

**MINUTES
CITY PLANNING COMMISSION**

Minutes of the City Planning Commission meeting held December 15, 2022, in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:30 p.m. by David Denham.

MEMBERS PRESENT: David Denham
 John Jones
 Ron Jarvis
 Allen Smith
 Darren Medders
 Michael Logan
 Neil Springborn

MEMBERS ABSENT: Deborah Jones
 Shelli Fox

ALSO PRESENT: Charlotte Brown, Director of Planning/Community Services
 Kameron Good, Planner II
 Cindy Augustine, Legal
 Denise Ezell, Recording Secretary

2. Verify posting of meeting.

Meeting posted on December 14, 2022 at 10:58 a.m. by Tammy Branstetter.

3. Establish Quorum.

Seven (7) of the nine (9) members present.

Denham asked did we hear from Fox and Deborah Jones.

Ezell stated yes.

Denham stated let the record reflect their absence is excused. We have a new member representing Ward 4. Allen Smith has replaced Dave Davison. Welcome and we are glad to have you.

Smith stated thank you.

4. Approval of Minutes from October 27, 2022, meeting.

Motion by Medders, **Second** by Logan, to approve the minutes of October 27, 2022 as written. **Aye:** Denham, Jones, Jarvis, Smith, Medders, Logan, Springborn. **Nay:** None. **Motion Passed.**

BUSINESS

5. Consider approving construction plans for an 8-inch waterline and a street to serve property located at 7280 SW Sun Blvd, subject to the conditions listed.

Denham stated this will be going in next to the oil change shop that just opened.

Good stated good afternoon, I'm Kameron Good, Planner II of the Planning Department. This is located off Sun Boulevard just south of Quanah Parker Trailway and east of Tractor Supply. This is for offsite infrastructure of a waterline to serve the property and offsite street installation. This was rezoned to C5 by Council on February 8, 2022 for Caliber Collison. This is to install a temporary turnaround. The person that goes to the east will have to extend the road to the car lot. For the offsite waterline they have installed approximately eight hundred fifty-eight (858) linear feet of waterline and fire hydrants. There will be a private service line for the fire hydrant. This is subject to the conditions of acquiring an ODEQ permit and the review comments from Rusty with Public Works. Your recommendation will be taken to Council.

Denham asked will this developer be reimbursed when another tenant comes in.

Good stated no sir. The plans for the building are being reviewed by License and Permits at this time. Once this is approved by Council the building permit can be issued and they can concurrently construct.

Denham asked members of the Commission are there any questions of Kameron. Seeing none I'll entertain a motion.

Motion by Logan, **Second** by Medders, to approve construction plans for an 8-inch waterline and a street to serve the property located at 7280 SW Sun Blvd, subject to the conditions listed. **Aye:** Denham, Jones, Jarvis, Smith, Medders, Logan, Springborn. **Nay:** None. **Motion Passed.**

6. Receive a presentation from Legal on the Oklahoma Open Meetings Act.

Gibson stated we have a mandate from Mayor, Council, and the City Attorney to talk to every committee, commission, board, and authority about the open meetings act. We are not targeting anyone and certainly not this body. I believe we do a good job. We feel this is continuing education for anyone who is not exposed to it on a regular basis. I'm just going to hit the high points on what we need to know. If you have specific questions, we can address those as well.

