

**MINUTES OF A MEETING OF  
THE NEWCASTLE CITY COUNCIL**

**DATE:** September 10, 2018  
**TIME:** 6:00 P.M.  
**PLACE:** NEWCASTLE MULTI-PURPOSE CENTER  
705 NW 10<sup>TH</sup> STREET

**ITEM 1: CALL TO ORDER/ROLL CALL**

Gene Reid called the meeting to order at 6:28 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:** Kevin Self, Interim City Manager; Jeanie Skeen, City Treasurer; Dinah Alizadeh, Executive Administrative Assistant; Todd Kennemer, Community Development Director; Ted Haxel, City Attorney; Gordon Harness, Planning Commission Chair

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

Motion was made by Karl Nail and seconded by Joe Covey to approve the agenda. 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: CONSENT AGENDA**  
**A. Minutes: August 13, 2018**  
**September 5, 2018**  
**B. Claims**  
**C. Transfer of Funds**  
**D. Appropriation of Funds**  
**E. Budget Amendments**  
**F. Approval of Contracts**  
**G. Approval of Claims in excess of \$25,000.00**

Motion was made by Mike Fullerton and seconded by Karl Nail to approve the consent agenda, as amended to include Budget Amendment #19-05. Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

**ITEM 5: DISCUSSION AND POSSIBLE ACTION ON CONTRIBUTIONS TO CUB  
SCOUT PACK 231 AND BOY SCOUT TROOP 231**

Kevin Self stated that the usual amount is \$1,000 each donated to each organization. These amounts will be paid from the 30% fund for youth. Motion was made by Karl Nail and seconded by Mike Fullerton to donate \$1,000 to Cub Scout Pack 231 and \$1,000 to Boy Scout Troop 231. Council polled: Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried.

**ITEM 6: DISCUSSION AND POSSIBLE ACTION TO DECLARE PROPERTY AND BUILDING LOCATED AT 1732 HICKORY LANE, NEWCASTLE, OKLAHOMA, AS DILAPIDATED AND AUTHORIZATION TO PROCEED WITH ABATEMENT PROCEDURES (Property Owner: Michael Small; Kathryn Small—Spouse)**

Motion was made by Karl Nail and seconded by Mike Fullerton to approve Item 6. Council polled: Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Gene Reid, yes. Motion carried.

**ITEM 7: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF ORDINANCE NO. 815 REGARDING AMENDMENTS TO OIL AND GAS DRILLING REGULATIONS OF ORDINANCE NO. 814**

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

**ITEM 8: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF EMERGENCY CLAUSE OF ORDINANCE NO. 815**

Motion was made by Karl Nail and seconded by Mike Fullerton to approve Item 8. Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

**ITEM 9: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF ORDINANCE NO. 816 ESTABLISHING CHAPTER 119 OF TITLE XI (BUSINESS REGULATIONS), NEWCASTLE CODE OF ORDINANCES, PROVIDING FOR RETAIL MARIJUANA ESTABLISHMENTS, LICENSE AND PERMIT REQUIREMENTS, RESTRICTING LOCATIONS, PROVIDING FOR CONDITIONS OF OPERATION, ESTABLISHING PERMITTED GROWING FACILITIES, WHOLESALE FACILITIES, STORAGE FACILITIES, AND MARIJUANA FOR PERSONAL USE FACILITIES, AND ESTABLISHING FEES, PERMITS AND PERMIT PROCESSES**

No action was taken.

**ITEM 10: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF EMERGENCY CLAUSE OF ORDINANCE NO. 816**

No action was taken.

**ITEM 11: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF INTERIM ALCOHOL ORDINANCE NO. 817**

No action was taken.

**ITEM 12: DISCUSSION AND POSSIBLE ACTION ON EMERGENCY CLAUSE OF INTERIM ALCOHOL ORDINANCE NO. 817**

No action was taken.

**ITEM 13: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF REVISED BUILDING AND INSPECTION FEE SCHEDULE**

Motion was made by Karl Nail and seconded by Joe Covey to approve the proposed fee schedule under Item 13. Council polled: Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried.

Gene Reid called a 5-minute recess.

**ITEM 14: DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATIONS:**

- A. PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATION REGARDING PLANNING COMMISSION RECOMMENDATION TO DENY APPLICATION FOR REZONING FROM A (AGRICULTURE) TO E-2 (URBAN ESTATE RESIDENTIAL) FOR MARCIA ERWIN LOCATED IN THE NW/4 SE/4 OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 2105 S. DUNNING DRIVE (R2018-007)—Tabled from 8-13-2018 City Council Meeting**

Todd Kennemer presented the recommendation of the Planning Commission to deny the rezoning application under Item 14(A). Comments were also made by Gordon Harness and discussion was had regarding the private road, gaps in existing easements, and easements by prescription. Citizen protests against the rezoning were heard at Planning Commission. Appearance was made by Kyle Erwin who spoke in favor of the rezoning. He commented on anticipated lot splits, increasing density, and his willingness to grant easements on his property. Motion was made by Karl Nail and seconded by Mike Fullerton to approve the rezoning of the property under Item 14(A) and for adoption of Ordinance No. 820. Council polled: Karl Nail, yes; Joe Covey, no; Mike Fullerton, yes; Jimmy Gurley, no; Gene Reid, yes. Motion carried.

- B. PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR WILLIAM T. AND SARAH OSBORN, TIMOTHY L. AND TINA L. OSBORN/NATIVE EXPLORATION OPERATING, LLC FOR THE USE OF AN OIL & GAS WELL LOCATION TO BE LOCATED IN GOVERNMENT LOTS 1, 2, 3, 4, 5, AND SE/4 NE/4 SE/4 NW/4 OF SECTION 30, TOWNSHIP 10 NORTH, RANGE 4 WEST, I.M, McCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: FROM HWY 37 E-W AT GRADY/MCCLAIN LINE, GO 2 MILES N TO THE NW CORNER OF S30, T10N R4 WEST I.M., NEWCASTLE, OKLAHOMA (UPOR 2018-009 PLUME 25-36-1005)—Tabled from 8-13-2018 City Council Meeting**

Application was withdrawn. No action was taken.

- C. PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PLANNING COMMISSION RECOMMENDATION,**

**WITH CONDITIONS, FOR REZONING FROM "A" (AGRICULTURE) TO "E-2" (URBAN ESTATE REIDENTIAL) FOR BRENDA & KENNETH GLADNEY, ANITA & ROGER STAIR, AND DAWAYNE & SHERRY SMITH OF PROPERTY LOCATED IN THE NW/4 OF THE NW/4 OF SEC. 21, TOWNSHIP 9 NORTH, RANGE 4 WEST I.M., McClAIN COUNTY, OKLAHOMA; PROPERTY LOCATION: 2212 W. HWY 130, NEWCASTLE, OK (R2018-008), AND FOR ADOPTION OF ORDINANCE NO. 818**

Todd Kennemer presented the recommendation of the Planning Commission to approve the rezoning application under Item 14(C). Gordon Harness presented conditions recommended by the Planning Commission, including construction of a street turnaround and a private roadway street dedication. Joe Covey prepared the survey and answered questions regarding it. He exited the council chambers for the motion and vote. Motion was made by Jimmy Gurley and seconded by Mike Fullerton to approve the recommendations of the Planning Commission and adopt Ordinance No. 818. Council polled: Joe Covey, absent; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried.

**D. DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF EMERGENCY CLAUSE OF ORDINANCE NO. 818**

Motion was made by Gene Reid and seconded by Mike Fullerton to adopt the emergency clause of Ordinance 818. Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

**E. PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PLANNING COMMISSION RECOMMENDATION, WITH CONDITIONS, FOR REZONING FROM "A" (AGRICULTURE) TO "PUD" (PLANNED UNIT DEVELOPMENT) FOR RUBY A. CHENAULT SEPARATE PROPERTY TRUST/PROPOSED BUYER: SCOTT STAPLETON; PROPERTY LOCATED IN THE NW/4 OF SEC. 5, TOWNSHIP 9 NORTH, RANGE 4 WEST I.M., McClAIN COUNTY, OKLAHOMA; PROPERTY LOCATION: 2800 BLOCK OF HWY 76, NEWCASTLE, OK (R2018-009), AND FOR ADOPTION OF ORDINANCE NO. 819**

Todd Kennemer presented the application for rezoning for purposes of hosting event venues. Agricultural uses will also continue. Gordon Harness stated it was in a good location for the intended purpose and there were no objections made at Planning Commission. The need for additional parking requirements was discussed. Motion was made by Joe Covey and seconded by Mike Fullerton to approve the recommendation of the Planning Commission and adopt Ordinance No. 819 with a detailed site plan to be provided by the applicant. Council polled: Jimmy Gurley, no; Karl Nail, yes; Joe Covey, no; Mike Fullerton, yes; Gene Reid, yes. Motion carried.

**F. DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF EMERGENCY CLAUSE OF ORDINANCE NO. 819**

Motion was made by Karl Nail and seconded by Mike Fullerton to approve Item 14(F). Council polled: Karl Nail, yes; Joe Covey, no; Mike Fullerton, yes; Jimmy Gurley, no; Gene Reid, yes. Motion failed for lack of a  $\frac{3}{4}$  vote.

**G. PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PLANNING COMMISSION RECOMMENDATION TO DENY REZONING FROM "PUD" (PLANNED UNIT DEVELOPMENT) TO "PUD" (PLANNED UNIT DEVELOPMENT) FOR FOX HOLLOW DUPLEXES, APPLICANT RAUSCH COLEMAN; PROPERTY LOCATION: NW/4 OF SEC. 23, TOWNSHIP 9 NORTH, RANGE 4 WEST I.M., McCLAIN COUNTY, OKLAHOMA; (R2018-010)**

Motion was made by Karl Nail and seconded by Mike Fullerton to table Item 14(G) to the next regular meeting. Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

**H. DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATION TO DENY PRELIMINARY PLAT OF FOX HOLLOW DUPLEXES**

Motion was made by Karl Nail and seconded by Mike Fullerton to table Item 14(H) to the next regular meeting. Council polled: Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried.

**I. PUBLIC HEARING AND DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATION REGARDING APPROVAL OF APPLICATION FOR CONDITIONAL USE PERMIT FOR USE PERMITTED ON REVIEW FOR JUANITA GRIFFITH FAMILY TRUST/EOG RESOURCES, INC. FOR THE USE OF AN OIL & GAS WELL LOCATION IN THE SE CORNER OF SEC. 27, TOWNSHIP 9 NORTH, RANGE 4 WEST I.M., McCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: SW 24<sup>TH</sup> STREET 0.28 MILES WEST OF THE INTERSECTION OF SW 24<sup>TH</sup> AND U.S. HWY 62, THEN ¼ MILE NORTH OF LEASE ROAD, NEWCASTLE, OKLAHOMA (UPOR 2018-011, MIG)**

Gordon Harness presented the recommendations of the Planning Commission for conditional approval of Items 14(I) and 14(J). He stated that applications under Items 14(I) and 14(J) were considered concurrently at Planning Commission because the proposed drilling locations share the same pad site. Todd Woolery, attorney for EOG, appeared. Fonda Manwell of EOG was also present. Conditions 1 through 16 of the Planning Commission recommendation (contained in Item 15, Planning Commission Minutes dated 8-27-2018) were read by Gene Reid. Fonda Manwell with EOG will direct the water contractors to comply with Condition 16, with no guarantee as to compliance by the contractors. Each condition 1-16 was then opened for public comment. Judy Bond, resident of property with potential affected use, appeared and stated she was concerned about the sound and proposed an alternate site plan for the road, leaving the tree line which is a natural barrier for sound. EOG will negotiate with Judy Bond and the landowner regarding moving the road to the east, with consideration of EPA wetland issues on the property.

Motion was made by Karl Nail and seconded by Mike Fullerton to approve UPOR 2018-011 including Conditions 1, 2, 3, 4, 6, 7 and 9 as recommended by the Planning Commission. Council polled: Karl Nail, yes; Joe Covey, no; Mike Fullerton, yes; Jimmy Gurley, no; Gene Reid, yes. Motion carried.

**J. PUBLIC HEARING AND DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATION REGARDING**

**APPROVAL OF APPLICATION FOR CONDITIONAL USE PERMIT FOR USE PERMITTED ON REVIEW FOR JUANITA GRIFFITH FAMILY TRUST/EOG RESOURCES, INC. FOR THE USE OF AN OIL & GAS WELL LOCATION IN THE SE CORNER OF SEC. 27, TOWNSHIP 9 NORTH, RANGE 4 WEST I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: SW 24TH STREET 0.28 MILES WEST OF THE INTERSECTION OF SW 24TH AND U.S. HWY 62, THEN ¼ MILE NORTH OF LEASE ROAD, NEWCASTLE, OKLAHOMA (UPOR 2018-012, PHANTOM)**

Gordon Harness made a recommendation to approve the same conditions for UPOR 2018-012 as were approved for UPOR 2018-011. Motion was made by Karl Nail and seconded by Mike Fullerton to approve UPOR 2018-012 including conditions 1, 2, 3, 4, 6, 7 and 9 as recommended by the Planning Commission. Council polled: Joe Covey, no; Mike Fullerton, yes; Jimmy Gurley, no; Karl Nail, yes; Gene Reid, yes. Motion carried.

**ITEM 15: INTERIM CITY MANAGER'S COMMENTS**

Kevin Self stated he sent a written report to Council. In addition, he received an email from Rosalyn Clark regarding the drainage problem at Hwy. 9 and S. Harvey Avenue. She had an excavation company look at her property and they also looked at the east side of I-35. According to the excavation company, I-35 is the problem due to several beaver dams hindering drainage.

The crosswalks on Hwy. 62 north of Stan Patty are scheduled to begin in November due to shortage of materials for the crosswalk lights and signs. The process has begun to begin work on a new city website.

**ITEM 16: COUNCIL MEMBERS' COMMENTS**

Joe Covey inquired about the event center barn renovations at Hwy. 37 and Country Club. He noticed a ramp has been installed coming off the front porch. He asked about city inspections for the parking lot and ADA requirements for curbs around the parking lot, stating the need for a ramp from the parking lot to the sidewalks. Mr. Covey also thanked Kevin Self for having several flumes cleaned out which were causing water to stand on city streets.

Mike Fullerton commented that driveway permits were needed, with the city addressing drainage issues and tinhorn sizes. Also, pipeline utility companies are damaging city roads. He said the oil and gas companies and utility companies need to apply for permits. Mr. Fullerton also stated that Oklahoma City passed an ordinance regarding marijuana providing that instead of a physical arrest being made when marijuana is found in a vehicle a fine is issued. He suggested that Newcastle adopt a similar ordinance. Mr. Fullerton also stated that he believes the sale of water to the oil companies by landowners is taxable.

Kevin Self added that staff met with the OU internship program and that approximately 10 interns will be working for the city primarily in the Planning and Community Development Department and Economic Development.

Jim Gurley stated that Rick Peters called regarding impact fees, requesting an adjustment for his senior citizens development. Kevin Self stated he had denied this request when he met with Mr. Peters.

**ITEM 17: A. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER 25 O.S. SECTION 307(B)(2) DISCUSSING NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS (IAFF LOCAL #3910)**

**B. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER 25 O.S. 307 (B)(1) DISCUSSING THE EMPLOYMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING OR RESIGNATION OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE (CITY TREASURER EVALUATION)**

Motion was made by Gene Reid and seconded by Karl Nail to convene the meeting of the Newcastle City Council into executive session under Items 17(A) and 17(B) to include the City Manager, City Attorney and City Treasurer. Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes, Joe Covey, yes; Gene Reid, yes. The motion carried and the Council convened into executive session at 10:15 p.m.

Motion was made by Karl Nail and seconded by Joe Covey to exit executive session and reconvene the open meeting of the Newcastle City Council. Council polled: Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried and the open meeting of the Newcastle City Council was reconvened at 10:55 p.m.

**C. DISCUSSION AND POSSIBLE ACTION ON ANY ITEMS DISCUSSED IN EXECUTIVE SESSION**

Motion was made by Joe Covey and seconded by Karl Nail to increase the City Treasurer's salary 8% effective September 5, 2018. Council polled: Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Gene Reid, yes. Motion carried at 10:57 p.m.

Motion was made by Joe Covey and seconded by Mike Fullerton to approve the 2019-2020 IAFF contract. Council polled: Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried at 10:59 p.m.

**ITEM 18: ADJOURNMENT**

Motion was made by Gene Reid and seconded by Karl Nail to adjourn. The motion unanimously passed and the meeting was adjourned at 10:59 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.

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Mayor

\_\_\_\_\_  
Vice Mayor

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

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

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Council Member