Bennett, Cummings and Wilkinson. Nay – none.

**ITEM VII: PUBLIC HEARING TO PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT ON THE PROPOSED REZONING OF BLOCK 001, LOT 025, LAKESIDE ESTATES ADDITION TO THE CITY OF THE VILLAGE, OKLAHOMA ALSO KNOWN AS 10601 NORTH MAY AVENUE, FROM C-2 COMMERCIAL TO C-2 THE OFFICES ON MAY PLANNED UNIT DEVELOPMENT.**

Mayor Cummings stated that this is a public hearing to provide an opportunity for the public to comment on the proposed rezoning of Block 1, Lot 25, Lakeside Estates Addition.

City Manager Bruce Stone told the Council that the property under consideration for rezoning is the site of the old National Carwash, which has been vacant for many years. Mr. Stone advised that the property is immediately south of Dollar General and immediately north of Brewer Carpet. The city manager advised that this lot is very narrow and would be difficult to develop without some relief from the standard setbacks required in the C-2 Commercial Zoning District. Mr. Stone also told the Council that the proposed Planned Unit Development Design Standards are very similar to the May Avenue Office Suites PUD and the Hefner Offices PUD.

The city manager pointed out several issues with the proposed regulations that the Council might want to consider:

- 1. The PUD should restrict windows on the second floor of any building that abuts residential property.*
- 2. The PUD specifically authorizes residential cart-style service, which the city cannot provide at this location. Standard commercial Dumpster service with the proper enclosure and screening should be required instead.*
- 3. The PUD provides for a 15' setback from May Avenue, which is much closer to the street than the abutting businesses. A two-story building, therefore, would probably not blend in well and could restrict the visibility of neighboring establishments from traffic on May Avenue. The city manager showed the Council an illustration of the position of the proposed two-story building in relation to adjacent businesses.*



## CITY COUNCIL MINUTES

February 17, 2020

The Council discussed the proposed setback from May Avenue and how the building would look and affect neighboring businesses. After a discussion, the Council agreed that a 20' setback from May Avenue would be acceptable to all parties.

Jeremy Bryant, Marathon Construction, L.L.C., explained that the exterior look of the proposed offices buildings would be a little different than other buildings he has built on May Avenue, especially in respect to the white brick he plans to use. *(An exhibit showing an example of the design of the buildings is included in the PUD Design Statement)*

Council Member Wilkinson asked John Stansbury, owner of Senior Helpers and prospective buyer or tenant of one of the buildings, how many employees he would have. Mr. Stansbury told the Council that he would initially have five (5) employees but expects that number to grow.

Council Member Wilkinson asked about signage for the development. The city manager advised that since the PUD provides for a replat, it appears that there would be two separately owned lots each with 50' of frontage on May Avenue. Mr. Stone noted that each separately owned lot would be eligible for their own pole or monument sign. Council Member Wilkinson suggested that the PUD be amended to restrict the development to one sign *(either pole or monument)* on May Avenue. Mr. Stansbury told the Council that one sign is acceptable. After a brief discussion, the consensus of the Council was to restrict the signage in the PUD as discussed.

Mayor Cummings asked the developer if he had talked to Brewer Carpet about the details of the development. Mr. Bryant told the Council that the business received a Notice of Hearing. The city manager advised that the Council should probably not assume Brewer Carpet understands the site plan as proposed as it was not in the Notice of Hearing.

There were no further comments from the public and the Mayor closed the Public Hearing.

**ITEM VIII: CONSIDERATION OF RESOLUTION 02-17-2020 (B) PERTAINING TO PROPOSED REZONING OF BLOCK 001, LOT 025, LAKESIDE ESTATES ADDITION TO THE CITY OF THE VILLAGE, OKLAHOMA ALSO KNOWN AS 10601 NORTH MAY AVENUE FROM C-2 COMMERCIAL TO C-2 THE OFFICES ON MAY PLANNED UNIT DEVELOPMENT.**

City Manager Bruce Stone reviewed the proposed amendments to the Planned Unit Development Design Statement as follows:

- *East Setback (Next to May Avenue): 20' Setback from the Property Line.*



## CITY COUNCIL MINUTES

February 17, 2020

- *Windows shall not be permitted on the west side of the second story of any building abutting residential property.*
- *One (pole or monument) sign shall be permitted on May Avenue for all businesses located in this PUD.*
- *Commercial dumpster service with the appropriate enclosure shall be required.*

