

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
August 11, 2014

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Pursuant to notice as required by law, the Ponca City Board of Commissioners met in regular session at 5:30 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor
R. Mark Macy, Commissioner
Mary Beth Moore, Commissioner
Steve Hermann, Commissioner
Lanita Chapman, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: None.

Others Present: Tana McKinley, Terry Brown, Don Nuzum, Chris Henderson, Randy Tyner, Butch Herring, Johnny Barron, Paula Cain, City staff; Citizens; Shane Harland, Ponca City Aquatic & Family Center-YMCA; Steve Dye, Ponca City News.

1. CALL TO ORDER
Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. INVOCATION – Chaplain Michael Schlichting, Salvation Army
3. PLEDGE OF ALLEGIANCE

****CEREMONIES & PROCLAMATIONS****

4. Character Trait for August: Joyfulness

****CONSENT AGENDA****

The Board of Commissioners found items #5 through #7 non-controversial and routine in nature. Commissioner Macy made the motion to approve the consent agenda as read. Commissioner Moore seconded.

Roll: Yeas; Macy, Moore, Nicholson, Hermann, Chapman. Nays; None. Motion carried.

5. Consider And Vote Upon Minutes Of The Ponca City Board Of Commissioners Regular Session Held July 28, 2014.
6. Consider And Vote Upon Resolution Appropriating Money For Payment Of Claims.

RESOLUTION NO. 6119

A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS

7. Consider And Vote A Resolution Of The Board Of Commissioners Of The City Of Ponca City, Oklahoma, Appointing Members To Various Boards And Commissions And Establishing The Terms Of Office Thereof.

RESOLUTION NO. 6120

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AND ESTABLISHING THE TERMS OF OFFICE THEREOF.

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Library Board	Joni E. Dyer	Appointed	2016

****ITEMS REMOVED FROM THE CONSENT AGENDA****

8. None.

****COMMUNICATIONS FROM MAYOR AND COMMISSIONERS****

9. Mayor Homer Nicholson welcomed the many Ponca City residents to the meeting and mentioned the recent sales tax report which indicated a significant increase.
 Commissioner Lanita Chapman reminded the public that school is starting and asked everyone to drive safely and watch for the children.
 Commissioner Mary Beth Moore noted that it was nice to hear such a crowd recite the Pledge of Allegiance.

****REPORTS****

10. CITY MANAGER'S REPORT

City Manager Craig Stephenson reported there were approximately 40 individuals who participated in the Lunch & Learn at City Hall this past Thursday, August 7, 2014. The topic was how to become certified healthy for a local business, restaurant, school, community, or campus and the benefits of becoming certified healthy.

Stephenson noted that the 9th Successful Aging Expo will be held at the First Christian Church, 210 N. 5th Street in Ponca City, from 9:00 a.m. to 3:00 p.m. on Saturday, August 16, 2014.

Stephenson reminded the public that Ponca City schools begin on Tuesday, August 12, 2014. Please drive mindfully in these areas for students walking and bicycling. Officers will be providing extra patrol in the school zones and school bus pickups and drop offs.

Stephenson informed the public that AMBUC Pool has closed for the year, and Wentz Pool will only be open on Sunday, August 17, 2014, as well as August 23-24, 2014 and August 30-31, 2014 due to the availability of life guards. However, the splash pads will remain open seven days a week for a while longer. The closing of these is determined more by the weather of late summer and fall. Also, Dog Days of Summer will be held tonight, August 11, 2014, at AMBUC Pool. This is an event for the public to bring their dogs to enjoy a swim before final closing for the season. Dogs must have current shots and city tags, and the fee is \$5.00 per dog from 5:30-7:00 p.m.

Stephenson announced that the City of Ponca City and Phillips 66 are hosting Session 3 of the Oklahoma Municipal League's "Citizens Academy Leadership Training" on Thursday, August 14, 2014, at Marland's Grand Home and on Friday, August 15, 2014, at City Hall.

