

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
OCTOBER 19, 2021
6:00 P.M.

1. The meeting was called to order at 6:02 P.M. Declaration of a quorum present was given. The Flag salute was led by Asst. Chief Mahaffey and Invocation was given by Mayor Mickley. Mayor Mickley stated that Ward I Councilman had been in a serious accident and is why he was not here, he wished him well and a speedy recovery. Councilman Von Thayer stated that he had talked to Pat the day before and he wanted to sent his thanks for the thoughts and prayers and flowers, he sounded great.

ROLL CALL

Present

Mayor Jim Mickley
Vice-Mayor John Knipp
Councilman Roger Godwin
Councilman Jim Von Thayer
Councilman Jon Evans
Councilman Mike Schmidt
Councilman Donnie Ryan (arrived at 6:20 p.m.)
Councilman William Tucker

Absent

Councilman Pat Woolley

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Jason Mahaffey, Asst. Fire Chief
Pamela McDowell-Ramirez, Clerk/Treasurer
Mike Turman, Public Works Director
Craig Wallace, City Engineer
Marc Long, City Planner
Troy Rhodes, Project Architect

2. Presentation to Jed and Julie Chappel from the City Center as Volunteers of the Year for 2021.

Councilman Godwin made the presentation to Mr. Chappel. He told about many great things the Chappel's have done in the community and the kids. He told how they have worked with the Police and Fire and different events. He thanked them for all they do.

3. Call to the Public.

Moot.

Motion by Knipp, second by Godwin to recess to the Economic Development meeting.
Poll vote: Tucker, yea; Godwin, yea; Knipp, yea; Von Thayer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

The Council convened the Economic Development meeting at 6:10 p.m.

The Council returned to the Council meeting at 6:17 p.m.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.)

A. Approval of the minutes from the Regular meeting of September 21, 2021. ****

B.	Approval of Expenditures ****	General Fund	\$ 131,300.23
		2019 GO Bond	\$ 478,641.72
		EPA Fund	\$ 2,307.68
		CIP Fund	\$ 148,883.36

C. Approval of Actual Expenditures for September 2021 and Proposed Expenditures for October 2021. ****

D. Sales Tax History Report. ****

E. Approval of a Supplemental Appropriation of funds to the Sewer Line Maintenance Fund received from the Federal Government, (ARPA funds), in the amount of \$883,581.26.

Motion by Schmidt, second by Knipp to approve the consent docket. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thayer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

5. Discussion and possible action on items removed from the consent docket.

Moot.

6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, City Planner, Projects Architect. ****

Ramirez-we have already received the ARPA funds.

Love-the Hatfield case was dismissed they did not file in the proper time frame and have 6 months to refile.

Turman-they received the new garbage truck.

Wallace-did not need to purchase right of way for the sidewalk project so that money stays with the city. They are working on final inspection of the residential street projects.

Rhodes-signage should be done November 19th. The roof for the fire department has been held up due to high winds so they are working on what they can, estimated date of completion is January 21st.

7. Final Public Hearing, discussion and possible action on a Use Subject to Review: concerning a Cigar Lounge located at 4415 N. MacArthur Blvd, Warr Acres OK. 73122. Business Name: Cigar Lounge. Applicant Name: Ali Khalid. **** (Planning Commission recommended approval by a unanimous vote 4-0, 3 members were absent.)

Motion by Ryan, second by Godwin to open the public hearing. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

The applicant was present to answer questions. There were many concerns from the council about parking, outside activities, the alcohol consumption, and the smell that would be coming from the property. The owner of the beauty shop next door spoke addressing his concerns about the smell and the parking, is concerned they will decide to use the beauty shop parking. He was also concerned about the sell of alcohol which makes it a bar not a Cigar Lounge. A resident that lives directly behind the property stated that she is a smoker but still does not want this behind her home. She stated that she has family over and they like to be out in her backyard doing family activities and does not think this is a good place to put such a facility. She stated that she already gets lots of trash in her yard and is concerned this would cause even more.

Motion by Ryan, second by Knipp to close the public hearing. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

Attorney Love stated that if he sells alcohol and it exceeds the sales of the cigars then the applicant would have to come back. Councilman Evans said the number of parking spaces currently would not allow for the number of patrons the applicant has stated he would like to have. He told the applicant that he would not be able to use the parking at other places for his use. Councilman Schmidt asked if the applicant had already purchased the property and was told no.