This is the Oklahoma Open Meetings Act. It is in Title 25, Sections 301-314 of the Oklahoma Statutes. This is not a huge piece of code but a very important piece. I'm going to refer to this as OMA. When is OMA triggered? It is for every regular, special, emergency, or reconvened meeting of a public body. What is a public body? It is the governing body of all municipalities, boards of county commissioners, school boards, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trust and sub-committees or public bodies supported in whole or part with public funds or trusted with expending of public funds. The very fact that we have three (3) staff members here means you are supported by public funds. There are some small sub-committees that doesn't make decisions or doesn't have public funds that do not qualify. They just make a recommendation. What is a meeting? A meeting is when you conduct business of this body by a majority of its members. That is also where the quorum comes in. If the majority of the members are together and you are talking business, you are subject to the open meetings act. Even if you are at a football game or on a golf course. You would be in violation because you didn't post a notice or agenda of your golf game discussion. As an example, the Oklahoma Public Transportation had an open meeting regarding some of the turnpikes in the Norman area. They posted the notice and agenda and referred to it as some turnpikes. They didn't specify the details. As it turns out it was going to go through a neighborhood and the citizens got upset and sued. That case is currently with the Supreme Court to see if citizens have a private cause of action based on the open meeting violations. As far as I was aware it was the Attorney General that prosecuted open meetings violations. This could open a whole new door. What are the main things we want to talk about? Providing notice. One of your agenda items today is your annual meeting notice for 2023. This notice is to be filed with the City Clerk by December 15th of each year. Providing notice and posting an agenda are the two (2) important steps. The agenda is a big part of the open meeting act. The whole point of this act is transparency. We want to let the citizens know what we are talking about. I believe we do a great job with our agendas. They give a good description of our intended actions. Not only do they give a good description, but they talk about what might happen. For example, consider approving. This gives you that verb we need to be able to take action. You can take no action on "receive a presentation." We have some that were not putting anything about action being taken. They can't take action because they haven't told the community action would be taken. The community only knows it will be discussed so they might not show up for just a discussion. If they knew action might be taken, they may have decided to attend. I think we do a really good job. Two (2) things John added to all our agendas was verifying the posting and establishing a quorum. John added those to the agenda to make sure everyone knows we are following the act. You cannot take action if action is not on the agenda. Recording votes is something we do. With technology we are now recording those votes for everyone to see. All votes have to be cast publicly. You can't do it behind closed doors. We aren't going to talk about executive session. I'm not sure this body will ever go into executive session. There are only certain instances where you can go behind close doors. It usually involves pending lawsuits, sale or purchase of a property and employment matters. None of that is something I see this body doing. Minutes must be written and include a summary. We have to provide a summary. Not word for word but a summary. A lot of groups provide for public comments. You don't have to do so. It is not required but if you do it is strictly for public comment. Our Mayor does a great job of thanking those for coming. Public comments can't be

on the agenda. We can't take any action. There are groups that try to take action on public comments. When I was giving this presentation last week public comments was before me. A lady came to speak, and the committee had a good discussion going. They were trying to figure out what to do. This just happens. People come with a problem, and we want to help but we can't. We can direct them to staff, but we can't talk about how we can help them. What happens if you violate the Open Meeting Act? If violated the court may void any action taken during a meeting in violation of law and assess fines of up to \$500 and jail time of up to one year. That is where someone is willfully trying to violate the act. ODOT probably knew better than to be vague about the turnpike action. This is strictly a guess. I have no analysis to back it up. I would say that executive session is the most wrongfully used portion of the act. I think there might be more penalties involved with people trying to go into executive session to keep things quiet when in fact it didn't meet all the criteria. I think Denise, Charlotte and Kameron do a good job. Thank you for your time and if you have any questions let me know. There is a lot of gray.

Denham stated thank you. Are there any questions for Gregg? Thank you.

7. Consider approving the Annual Meeting Notice for the City Planning Commission for year 2023.

Denham stated the schedule is in your packet. I believe this is the second and fourth Thursday of the month except for November and December. It follows the Council meeting.

Brown stated it will be the Thursday after Council meeting and then just one meeting in November and December.

Motion by Jarvis, **Second** by Smith, to approve the Annual Meeting Notice for the City Planning Commission for year 2023. **Aye:** Denham, Jones, Jarvis, Smith, Medders, Logan, Springborn. **Nay:** None. **Motion Passed.**

8. Consider the conceptual plans to modify the median on NW Cache Road for a hooded left-turn median cut to allow direct access for the west bound traffic to Okie Express Auto Wash located at 3408 NW Cache Road and make a recommendation to City Council.

Good stated this is a conceptual plan for a median cut on Cache Road just west of 34th Street and east of 38th Street. This is an access to Okie carwash. It does not meet city standards so Council would have to waive city code if they were to approve this to be constructed. Larry Wolcott, Traffic Engineer, is here to answer any questions or concerns you might have. This is a conceptual plan, and it is for your recommendation to Council.

Denham asked do we need to advertise this to the public or hold a public hearing. I see there is no staff recommendation.

Good stated no sir. They still have to come back for construction approval. We didn't want them to spend money on a design that code doesn't allow. If Council approves, then they will submit their construction documents.

Smith asked why does this not meet city code,

Wolcott stated there are two (2) reasons listed on the agenda. The number of openings in that section of Cache Road and the length of the transition. Code limits the number of openings to four (4) in a half mile. The length of the transition to get into the median opening turn bay is supposed to be two hundred (200) feet. They don't have that much room. They have a hundred (100) foot taper shown on their exhibit.

Denham asked has this been done anywhere in town.

Wolcott stated historically yes, we have median openings going in prior to this ordinance. I think this ordinance went into effect about seventeen (17) years ago.

Denham stated I'm sorry I meant this hooded turn bay.

Wolcott stated we do have a hooded type turn bay further east on Cache Road and east of Sheridan by the Advanced Auto.

Brown stated the Sonic on east Gore has one of these as well.

Wolcott stated whether any of those meet city code I can't say without looking at all the documents. There are other median openings that do not meet our current standards that were built prior to this ordinance.

Denham stated okay.

Medders asked what is your recommendation.

Wolcott stated I would recommend you follow the city standards that are in place.

Smith asked what if they made it longer and met all the city codes. You also said something about four (4) openings.

Wolcott stated the number of median openings is limited to four (4) per half mile and we already have four (4) in this half mile.

Smith stated thank you.

Medders stated that is a busy area.

Springborn stated if we start this, we are going to have median openings for every business on Cache Road.

Jones John stated I agree. Is there an opening for the shopping center just to the west of this?

Wolcott stated no, there isn't another one until you get to 38th Street.

Denham stated there was a paragraph I saw from the study we received that I didn't understand. It says, "all traffic exiting the site and deciding to go to the left would be allowed to make the northbound left turn out of the cite and would not need to enter the 34th Street intersection to make a U-turn."

Okie Carwash stated this study was evaluated on two (2) different options. One would be a full access median opening and it wouldn't be hooded.

Denham stated okay, so this referring to that same cutout.

Okie Carwash stated right.

Denham stated so they could just turn left. I know CPC and DJ had requested a traffic study of Cache Road especially in this area leading up to 38th Street. LMPO can only afford one study and they have chosen to study Gore. You are getting a lot of businesses on the north side of the street that might want the east bound traffic to be able to turn in also. Is there any liability on the city for accidents if this is approved?

(Someone in the audience was speaking but you were unable to hear.)

Wolcott stated correct, they have the summary of the traffic study.

Denham stated but it didn't include the accident analysis.

Gibson stated to answer David's question it depends. Anybody looking to blame someone for their accident and saw we went against city code could sue. That wouldn't surprise me.

Denham asked are there any other questions or comments. Thank you, Larry. We need to make a recommendation to City Council.

Motion by Medders, Second by Logan, to recommend denial of the request to modify the median on NW Cache Road for a hooded left-turn median cut to allow direct access for the west bound traffic to Okie Express Auto Wash located at 3408 NW Cache Road. **Aye:** Denham, Jones, Jarvis, Smith, Medders, Logan, Springborn. **Nay:** None. **Motion Passed.**

Denham stated the recommendation to Council will be to deny the request. Ultimately Council will have the final decision. Thank you.

9. Commissioner's Reports or Comments.

None

10. Secretary's Report.

Denham stated congratulations Charlotte.

Brown stated thank you, I'm looking forward to helping serve the public in a higher capacity. I want to wish you a Merry Christmas and a Happy New Year.

Denham stated Merry Christmas.

11. Comments from the Public.

None

12. Adjournment.

Motion by Medders, **Second** by Logan, to adjourn. **Aye:** Denham, Jones, Jarvis, Smith, Medders, Logan, Springborn. **Nay:** None. **Motion Passed.**