Stephenson notified the Department Heads and Superintendents that on August 19, 2014, there is a meeting to hear a presentation from Mary K Pinzon, CPE M. Ed. Stroke Education Nurse, Integris. The subject is "Too Young to Stroke? Think Again-Think Fast." This program is designed to address a growing increase in numbers of strokes in the 20-55 year old working adults. One in five strokes or 20% is in the 20-55 year old age group.

Stephenson's final comment was Cable One will discontinue using the payment drop box on 6th Street. They plan to remove the box themselves and anticipate taking it out this Friday, August 15, 2014.

****PUBLIC HEARINGS****

11A. Conduct A Public Hearing On Subparagraph (B) Hereof.

Development Services Director Chris Henderson gave a PowerPoint presentation outlining the zoning request to be considered for the Northwest corner of Grand Avenue and Waverly Street. Henderson explained that the City's Comprehensive Plan Document adopted in 2009 anticipates commercial land uses at this corner and the larger tract surrounding it specifically identified as a "West Development Node" because of the availability of a sufficient utility infrastructure to support growth. Henderson then explained the current zoning map to include a corner tract of 8.2 acres zoned C-2 for retail use along with an R-3 Multi-Family proposal for an apartment complex, which at the May meeting of the Oklahoma Housing Finance Agency did not get funded for tax credits. The developer for the apartment project has begun the process of re-submitting the project at the next scheduled OHFA meeting in January of 2015.

Recently, a project has come along to construct a convenience store/travel center at the corner which would need an additional 140 feet along Grand and along Waverly re-zoned to C-2 to accommodate the proposed use. Henderson gave a description and layout of the proposed store along with the store services to be provided. Henderson informed all that the Planning Commission met to consider this zoning petition on July 1, 2014 in which it was approved by a split vote after discussion regarding whether it was a truck stop by definition. Henderson read the City's zoning ordinance defining a truck stop and a service station and then stated that the proposed convenience store most closely mirrors the definition of a Gasoline Station with Convenience Store as defined by the North American Industrial Classification System (NAICS).

Henderson added that he has spoken with the developer about overnight parking of semi-trucks and has informed them that they would need a special use permit for any trucks staying overnight, and they are not requesting it at this time.

Commissioner Lanita Chapman asked if there could still be an apartment complex if the ordinance is approved. Henderson explained it is still possible to have an apartment complex, but it would be moved farther west and north from the original site plan if approved.

City Attorney Kevin Murphy questioned the reasoning for zoning the area around the C-2 zone with an R-3 zone. Henderson explained that it was intentional, and as building and

development progresses out from the commercial business, it is to become a less intensive use so that transitional zoning occurs to create a buffer between the commercial use and a single family residence.

Commissioner Mary Beth Moore asked if the zoning expansion would affect the application for the apartment complex. Henderson told her no. Moore then asked what is required to obtain a special use permit for the overnight parking of semi-trucks. Henderson detailed the requirements for a special use permit.

Commissioner Chapman asked questions regarding the zoning of the Airline Drive-In property in which Henderson explained that it was currently zoned commercial which would also allow for residential. At that point Mayor Nicholson asked if the single family housing project would expand beyond that area, and Henderson told him that it should stay within that particular boundary.

Commissioner Mark Macy questioned the intent of the Planning Commission in regards to the overnight parking. Henderson stated that the applicant would need to answer that question.

Applicants Brindan Shepherd, Director of C-store Operations for Shepherd Oil, and Zach Zimmerman, Director of Wholesale Operations for Shepherd Oil, outlined their intent for the operation of a convenience store/travel center with fast food service and a drive thru service. In regards to the truck parking, Brindan Shepherd stated that the intent would be for the semi-truck drivers to be able to park for an hour or so to have enough time to come in and eat and then be on their way.

Commissioner Macy asked the applicants if there will be intent, postings, or signage to let the drivers know that there is no overnight parking. Shepherd replied that they would be happy to post signage to that effect. Shepherd also stated that they had told Chris Henderson they would not have overnight parking and would not allow it. Zimmerman added that it was not their intent for overnight parking, that the intent was to capture the diesel industry which currently exists in the area, and the store was not being designed to accommodate overnight parking. The intent is to bring in traffic already established and to give the large trucks a safer area to pull in and stop for a short amount of time, since there are no other facilities available to the trucks in Ponca City especially on the truck route of Waverly Street. Zimmerman reiterated that this absolutely was not a truck stop by their definition or anyone else's, and they do not ever intend for it to be one; but they do have to allow for the trucks to get turned around and out of the traffic and not to impede the traffic flow.

Mayor Nicholson questioned if the c-store could function and succeed without the diesel services. Zimmerman stated that it possibly could, but their prior site survey studies indicated the diesel service adds an element for an existing need and felt it was important.

Commissioner Moore asked what drew the applicant's attention to this particular lot. Zimmerman stated Shepherd Oil saw a drastic need for this type of service on the west side of Ponca City in regards to food service, and it is a developing area without a lot of fueling capabilities for semi-trucks and the opportunities which are available in that area.

Mayor Nicholson asked if the fast food they were planning to put into the c-store was a national franchise. Shepherd replied they were still looking at three different options, and of the three options, two were a national franchise.

Commissioner Moore wanted to know if their store would be comparable to the new convenience store which recently opened in Newkirk, OK. Shepherd stated that it would be similar but larger in size and have more amenities inside.

Mayor Nicholson questioned if the retail space of the proposed c-store would be selling semi-truck accessories and trucker paraphernalia which are seen at truck stops. Shepherd stated absolutely not, but they do sell sunglasses. They will not sell chrome and truck accessories at the proposed c-store. Nicholson also asked if this c-store would be comparable to their stores in Blackwell on Main Street and Doolin Avenue in which Shepherd replied yes, but this proposed store will be a little larger.

Commissioner Macy asked for verification regarding the prediction of 25 full-time jobs. Shepherd replied yes and maybe a few more. Macy then asked if the c-store would have light groceries. Shepherd said yes, it would have light groceries along with the capabilities of purchasing 60% of their items through the drive thru. Zimmerman also stated that this store would have more food services and offer more food ranges and grocery options, and it will be a more current version of what a c-store is today.

City Manager Craig Stephenson asked the applicants to clarify the prediction of 25 full time employees as to whether it was 25 full time equivalent or 25 full time jobs. Shepherd stated it would be 25 full time jobs due to the fact that the food service would take a large amount of people.

Mayor Nicholson then stated the public hearing was open, and any citizen was allowed 5 minutes to speak.

Tracy David McCloud, 2200 W. Grand, expressed concerns that the proposed c-store would not keep the traffic to a minimum nor keeps the quiet peaceful neighborhood which currently exists. Other concerns included the definition of a truck stop to her does apply to the proposed c-store and also questioned the need for a convenience store with a Conoco store close by at Waverly and South Avenue. She believed there would be an increase in traffic due to the placement of the store and asked if the City had any plans for a change in the roads or a left turn lane to be added.

Ann Powell, 305 N. 10th, stated that as a longtime resident of Ponca City even though she does not live near the area of the proposed store, she is pleased with the family oriented results in the area with the new PCAFC-YMCA. Her concerns included encouraging truck traffic, driving safety issues, safety of the children in the area, and degradation of the established family oriented area. In conclusion, Ms. Powell stated she was against this project.

Sunie Stolhand, 646 Denoya Rd., and Pastor of the First Church of the Nazarene which is directly west of the PCAFC-YMCA asked questions which included: How many trucks are expected to be served? What are the benefits to the community, the children and the churches in the area? Can the City assure the community that the business will succeed considering the blight of the truck stop at Waverly and South Avenue that did not succeed? Ms. Stolhand concluded with the statement that she is always happy to see Ponca City grow and understands there will be a business that eventually will go in that location, but asks the Commission to consider all aspects and what is best for the community.

Rob Roy Murray, 1504 W. Broadway, asked commissioners to think about speed limits and that at least twice per day the school zone will be in effect and slow the traffic considerably. With additional truck traffic, Mr. Murray expressed concern for increased traffic problems and questioned whether there should be a traffic engineering study to determine the impact on traffic in the area. Mr. Murray suggested this may result in lowering speed limits in the area for safety, which may in turn cause fewer trucks to use Waverly Street.

Orville Thornton, 404 N. Olympia, expressed concerns about the c-store and its proximity to the schools and traffic safety. Mr. Thornton asked what the reason for this particular location was and believes the store would run the area down rather than build it up. In conclusion he thought it was a big mistake.

Mayor Nicholson interjected at this time to give the public information about the property on the Northwest corner of South Avenue and Waverly Street. Nicholson explained that the owner of that particular property was also the owner of the property on the Northeast corner of South Avenue and Waverly Street. That owner has left the Northwest corner abandoned to prohibit competition; therefore, that location is not an option.

Kevin Murphy, City Attorney, commented that the appearance of the Northwest corner of South Avenue and Waverly Street did not constitute a nuisance according to the City Code. Murphy also informed the commissioners that an individual has the right to own and develop a property as they see fit, and the ability of the government to control that is predicated solely on zoning. Murphy further explained that the Commission's powers were not unlimited. They are predicating the zoning decision tonight on whether or not the principal element of zoning is preserving property values and that their primary duty tonight is to ensure that whatever the zoning is, that it doesn't serve to reduce property values in that area. Murphy again mentioned the use of transition zoning to protect property values.

Debra Ballard, 2116 W. Grand, felt the store would degrade property values in the area, believed there was not a need for more fast food or convenience stores in Ponca City and was concerned about children's safety. She wants a quiet neighborhood community.

Loretta Leavitt, 305 N. Olympia, does not like the idea of the c-store in her neighborhood. Her concerns included safety and vulnerability of the children, fuel emissions, traffic congestion, traffic noise, and drainage.

Mayor Nicholson commented that the City is required by law to not allow the discharge of any more water than presently being discharged, and that the City is looking at a regional detention pond area that will either be individual or regional.

Vi Richardson, 101 N. Olympia, concurred with previous stated concerns and asked for further explanation regarding the drainage. Mayor Nicholson explained the options for detention ponds and requirements for development in an area. Craig Stephenson also explained that retention must be done onsite and explained how a detention pond is used. Ms. Richardson asked Shepherd Oil applicants why they chose that particular corner. Shepherd responded that the site study identified it as the best place for the development.

Ruth Huggins, 516 N. Olympia, stated that her concerns were for the traffic and the children's safety in the area.

Sandra Blanton, 1521 W. Chestnut, wanted to know if Shepherd Oil has already purchased the property and how far along the project was. Chris Henderson replied that the project was only in the conceptual stage. Craig Stephenson added that the corner, a 300 ft. by 300 ft. area, has been zoned, and this re-zoning is for the additional area needed. Mrs. Blanton reiterated the same concerns her neighbors previously spoke of.

Ann Powell, 305 N. 10th, asked what study has been done or statistical information will be used to determine if the property values will decrease if that is the only criteria to be used for approval or disapproval. Mayor Nicholson commented that typically facilities of this nature increase property value, because it provides increased shopping ability and things of that nature for the neighborhoods and it is a neighborhood convenience and adds to the value of the property.

As there was no further public comment Mayor Nicholson closed the public hearing portion of the meeting and explained to the citizens that he and the Commissioners have had extensive discussions in the work sessions, and they have all had input privately from citizens through phone calls and emails. Nicholson said they are in a difficult position, as it is their responsibility to grow our community as well as looking out for the safety and security of our citizens, and they want to do the right thing and make the right decision.

Commissioner Steve Hermann presented a question for Police Captain Randy Tyner asking about the amount of calls or the crimes that occur at convenience stores as previously discussed with Police Chief Don Bohon concerning a different zoning issue and asked if Captain Tyner could address the topic. Captain Tyner relayed that in general there is more crime in the convenience store environment only because there is more traffic, and Chief Bohon made that comment when comparing convenience stores to liquor stores.

- 11B. Consider And Vote On Ordinance Rezoning A Tract Of Land Described As Part Of The Northeast Quarter (NE/4) Of Section 29, T26N, R2E, To The City Of Ponca City, Located At The Northwest Corner Of West Grand Avenue And Waverly Street, R-3 Multi-Family Residential To C-2 General Commercial.

ORDINANCE NO.

AN ORDINANCE REZONING A TRACT OF LAND DESCRIBED AS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 29, T26N, R2E, TO THE CITY OF PONCA CITY, LOCATED AT THE NORTHWEST CORNER OF WEST GRAND AVENUE AND WAVERLY STREET, R-3 MULTI-FAMILY RESIDENTIAL TO C-2 GENERAL COMMERCIAL

Commissioner Hermann made the motion to table the proposed item for further investigation. Commissioner Moore seconded.

Roll: Yeas; Hermann, Moore, Nicholson, Macy, Chapman. Nays; None. Motion carried.

****NEW BUSINESS****

None

****CITIZENS COMMENTS****

12. Tracy Davis McCloud, 2200 W. Grand, asked whether the county or the city was responsible for the roadway on Waverly Street between Highway 60 and South Avenue. The response was that it was the responsibility of the county.

13. ADJOURN

The motion to adjourn was made by Commissioner Macy and seconded by Commissioner Hermann.

Roll: Yeas; Macy, Hermann, Nicholson, Chapman, Moore. Nays; None. Motion carried.

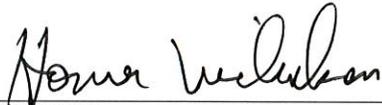
Mayor Nicholson adjourned the Board of Commissioners meeting at 6:50 p.m.

PASSED IN SESSION AND APPROVED THIS 25TH DAY OF AUGUST 2014.

ATTEST:


CITY CLERK




MAYOR

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
August 11, 2014

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 5:30 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Chairman Homer Nicholson presiding.

Present: Homer Nicholson, Chairman
R. Mark Macy, Trustee
Mary Beth Moore, Trustee
Steve Hermann, Trustee
Lanita Chapman, Trustee
Craig Stephenson, City Manager
Kevin Murphy, Trust Attorney
Marc LaBossiere, Secretary

Absent: None

Others Present: Tana McKinley, Terry Brown, Chris Henderson, Randy Tyner, Butch Herring, Johnny Barron, City staff; Citizens; Steve Dye, Ponca City News

1. CALL TO ORDER

Chairman Homer Nicholson called the meeting to order at 6:50 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2 and #3 noncontroversial and routine in nature by the governing body and are approved by one motion.

Trustee Macy made the motion to approve the consent agenda. Trustee Moore seconded.

Roll: Yeas; Macy, Moore, Nicholson, Hermann, Chapman. Nays; None. Motion carried.

2. Consider And Vote Upon The Minutes Of The Regular Session Held July 28, 2014.

3. Consider And Vote Upon A Resolution Appropriating Money For Payment Of Claims.

RESOLUTION NO. 905

***A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS AGAINST THE
PONCA CITY UTILITY AUTHORITY OF PONCA CITY, OKLAHOMA***

****ITEMS REMOVED FROM THE CONSENT AGENDA****

4. None.

****NEW BUSINESS****

None

5. ADJOURN

Trustee Macy made the motion to adjourn the meeting of the Ponca City Utility Authority. Trustee Hermann seconded.

Roll: Yeas; Macy, Hermann, Nicholson, Moore, Chapman. Nays; None. Motion carried.

Chairman Nicholson adjourned the PCUA Board of Trustees at 6:52 p.m.

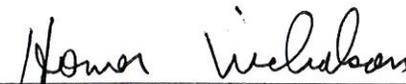
PASSED IN SESSION AND APPROVED THIS 25TH DAY of August 2014.



ATTEST:



TRUST SECRETARY



CHAIRMAN