Motion by Godwin, second by Tucker to approve the Use Subject to Review for a Cigar Lounge. Poll vote: Ryan, nay; Tucker, yea; Godwin, yea; Knipp, nay; Von Thayer, abstain; Evans, yea; Schmidt, nay; and Mickley, nay.

Motion Failed.

8. Final Public Hearing, discussion and possible action on a Use Subject to Review: Rezoning, from C-1, district to C-3, district. (Potential grocery store). Located at Lot 000/002, Block 021 Cherokee Hill Section 6. Application Name: City of Warr Acres. **(ITEM WAS CONTINUED FROM THE SEPTEMBER REGULAR PLANNING COMMISSION MEETING and REGULAR COUNCIL MEETING)**

Item 8 was pulled because item 9 replaces it.

9. Final Public Hearing, discussion and possible action on a Use Subject to Review: Application for Rezoning, from C-1 PUD district to C-3 PUD district. (Potential grocery store). Located at Lot 000/002, Block 021 Cherokee Hills Section 6. Application Name: City of Warr Acres and Meek Development. **** (Planning Commission recommended denial by a 3 -1 vote, 3 members were absent.)

The Mayor said that about four years ago the TIF districts were set up with the goal of bringing in much needed sales tax revenue. All parties voted to approve the districts and should have known that to get sales tax revenue the zoning would need to be changed. There would be no need for a TIF district that did not bring in sales tax. The council also hired Retail Strategies to help find businesses to locate in the city. They have helped to land 3 businesses at the corner of NW Expressway and MacArthur and have some others they are still working on. A few weeks ago, they contacted me about a grocery store that was interested in this property. Since the area is zoned C1 I asked the Inspector to take this to a public hearing for rezoning before the Planning Commission and the Council. I made this request in an effort to do the best I can for the city. As Mayor it is my job to run the day-to-day activities and to promote the city wherever possible. I feel I would be totally reiss in my job if I did not do what I could to bring in more taxes. Some people that live in the area did not receive notices and are very upset, the notices were sent to the people that live within the 300-foot radius as required. Retail Strategies can not release the name of the grocery store due to confidentiality. If this property does not get approval for the C3 zoning, then those living close by can look for an office building or a medical facility to go there that would not bring sales tax. There are some options the city can look at in an effort to help with the traffic problem and can ask the applicant (grocery store) to do a traffic study that would help the city in what the best way to fix the problem is. If this does not get changed then under C1 zoning there would be no study done and whatever ends up being built will add traffic and no solutions.

Motion by Schmidt, second by Ryan to open the public hearing. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thayer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

There were several residents that do not live within the 300-foot radius but live on 72nd street that addressed the council with their concerns over traffic. City Planner Long had slides that he showed to everyone of the area and some ideas about possible solutions to the traffic issue. He said is not unusual for a business like a grocery store to do a traffic study so this would not be an unusual request. There was a lengthy discussion on different possible solutions to the traffic. It was mentioned that if a large fitness center wanted to locate there it is currently allowed and not traffic study would be required. Councilman Evans said he understands about the traffic, but he has watched for years the City of Bethany protect the residential areas so much that they have no revenue, he feels there must be give and take and the issues on traffic need to have solutions.

Motion by Knipp, second by Schmidt to close the public hearing. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

Motion by Ryan, second by Godwin to approve the PUD amendment with the following stipulations: in addition to the uses which are authorized for the C1 zoning district, the following additional use(es) from the C3 zoning district shall permitted as a use on review requiring Planning Commission review and recommendation is required, with the public hearings as required and set forth in chapter 19.54 of the Warr Acres Municipal Code, all area requirements of this district must be met, and a traffic study performed and submitted by the applicant (as requested by the City Engineer): Retail food (grocery) sales and any companion or associated uses connected therewith. Approval of this additional C3 use(es) shall only be authorized if an application for the use on review is submitted on or before August 1, 2022. No application shall be considered if initiated after that date unless authorized by future amendment to this design statement. If no application is submitted the PUD zoning would revert back to C1. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

10. Final Public Hearing, discussion and possible action on a Use Subject to Review: concerning a Lot Split located at Cherokee Crossing Amenity Area being a part of the W/2 Section 3, T-12-N, R-4-W, I.M., Oklahoma County, Warr Acres, OK and generally located east of Sandpiper Lane, between Hidden Trail Lane and Cherokee Crossing East. Applicant Name: Cherokee Crossing HOA, INC. **** (Planning Commission recommended approval by a unanimous vote 4-0, 3 members were absent.)
11. Final Public Hearing, discussion and possible action on a Use Subject to Review: concerning a Cherokee Crossing Amenity Area Parking Plan and Rear Yard Setback Variance located in the Cherokee Crossing Amenity Area being a part of the W/2 Section

3, T-12-N, R-4-W, I.M., between Hidden Trial Lane and Cherokee Crossing East.
Applicant Name: Cherokee Crossing HOA, INC. **** (Planning Commission recommended approval by a unanimous vote 4-0, 3 members were absent.)