After a brief discussion, Council Member Wilkinson moved to approve Resolution 02-17-2020 (B) approving the rezoning of Block 1 Lot 25 of the Lakeside Estates Addition from C-2 Commercial to C-2 The Offices on May Planned Unit Development with the changes as agreed and which are included in Exhibit A of the Resolution. Council Member Graham seconded the motion. The vote: Yea – Symes, Graham, Bennett, Cummings and Wilkinson. Nay – none

**ITEM IX: CONSIDERATION OF PUBLIC HEARING TO PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT ON THE PROPOSED AMENDMENT ADDING MEDICAL CANNABIS SOLVENTLESS PROCESSING FACILITY AS AN AUTHORIZED USE IN TRACT 5B OF THE VINEYARD PLANNED UNIT DEVELOPMENT, 2200 AND 2222 WEST HEFNER ROAD.**

Mayor Cummings stated that this is a public hearing to provide an opportunity for the public to comment on the proposed amendment authorizing Medical Cannabis Solventless Processing Facility as an authorized Use in Tract 5B of The Vineyard PUD.

City Manager Bruce Stone explained that this property is located in The Vineyard Planned Unit Development and that Medical Cannabis Solventless Processing Facility is not an authorized Use in this zoning district.

Wes Cox, owner of Friendly Dispensary, explained the process for extraction of trichomes from medical cannabis plants. Mr. Cox told the Council that the process is safe and does not use flammables such as butane to extract the active ingredients from the plant. Mr. Cox said that the product is used to make topicals and consumables such as gummy bears.

Council Member Wilkinson asked how of the product would be produced at this facility. Mr. Cox advised that he expects to produce five (5) pounds a day, most of which would be sold wholesale to other dispensaries. Mr. Cox said he expects to sell between \$50,000 and \$100,000 worth of product a month.

Mayor Cummings asked if the processing facility would generate objectional odors. Mr. Cox said that there would be no smell outside the facility and the odor would be similar to what you would find in a dispensary.



## CITY COUNCIL MINUTES

February 17, 2020

Council Member Symes asked who regulates and inspects these types of facilities. Mr. Cox advised that these facilities come under the purview of the Oklahoma State Health Department and the Oklahoma Medical Marijuana Administration (OMMA).

Jane Lowther asked if the facility must be licensed and by whom. Mr. Cox advised that a license must be obtained from the State of Oklahoma.

The Council briefly discussed the possibility of adopting a City license. Assistant City Attorney Jeff Sabin advised that several cities have tried this and are currently engaged in litigation.

There were no further comments from the public and the Mayor closed the Public Hearing.

**ITEM X: CONSIDERATION OF RESOLUTION 02-17-2020 (C) PERTAINING TO THE PROPOSED AMENDMENT ADDING MEDICAL CANNABIS SOLVENTLESS PROCESSING FACILITY AS AN AUTHORIZED USE IN TRACT 5B OF THE VINEYARD PLANNED UNIT DEVELOPMENT, 2200 AND 2222 WEST HEFNER ROAD.**

City Manager Bruce Stone advised that the Planning & Zoning Commission recommends that the proposed amendment be approved by the Council.

After a brief discussion, Council Member Graham moved to approve Resolution 02-17-2020 (C) approving the addition of Medical Cannabis Solventless Processing Facility as an authorized Use in Tract 5B of The Vineyard PUD. Council Member Wilkinson seconded the motion. The vote: Yea – Symes, Graham, Bennett, Cummings and Wilkinson. Nay – none.

**ITEM XI: CONSIDERATION OF RESOLUTION 02-17-2020 (D) PERTAINING TO THE APPROVAL OF THE FINAL PLAT FOR THE MULFORD CENTER ADDITION TO THE CITY OF THE VILLAGE.**

City Manager Bruce Stone told the Council that the final plat was reviewed by Johnson & Associates and that all of the recommended changes to the plat have been completed. Mr. Stone advised that all of the public improvements have been completed and the contractors have provided maintenance bonds as required by the City's subdivision regulations. Mr. Stone noted that a performance bond is not needed for this addition because all of the public improvements have been completed and approved.

After a brief discussion, Vice-Mayor Bennett moved to approve Resolution 02-17-2020 (D) approving the final plat for the Mulford Center Addition to the City of The Village. Council Member Graham seconded the motion. The vote: Yea – Symes, Graham, Bennett, Cummings and Wilkinson. Nay – none.



CITY COUNCIL MINUTES  
February 17, 2020

**ITEM XII: CONSIDERATION OF RESOLUTION 02-17-2020 (E) PERTAINING TO THE APPROVAL OF THE FINAL PLAT FOR THE HEFNER OFFICES ADDITION TO THE CITY OF THE VILLAGE.**

City Manager Bruce Stone advised that all of the changes recommended by the City Engineer have been made to the plat. Mr. Stone stated that these changes include a note on the plat that the drainage retention system will be privately owned and maintained and will be constructed in accordance with City requirements. Mr. Stone further advised that a note on the plat indicates that a five (5') foot wide ADA sidewalk is required on Hefner Road. Mr. Stone explained that the property would be divided into four (4) separate lots, each with 50' of frontage on Hefner Road. Mr. Stone advised that this is unconventional but complies with the city's subdivision and lot split regulations. Mr. Stone advised that the setbacks authorized by the Council in the amended Hefner Offices PUD would also be placed on plat prior to signature and recording.

Vice-Mayor Bennett asked if the four (4) separate lots mean that each lot could be owned by a separate business. Jeremy Bryant, Marathon Construction, advised that this is the intent.

After a brief discussion, Council Member Graham moved to approve Resolution 02-17-2020 (E) approving the final plat for the Hefner Office Suites Addition to the City of The Village with the approved changes. Vice-Mayor Bennett seconded the motion. The vote: Yea – Symes, Graham, Bennett, Cummings and Wilkinson. Nay – none.

**ITEM XIII: CONSIDERATION OF RESOLUTION 02-17-2020 (F) AWARDING A CONTRACT FOR ANIMAL SHELTER IMPROVEMENTS.**

City Manager Bruce Stone told the Council that two bids were received for the animal shelter improvement project. Mr. Stone advised that Affinity Corporation LLC submitted a bid for \$79,885.00 and that the low bid was submitted by J.A. Construction, Inc. in the amount of \$46,293.00. Mr. Stone advised that the City's portion of this project is \$27,500 with the Oklahoma Humane Society paying the difference of \$18,793. Mr. Stone noted that this money comes from donations made to the Humane Society specifically for this project. Mr. Stone advised that the total cost of the project, including in-kind contributions and donations of equipment and materials, is estimated at \$94,000.

After a brief discussion, Council Member Wilkinson moved to approve Resolution 02-17-2020 (F) awarding a contract to J.A. Construction, Inc. for Animal Shelter Improvements and authorizing the city manager to execute the contract documents. Mayor Cummings seconded the motion. The vote: Yea – Symes, Graham, Bennett, Cummings and Wilkinson. Nay – none.



## CITY COUNCIL MINUTES

February 17, 2020

**ITEM XIV: CONSIDERATION OF RESOLUTION 02-17-2020 (G) DIRECTING THE PREPARATION OF A PLAN TO EXTEND MUNICIPAL SERVICES; DIRECTING THAT NOTICE OF A PROPOSED ANNEXATION OF A PORTION OF THE BRITTON ROAD RIGHT-OF-WAY BE PUBLISHED IN A LEGALLY QUALIFIED NEWSPAPER; DIRECTING THAT A NOTICE OF THE PROPOSED ANNEXATION BE MAILED TO PROPERTY OWNERS, THE DEPARTMENT OF TRANSPORTATION, AND THE OKLAHOMA COUNTY BOARD OF COUNTY COMMISSIONERS; AND DIRECTING THAT A PUBLIC HEARING BE HELD ON THE PROPOSED ANNEXATION.**

Assistant City Attorney Jeff Sabin explained the legal requirements to proceed with the annexation of a portion of the Britton Road right-of-way. Mr. Sabin advised that this resolution is the first step in the process and that a public hearing would be held either on March 2 or March 16 depending on the time the Notice of Hearing is published. Mr. Sabin advised that since all affected properties are already served by utilities, there will be no need to extend municipal services.

After a brief discussion, Council Member Wilkinson moved to approve Resolution 02-17-2020 (G) pertaining to the preparation of a service plan, the publication and mailing of a Public Notice of proposed annexation and directing that a Public Hearing be held. Council Member Graham seconded the motion. The vote: Yea – Symes, Graham, Bennett, Cummings and Wilkinson. Nay – none.

**ITEM XV: REPORTS:**

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

- General Fund, 02/03/2020:	\$109,611.83
- Capital Improvement Fund, 02/03/2020:	\$15,354.87
- General Fund, 02/11/2020:	\$20,174.52
- General Fund, 02/11/2020:	\$10,893.26
Capital Improvement Fund, 02/11/2020:	\$212.20

**b) Manager's Report:**

City Manager Bruce Sone reported that the monthly sales tax check was for \$467,418, which is a decrease of \$62,329 or 11.77% over the same period last year. Mr. Stone further reported that Use Tax was up by \$26,427 over the same period last year.

The city manager briefed the Council on options for improving the audiovisual system in the Council Chamber. Mr. Stone said the Council Members Sonny Wilkinson and Adam Graham have been most helpful in researching this and helping to saving the City money.



## CITY COUNCIL MINUTES

February 17, 2020

The city manager told the Council that City Attorney Leslie Batchelor has announced that Jeff Sabin has been made a partner in the firm (Center for Economic Development Law). The Council congratulated Jeff on his continued success.

Mr. Stone reported that he would meet this week with the developers of the northeast corner of Britton & May who are contemplating an application for a PUD to redevelop the site.

The city manager reported that he is receiving conflicting information about the proposed purchase and redevelopment of Manhattan Cleaners on May Avenue. The city manager told the Council that he does not know if the project is still viable but would update the Council as more information becomes available.

Mr. Stone reported that the driver who destroyed the school zone light at Greystone and Hefner has insurance and a claim has been filed. Mr. Stone advised that the replacement cost of this signal light is about \$8,500.

Mr. Stone reported that the patrol car involved in the recent accident at Britton and Sunnymede was totaled and the City's insurance carrier will pay off the lease. Mr. Stone noted that this leaves patrol short one vehicle until a replacement vehicle can be procured. The Council discussed the new look of the decals on the side of newly acquired patrol vehicles. *(Note: Black doors cost \$800 less than white doors and the decal needed revision to make it visible against the black background.)*

The city manager reported that Casady School would like to do a Service Project in a City park, called "Little Free Library". The Council briefly discussed the idea. Some members of the Council felt that more information about the program would be helpful.

The Council reviewed the most recent Park Improvement Project Field Report.

### **c) Monthly Department Reports:**

The Council reviewed the monthly department reports.

### **d) Reports from the Council:**

Council Member Symes asked if there is any new information about the claim filed against the bonding company for Crossland Heavy Contractors. Assistant City Attorney Jeff Sabin advised that there still has been no response.



CITY COUNCIL MINUTES  
February 17, 2020

Council Member Graham reported that he had received a complaint about an aggressive dog on Georgia Avenue. Mr. Stone advised that he would inquire about the matter.

Council Member Wilkinson told the Council that Braum's building in Casady Square is in terrible shape and asked if the City could demolish the building. The city manager advised that an abatement of the property is pending and that the City can clean the property and remove safety hazards but a building must be boarded more than 18 months before it can be declared dilapidated and demolished in accordance with State law and City Ordinance.

Council Member Symes asked if there had been any progress in arranging a meeting to interview the candidates to work on Community branding. Council Member Wilkinson advised that the meetings have not been scheduled due to conflicts.

Council Member Wilkinson told the Council that the meeting with the developer proposing a carwash on May Avenue went well and that he is keeping an open mind.

Council Member Wilkinson reported that he has had complaints of The Village Police parking in the center turn lane of Britton Road at night with lights off apparently to work traffic. Council Member Wilkinson stated that he had seen this himself on occasion. The city manager advised that this is unusual and certainly not a policy approved by the Chief.

Mayor Cummings asked about low hanging cables behind Papa Dios. The city manager advised that City Code requires 18' clearance. Mr. Stone asked if anyone knows who owns the lines as they could belong to either OG&E, Cox or AT&T. Mayor Cummings said she thinks they belong to AT&T.

Council Member Symes asked about the change orders submitted on the Britton Road project. The city manager advised that the actual change order describes the extra work and materials required to complete the project in some detail. Mr. Stone advised that submission of the Change Orders at the very end of the project was not timely and should have been submitted as they became known to ODOT.

Mayor Cummings told the Council that the OML District meeting would be held at Johnnie's this Wednesday at 11 a.m.

**ITEM VII: NEW BUSINESS.**

There was no New Business to come before the Council.



CITY COUNCIL MINUTES  
February 17, 2020

**ITEM VIII: ADJOURNMENT**

There being no further business, the Mayor adjourned the meeting at 10:20 p.m.

\_\_\_\_\_  
Mayor Cummings

\_\_\_\_\_  
Vice-Mayor Bennett

\_\_\_\_\_  
Council Member Symes

\_\_\_\_\_  
Council Member Graham

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Member Wilkinson