

**MINUTES OF A SPECIAL MEETING
OF THE NEWCASTLE CITY COUNCIL
(Amended on 5/25/2017)
(Opening Prayer & Flag Salute)**

DATE: May 30, 2017
TIME: 6:00 p.m.
PLACE: NEWCASTLE MULTI-PURPOSE CENTER
705 NW 10TH

ITEM 1: CALL TO ORDER/ROLL CALL

Gene Reid called the meeting to order at 6:02 p.m.

PRESENT: Mayor Gene Reid
Vice Mayor Joe Covey
Council Member Mike Fullerton
Council Member Jimmy Gurley
Council Member Karl Nail

ABSENT: None

OTHERS PRESENT: Nick Nazar, City Manager; Dinah Alizadeh, Executive Administrative Assistant; Camille Dowers, NPWA Secretary; Kimberly Coffman, City Treasurer; Rebecca Brewster, Community Development Director; Gordon Harness; Planning Commission Chair; Ted Haxel, City Attorney

ITEM 2: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF THE AGENDA

Motion was made by Karl Nail and seconded by Gene Reid to approve the agenda as amended to strike Item 9. Council polled: Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried.

ITEM 3: CITIZENS' COMMENTS

None

ITEM 4: PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION FOR REZONING FOR THE GARRETT TRUST FROM A (AGRICULTURE)/ R-F-1 (SINGLE FAMILY RESIDENTIAL)/ C-C-2 (COMMUNITY COMMERCIAL DISTRICT)/ R-MH-1 (MANUFACTURED HOUSING SUBDIVISION) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED IN THE NW/4 SW/4 OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA, CONTAINING 218.007 ACRES; PROPERTY LOCATION: EAST SIDE OF COUNTRY CLUB BETWEEN NW 16TH STREET AND HIGHWAY 130 (R2017-004) AND ADOPTION OF ORDINANCE NO. 785

Gene Reid opened the public hearing at 6:04 p.m. He announced a time limit for the speakers of three minutes each, allotting a goal of 30 minutes for the public hearing.

Appearances were made by the following persons with comments:

Jerry Curl, 1204 Hwy 130, inquired who approved the PUD for the subdivision. He said if nobody has approved it, the city should approve R-F-1 zoning and that other existing facilities should be used for commercial development. He requested reconsideration of the PUD.

Jan Widmann, 321 N. Country Club Rd., commented on increased density and resulting traffic concerns. She is concerned about the developer and the plan proposed for small lots. She wants to know who is will be responsible for road maintenance and the pond on the west side of the Garrett property.

Sheri Stead Elliott, owner of 2.5 acres off of east side of the Garrett property. 704 NW 16th is her parent's address. She has been trying to get a building permit for a modular home. The proposed detention pond will flow onto her property. Already have drainage problems. She commented on the quality of the homes in Bradford Place. She also commented on the schools and traffic.

Gina Stead, 704 NW 16th, commented on the schools being overcrowded and that the minimum square footage of the proposed homes is too small. She said Newcastle does not need another gas station. She had questions about what type of professional offices and senior living would be built. Nick Nazar stated that the senior living would be independent living with assisted living in the center of it. She had concerns about maintenance of Webb Creek. She asked what phase of the development would begin first.

Debbie Chappell, 1111 NW 1st St., distributed pictures of flooding from May 6, 2015. She has concerns about drainage from the development onto Walnut Grove addition. Wants drainage built before the terraces are moved. She is against overcrowding of the space. She commented on the protest petition filed with the city and stated that many signatures on the petition were not on the list of property owners given notice of the rezoning. She said the petitioners were not against development but were against it in its current state. They are against the PUD zoning and against the overcrowding of the space.

Ed Max, 1121 NW 1st St., stated that Walnut Grove is an attractive neighborhood. He said that houses need to be 2,000 s.f. on ½ to 1 acre lots to sell. He requested waterline upgrades, lighting and signage for Larry Street. He also commented on the dangerous intersection at Country Club and Hwy. 130.

Debbie Garrett, 310 N. Country Club Rd., appeared. She said beginning about a year ago the City called and started visiting with the Garretts every few weeks about the land. The City couldn't afford it to buy it, and wanted to buy only part of it, so there was a suggestion made that an investment group be formed. Developer Tony Meek was then introduced and a purchase price was agreed upon. The Garretts initially thought the PUD proposed by Tony Meek was a little aggressive but Mr. Meek has worked with the City on requests made by the Planning Commission. She added, however, that the commercial area does not need to be on 16th Street. She outlined events that had happened and stated she spoke to an attorney about the individuals and actions involved. She said the Garretts do not want out of the contract with the City.

Former Council Member Tiffany Elczyn, 611 Talon Drive, stated that she previously lived in Bradford Place for three or four years and that there are excellent people who live in Bradford's starter homes. There are many people not in attendance who are in favor of the development of the Garrett property. Tony Meek has worked with the City and is the kind of developer the City wants to work with.

Cheryl Jeffries, 1317 N. Country Club Rd., appeared and stated that she is angry with the Planning Commission. She doesn't see that enough concessions have been made by the developer.

Victor Stead, 704 NW 16th St., said he is worried about increased traffic on 16th Street and the bridge on 24th Street. He also asked about whether there was an area in the PUD proposed for a church.

At 6:50 p.m. Gene Reid closed the public hearing and addressed the public regarding the zoning processes and benefits of PUD zoning in general. He reopened the public hearing at 6:59 p.m.

Former Council Member Tommy Clay, 1901 S. Country Club Rd., spoke about the positive aspects of the development. He said there are additional infrastructure needs but that development brings additional funding for those needs. The extension of 10th Street would relieve congestion at the elementary school. Newcastle has this one opportunity to add park land in the center of the City. More park development encourages more commercial developers to come to Newcastle. The school administration is not opposed to increased student population because there will be increases in funding.

Janet Gibbs, NW 16th & Country Club Rd., The property is in the center of the city and to try to build for so many people should not be done in this one project in this area. She also has drainage concerns.

Jeannette Lore, President of Newcastle Chamber of Commerce and Economic Development, said it has taken her two years to find a home in Newcastle. She presented a letter in support of the project from Newcastle School Superintendent Tony O'Brien who could not attend the meeting.

Gary Garrett, 610 N. Country Club Rd., spoke in support of the development. He said the commercial part of the development will not be noticed because it will be years before it develops. Newcastle will grow and the City will take care of its growth. City parks need to be developed.

Janet Gibbs reappeared. She said out of hundreds of people who she has spoken to there was only one person in favor of the project.

Vickie Joy, 2004 NW 22nd St., wanted to know how long the City has studied this proposal and asked why answers to the questions were not given. The Council needs to study this project further before it votes. Gene Reid explained the process of the public hearing. She said the school and infrastructure cannot handle the development.

Patti Maness, 518 SW 27th Place, spoke in support of the development as a business owner. She has experienced changes in Newcastle and has also seen Newcastle lose out on propositions. Development is tough because of all the steps required by the City. The future foreseen by the "grass roots hysteria" previously mentioned does not always happen. Growth will bring jobs and money to Newcastle in the long term, but there will be positives and negatives along the way.

Jan Widmann reappeared regarding concessions the developer has made. She stated that only 20 lots have been eliminated from the plat. She noted that the City was involved on this development before the Planning Commission addressed it.

Mayor Gene Reid closed the public hearing at 7:28 p.m. and called Planning Commission Chair Gordon Harness to present the recommendation of the Planning Commission. Mr. Harness stated that developments always go to City staff before presentation to the Planning Commission. He outlined the sequence of events for review of the proposed development by the Planning Commission and the City Council. He stated the number of small lots has been reduced significantly. He addressed the issues raised above and said the same issues have been addressed in initial and subsequent meetings of the Planning Commission. He recommended approval of the PUD with revisions.

Gene Reid called Tony Meek for his comments and he presented none. A five-minute recess was called and the meeting was reconvened at 8:04 p.m. At this time Gene Reid asked to hear from City Council members.

Mike Fullerton stated he has listened carefully to the citizens. The streets and highways which need to be improved will have to have “rooftops” which will in turn increase the traffic and accidents. Only fatality accidents are counted by ODOT. Newcastle is the third fastest growing community in the ACOG area. Newcastle will have water. Oklahoma City will not cut off water because they want support from local municipalities at the state capitol to get state government to fight Texas from taking water from Oklahoma. Sanitary sewer is an issue the City is working on. Drainage will be addressed by the engineers. Mr. Fullerton spoke to two school board members who said the problem at the school is a shortage of teachers and not classroom space. Fire and police were contacted by Nick Nazar, and the fire department anticipates an increase of 3 to 5 calls per month and the police department anticipates an increase of 6 to 10 calls per month, which is fewer than they get in one day. More homes and more people mean an increase in sales tax dollars. The city is working on the scheduling of the 24th Street bridge improvements with the Oklahoma Turnpike Authority, and the Hwy. 76 and Hwy. 130 improvements with ODOT.

Phil Hagan, engineer with Crafton Tull, spoke for the developer regarding drainage.

Karl Nail commented the last school bond issue projected an 8% growth rate that did not happen. So with no additional ad valorem growth to build onto the high school, no additional facilities were built. This project will be beneficial to the schools for years to come, and will not happen overnight. Rooftops matter to the City for sales tax revenue increases. He was concerned when the project was presented as a PUD instead of straight zoning. He said the PUD development, adjacent to the sewer and with water availability, was appropriate for the location in the City. Smaller lots are needed in Newcastle and because of the PUD, negotiations have occurred which benefit the aesthetics and protect those most impacted by the development. The commercial location fits and has been “softened”. The bridges are expensive and cannot be paid by the City. The City needs the demand created by rooftops and increased traffic to ask for funding to replace the bridges. What the developer has proposed is a compromise of what different parties have wanted.

Joe Covey stated a brief description of his qualifications and background. He said the PUD presented has come a long way but that there are still “holes” in it. He referenced the 1986 Comprehensive Plan of the City of Newcastle and said it provides for 5-acre commercial sites on each corner of section line intersections. He said the mini-storage is shown as an added use in the PUD and not a single sole use as agreed with the developer. He also said setbacks need to be increased in the commercial areas. He asked for more time to review the PUD and get changes made before it is voted upon by the Council.

Nick Nazar and Ted Haxel stated that no notice is required to be sent to property owners for plat approval, but notice would need to be given for any zoning changes made by a proposal for an amended PUD. Gordon Harness stated the PUD document becomes part of the adopted Ordinance.

Jimmy Gurley stated the PUD document should require minimum 60 ft. lot frontages in Tract 7 so as to be consistent with other residential requirements of the Code and to create less density. Tract 4 should be restricted for senior housing only. Setbacks also need to be shown on the plat. Commercial areas should not be allowed to be developed for residential.

Design Statement for Wyndemere, Revision #5, was distributed by Rebecca Brewster and was used by the Council in discussing proposed modifications.

Phil Hagan reappeared and agreed on behalf of the developer to make “mini-storage” a single sole use for Tract 3, and agreed to modify the requirements for “senior assisted living” area as a single sole use in Tract 4. The commercial area access points will be modified. Further revisions will also be made to

Tract 1 special restrictions regarding driveways and setbacks, and revisions to Tract 2 to allow an additional use for residential construction will be made.

At 9:35 p.m. a summary of citizen comments received was given by Gene Reid, which he addressed at this time.

Jim Gurley offered to compromise with an agreement for 55 ft. lot frontages. Developer Tony Meek responded he would leave his proposal for the small lot frontages at 50 ft. At 10:00 p.m. Gene Reid called for a motion on Item 4.

Motion was made by Karl Nail and seconded by Mike Fullerton for approval of the PUD Document for Wyndemere under Item 4, subject to the following modifications:

- Page 8: Tract 2: *(insert)* "Residential use is stricken as a Permitted use."
Tract 3: *(add)* "The single allowed use of Tract 3 is:"
(strike) "The following uses are added to the Permitted use:"
- Page 9: Tract 4: *(strike)* "The following use is permitted for Tract 4."
(replace with) "The only use permitted for Tract 4 is:
(1) Senior and Assisted Living."

and for adoption of Ordinance No. 785.

Gordon Harness further added modifications by Crafton Tull to Page 7 for Tract 1 will be made as follows: There should be a minimum separation of 250 ft instead of 200 ft.; there should be a total of one entrance from Country Club Road to Tract 1; and there should be two entrances on NW 16 from Tract 1. The motion was so amended by Karl Nail and seconded by Mike Fullerton. Council polled: Mike Fullerton, yes; Jimmy Gurley, no; Karl Nail, yes; Joe Covey, no; Gene Reid, yes. Motion carried.

ITEM 5: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF EMERGENCY CLAUSE OF ORDINANCE NO. 785

Motion was made by Karl Nail and seconded by Mike Fullerton to approve Item 5. Council polled: Jimmy Gurley, no; Karl Nail, yes; Joe Covey, no; Mike Fullerton, yes; Gene Reid, no. Motion failed.

ITEM 6: DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT OF WYNDEMERE

Motion was made by Karl Nail and seconded by Mike Fullerton to approve Item 6. Council polled: Karl Nail, yes; Joe Covey, no; Mike Fullerton, yes; Jimmy Gurley, no; Gene Reid, yes. Motion carried.

ITEM 7: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PROPOSED ASPHALT ROAD PROJECTS:

A. ONE MILE OF 3" ASPHALT ON S. PORTLAND FROM S.E. 24TH ST. TO S.E. 32ND ST.

Motion was made by Mike Fullerton and seconded by Karl Nail to approve Item 7(A). Council polled: Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried.

B. ONE MILE OF 2” ASPHALT ON S.E. 24TH ST. FROM SH-62 TO PORTLAND AVENUE

Motion was made by Mike Fullerton and seconded by Joe Covey to approve Item 7(B). Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

ITEM 8: ASSISTANT CITY MANAGER’S COMMENTS

None

ITEM 9: CITY MANAGER’S COMMENTS

Nick Nazar said a lot of positive things are happening. The H.E. Bailey Turnpike access improvements should be finished soon. The new Tri-City Diner will be opening in the near future. Driveway regulations will be on the next agenda. The 24th Street Love’s Travel Stop construction is progressing with paving modifications being addressed. The 24th St. bridge improvement negotiations are ongoing with the Chickasaw Nation. Gene Reid said he has received requests for more paint striping on roads and narrow bridges. Nick Nazar is receiving estimates for the next meeting.

ITEM 10: COUNCIL MEMBERS’ COMMENTS

Mike Fullerton said the Comprehensive Plan needs to be addressed and adopted. Driveways, tin horns and drainage need to be permitted and inspected by the City.

Joe Covey commented on the City Code section requiring 3 votes of the Council for approval of rezoning requests when a protest is filed. He would like an Ordinance requiring a 4/5ths vote for rezoning. He also requested an Ordinance requiring notice be given to surrounding property owners for plat approvals.

Gene Reid wants to optimize the Planning Commission process and Joe Covey requested a joint Planning Commission/City Council meeting. Joe Covey inquired about adoption of recodifications of the Code and Ordinances that are not included in a recodification.

ITEM 11: ADJOURNMENT

Motion was made by Joe Covey and seconded by Mike Fullerton to adjourn. The motion unanimously passed and the meeting was adjourned at 10:35 p.m.

Except for motions, the minutes only constitute an outline of discussion made by the Council/NPWA and legal advice by the City Attorney.

Mayor

Vice Mayor

Council Member

Council Member

Council Member