Attorney Love recommended 10 and 11 be done together.

Items 10 and 11 were heard and voted on together.

Motion by Ryan, second by Godwin to open the public hearing. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, nay; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed.

The lot split is to allow for the property to be sold for a house to be placed, and to reduce the size of the park area and it will also give them more money to be able to do the park and pool. Mark Nestlen stated originally the first owner was to put this park and pool in but did not and then there was a lawsuit between the old and new owner and the new owner was not required to fulfill the first owners promise. So the HOA has decided to do this.

Motion by Schmidt, second by Ryan to close the public hearing. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

Motion by Godwin, second by Tucker to approve the Lot Split. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, nay; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed.

12. Discussion and possible action on condemnation and/or demolition of a house located at 5853 NW 58th Street. *Woodard/Turman* ****

A couple of years ago this house was before council for the same issue, but had different owner. The new owners were present stated they did not know of the past history of the property. They presented pictures of the work they have done; a structural engineer was present to say it was structurally sound and an architect showed the council a drawing of what they want it to look like when they finish. Inspector Woodard stated they were working and he stopped them until the council could make a determination. The council felt they were working on it and decided to allow them time.

No Action was Taken.

13. Discussion and possible action to approve a Certificate and Municipal Order to the County Clerk and County Treasurer. ****

Motion by Godwin, second by Knipp to approve the certificate. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaeer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

14. Discussion and possible action to authorize Chief Coy to purchase 6 recliners for the Fire Department budgeted in the CIP fund for \$6,000.

Motion by Godwin, second by Von Thaeer to authorize the Chief to purchase the recliners. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaeer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

15. Discussion and possible action to authorize Chief Patty to purchase on new 911 work station and to purchase parts to reconfigure an existing 911 work station from Wright Line, not to exceed \$18,000, funds to come from E911 Fund.

Motion by Von Thaeer, second by Godwin to authorize the Chief to purchase the equipment. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaeer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

16. Discussion and possible action on re-appointments to the Planning Commission of Patrick Cory, Ward II; Bob Wehba, Ward IV and Barbara Adams, At-Large (terms to expire 2024)

Motion by Schmidt, second by Knipp to re-appoint Patrick Cory to the Planning Commission. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaeer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

Motion by Ryan, second by Tucker to re-appoint Bob Wehba to the Planning Commission. Poll vote: Godwin, nay; Knipp, nay; Ryan, yea; Tucker, yea; Von Thaeer, yea; Evans, yea; Schmidt, nay; and Mickley nay.

Motion Tied.

Councilman Tucker said out of courtesy he would like to take another vote. He stated that Mr. Wehba has years and years of knowledge that is beneficial to the Planning Commission.

Motion by Tucker, second by Von Thaer to re-appoint Bob Wehba to the Planning Commission. Poll vote: Godwin, nay; Knipp, abstain; Ryan, yea; Tucker, yea; Von Thaer, abstain; Evans, yea; Schmidt, yea; and Mickley, nay.

Motion Failed.

Motion by Mickley, second by Godwin to re-appoint Barbara Adams to the Planning Commission. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

17. Discussion and possible action on re-appointments to the Board of Adjustment of Mike Murphy, Ward II and Ken Phillips, Ward IV. (terms to expire 2024)

Motion by Ryan, second by Tucker to re-appoint Ken Phillips to the BOA. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

Motion by Schmidt, second by Ryan to re-appoint Mike Murphy to the BOA. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

18. Discussion on a way to take turns when speaking.

Mayor said that they could use the lights they have in front of them, raise them up high to indicate they wish to speak. Councilman Ryan said that at times discussions get going and other can't say what they have to say. He would like to keep reminding everyone to give others time to speak and would like to bring this up every so often.

19. Discussion and possible action on approval of Resolution #558 related to a Coronavirus Local Fiscal Recovery Funds for Non-Entitlement Units of Government (ARPA Funds) authorizing the acceptance of the funds, the appropriate budget amendments, and the execution of all necessary agreements and related documents. ****

Motion by Godwin, second by Knipp to approve Resolution #558. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

20. Discussion and possible action to approve Resolution #559 calling for the 2022 Council election. ****

Motion by Von Thayer, second by Knipp to approve Resolution #559 calling for the election. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thayer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

21. Discussion and possible action on approval of Resolution #560 related to a new pay matrix for communication officers. ****

The Mayor stated that they needed to adjust the pay matrix in order to be competitive when trying to hire dispatcher.

Motion by Knipp, second by Von Thayer to approve Resolution #560 adjusting the communications officers pay matrix. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thayer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

22. Questions and Comments from Council.

Von Thayer-thank you to all the employees that keep the city running smoothly

Evans-thanks Pam, 883,581.26 times.

Schmidt-thank you to all the residents that came out tonight from 72nd street, if the council had voted no on the item, then there would be no traffic study, he suggested maybe extra police patrols but wants to work to find a solution. Regardless of what goes in there it is going to continue to be an issue so we will keep looking into solutions.

Knipp-thanks all employees

Godwin-thank you to Bob Wehba for all he has done for the city over the years. Appreciated all the residents that came out from 72nd Street, the city wants to make sure this is done right. Thanks to all the employees.

Tucker-thanks to all the employees shout out to Cheryl for taking care of business, and thanks to Bob for his service to the city.

Ryan-hopes that they can workout something to help with the fire department manning.

Mickley-for anyone that is going Thursday it is at 11:30 State of the Cities, we made several hard decisions tonight and thanks to everyone for their participation. November we will be taking up the budget, and negotiations. I am glad we received the ARPA funds so we can do some much needed work to our sewer lines.

23. Adjournment.

Motion by Knipp, second by Ryan to adjourn. Poll vote: Ryan, yea; Tucker, yea; Godwin, nay; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed.

The meeting was adjourned at 9:44 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
OCTOBER 19, 2021
6:00 p.m.**

(Immediately following completion of the regularly scheduled City Council meeting)

1. The meeting was called to order at 9:44 p.m. Declaration of a quorum present was given.

ROLL CALL

Present

Chairman Jim Mickley
Vice-Chairman John Knipp
Trustee Roger Godwin
Trustee Jim Von Thaer
Trustee Mike Schmidt
Trustee Jon Evans
Trustee Donnie Ryan
Trustee Willian Tucker

Absent

Trustee Pat Woolley

2. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #3.)
 - A. Approve the minutes of the Warr Acres Public Works Authority Meeting of September 21, 2021. ****
 - B. Approve payment of claim in the amount of \$58,963.37 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of September, 2021. ****
 - C. Approval of payment of claims for the Sewer department in the amount of \$5,536.74.

Motion by Knipp, second by Ryan to approve the consent docket. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

3. Discussion and possible action on items removed from the consent docket.

Moot.

4. Adjournment.

Motion by Knipp, second by Tucker to adjourn. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

**SPECIAL
MINUTES**

CITY OF WARR ACRES
SPECIAL
ECONOMIC DEVELOPMENT AUTHORITY MEETING
TUESDAY
OCTOBER 19, 2021
6:00 p.m.

(Immediately following completion of the regularly scheduled City Council and Public Works Authority meetings)

1. The meeting was called to order at 6:10 p.m. Declaration of a quorum present was given.

ROLL CALL

Present

Chairman Jim Mickley
Vice-Chairman John Knipp
Trustee Roger Godwin
Trustee Jim Von Thaer
Trustee Mike Schmidt
Trustee Jon Evans
Trustee Willian Tucker

Absent

Trustee Pat Woolley
Trustee Donnie Ryan

2. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #3.)
 - A. Approve the minutes of the Economic Development Authority meeting of September 21, 2021 *****
 - B. Approval of payment of claims in the amount of \$144.04. *****

Motion by Godwin, second by Knipp to approve the consent docket. Poll vote: Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

3. Discussion and possible action on items removed from the consent docket.

Moot.

4. Update of the TIF District committee.

Jeff Sabin explained how the process will go with applications for different types of assistance and the procedure for application review and who it is that does these reviews.

The committee that will review he stated is not the same that was put together to start the TIF districts and stated that certain positions were to be included on the committee.

5. Adjournment.

Motion by Evans, second by Tucker to adjourn. Poll vote: Tucker, yea; Godwin, yea; Knipp, yea; Von Thaer, yea; Evans, yea; Schmidt, yea; and Mickley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 6:17 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer