

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
September 14, 2023

Minutes of the City Planning Commission meeting held September 14, 2023, 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 1:31 p.m. by David Denham.

ROLL CALL

MEMBERS PRESENT:

Darren Medders
David Denham
John Jones
Deborah Jones
Michael Logan
Joan Jester
Ron Jarvis
Neil Springborn

MEMBERS ABSENT: Allan Smith (excused)

ALSO PRESENT:

Madison Aust, Recording Secretary
Charlotte Brown Director Community Services/Planning
Kameron Good, Senior Planner
Christina Ryans-Huffer, Planning Administrative Assistant II
Gregory Gibson City Attorney
Jordon McKesson
Kim McConnell Lawton Constitution

2. Verify posting of meeting.

The meeting was posted on September 11, 2023, at 10:43 am by Kobe Humble.

3. Establish Quorum.

8 (eight) of the 9 (nine) members where present.

4. Consider approving the minutes from August 24, 2023, meeting.

Motion by D. Jones, Second by Logan, to approve the minutes from June 29, 2023, meeting as written. **Aye:** J. Jones, Jarvis, D. Jones, Jester, Denham, Medders, Logan **Nay:** None **Abstain:** Springborn (abstained due to absence from the last meeting) **Motion Passed.**

BUSINESS

5. Hold a public hearing and consider an ordinance pertaining to planning and zoning amending Section 18-4-1-406, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2015, by adding a fee for the appeal to the Building Material Review Committee and adding a fee for the appeal to the City Planning Commission, providing for severability and establish an effective date.

Good stated Kameron Good with the City Planning Department. This item is to add a fee for the appeal to the Building Material Review Committee. Currently there is no fee set when somebody wants to appeal to that committee if they don't meet the architectural standards set by City Code. That's when somebody would go to this committee. We are also adding the fee for the appeal of their decision to the City Planning Commission. These fees are normal on other things such as the DLARC, they have an appeal fee that comes to the City Planning Commission. This is to set those fees in place because right now, the staff does all the work for free essentially.

Denham asked is this committee already established. I remember being on it at one point in time.

Good stated correct.

Denham asked do we know who the membership is?

Good stated we have the CPC representative.

Brown stated it's Darren as CPC representative, Councilman Gill as the Council representative and Chris Boyd is the contractor.

Denham stated awesome, thank you Darren.

Good stated this was brought to light because we recently had a citizen appeal to that. Their decision for their accessory structure in their backyard of their house. That's when we realized there isn't a fee set for this application.

Denham stated I don't recall ever having one on that.

D. Jones stated can I ask a question. How often does this appeal happen? It's for fences and buildings.

Denham stated metal buildings and things of that nature.

Good stated we had 2 (two) last year, we've had 1 (one) so far this year and before that it hadn't meet since 2013.

D. Jones stated okay. My question is do we need a fee, if it's 1 (one) a year or 2 (two) a year?

Brown stated it's really done just to cover our costs because we do have to do some research and stuff to put everything together.

D. Jones asked okay, but you don't do notice?

Brown stated no. I think it's only \$57.50.

Good stated it's only a \$57.50 fee.

Brown stated that's all we're putting in.

D. Jones stated my next question, on the DLARC appeal is there a procedure for that to come to City Planning Commission, I mean have we set out an application or rules, anything?

Brown stated we had an application because DLARC used to go to Board of Adjustments with that appeal and then we changed the ordinance to make it come to CPC, so we have those fees and those applications already in place.

D. Jones stated okay. Thank you.

Denham asked is that the 2nd Street one we did.

Brown stated yes.

Denham asked okay, same type of fee \$57.50? Any other questions? Then I will go ahead and declare the Public Meeting open. Anybody that would like to speak for or against this ordinance, please approach the microphone and give us your name. Seeing no one approach, I'll go ahead and close the Public Hearing. Members of the Commission what's your pleasure? We're looking for a motion to add the fee for the appeal process.

D. Jones stated I move that we approve amending Sections 18-4-1-406, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2015 by adding a code for the appeal to the Building Material Review Committee and adding a fee for the appeal to the City Planning Commission providing for severability and establishing an effective date.

Denham asked we have a motion, is there a second?

Logan stated second.

Denham asked any further discussion. Isn't it fun reading off all those numbers?

D. Jones stated like I haven't done it before.

Motion by D. Jones, Second by Logan to recommend an ordinance by amending Sections 18-4-1-406, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2015 by adding a code for the appeal to the Building Material Review Committee and adding a fee for the appeal to the City Planning Commission providing for severability and establishing an effective

date. **Aye:** Springborn, Logan, Medders, D. Jones, Jester, Jarvis, J. Jones, Denham **Nay:** None
Motion Passed.

6. Hold a public hearing and consider an ordinance pertaining to planning and zoning amending Section 18-5-7-571 and 18-5-7-572, Division 18-5-7, Article 18-5, Chapter 18, Lawton City Code, 2015, by removing childcare center and church from the Uses Permitted on Review section and those two uses to the Uses Permitted section in a Public Facility District.

Good stated as you can see on the background on the Agenda Item Commentary, we are striking childcare center and church from Use On Review to the Uses Permitted. This was brought to light by a citizen wanting to use a previous church in a Public Facility zoning classification as a Day Care and it's been existing as that use and because it's been in the church's name and now, they want to privately own the day care and so we told them they would have to do a Use On Review. Then that process was taken a look at, why is this a Use Permitted On Review and that's when we were directed to do a change of code to add these uses to the Uses Permitted.

Denham asked the church was also in that On Review, UPOR?

Good stated yes.

D. Jones asked is this considered a change of use to a more intense use.

Brown stated the building was actually an old elementary school, that was purchased by a church and back in 2006 was when the previous daycare went in and that was prior to planning and zoning verifying on the Business Licenses and when that finally started going to planning and zoning for us to verify that it met the intended use and the correct codes. Since it had been in existence at that point for 7 (seven) years they just let it continue. That childcare center has now closed and after discussing with the City Manager's Office on this, they felt that a childcare center was no different than a private school, which is a Permitted Use in the PF zoning. At this time that location, that specific location that we're talking about not be a change of use.

D. Jones stated here is the kind of, where I'm going with this. You know you can have a very small church with tiny little day care and then when you go to a full day care center, you have employees, you have different parking. I don't remember them all. You have something like a protected let off or something.

Brown stated something like that going from a small, like if the portion of the building was a day care and the rest of it was a church, in order to turn the rest of it into a daycare center we would go through the Change of Use process and verify parking for the new use and verify life safety, fire, and building code requirements at that time.

D. Jones stated so what you're telling me is you've determined that this is not a greater intensity in use than what was there due to the whatever.

Brown stated yes.

D. Jones stated thank you.

Denham asked but if somebody bought one of the parks, that the City sells under PF, they could go in and build a monster day care as a Permitted Use?

Brown stated yes.

Denham asked they wouldn't have to change any zoning or anything along those lines.

Brown stated correct well if it's a PF. If it's a PF zoned park, then yes, they could but they would still have to go through and meet all of our requirements for the new construction for a daycare, yes.

D. Jones asked would that not be a change in intensity of use?

Brown stated it would.

D. Jones asked if it's a vacant park.

Brown stated if it's a vacant park of course obviously building any new structure is going to be an increase in usage, but you could go in and build a private school or a nursing home or assisted living facility without having to go through a change of zoning.

D. Jones stated I understand that. Sometimes childcare facilities have a lot of activity at peak hours and stuff like that and you have some conflicts with mailboxes, and you know parking and all that. Generally, you don't have that at a nursing home, there will be peak usage, but their peak usage will be like at six o'clock in the morning.

Brown stated we would make sure that their queuing areas, something like you know a vacant lot we would make sure they had proper queuing and proper parking for all of that, to keep the cars off the street.

D. Jones asked and fire codes?

Brown stated yes.

D. Jones stated thank you.

Good stated David just to clarify how this change of code was brought to us, like she said when the day care applied for their license that's when the zoning review caught that this wasn't ever done as a Use Permit On Review. That's when we contacted the applicant, let them know what they're paths forward were, was either to file for a Use Permitted On Review, request change of zoning and they had submitted for a Use Permit on Review and paid for it and we were moving forward with this process, that's when the City Manager's Office said hey why don't we take a look at this code. Maybe it doesn't need to be a Use Permitted on Review, it should be a permitted use. So, we contacted the applicant and let them know that we're going try this change of code out first see so how CPC and Council felt about that as an option before they spent the money through the full Use Permitted On Review process.

Denham asked and it's still a permitted use under all the commercial designations as well, correct? Day care center?

Good stated yes.

Denham asked any other questions? I'll go ahead and open the Public Hearing. Anybody that would like to come up and speak against or for this proposal, please come up to the microphone.

Good stated if we could get you to sign in on the Sign-up sheet, just print your name and address here.

McKesson stated thank you for having us here today. My name is Jordan McKesson. I'm here as a representative of The Nest by Scissortail which is an extension of Scissortail Childrens School that currently exists. We actually have a personal relationship with the church, Grace Fellowship Church is the location. We have been looking forward being able to utilize this space that had already been created for childcare procedures and childcare purposes. I just wanted to clarify that when this process started, it was just worded a moment ago that the Church was like affiliated with the childcare center that was there, that is not the case it was Playcare, which has multiple buildings across Lawton and their business owners, own several businesses and have been through the process of permitting a lot. When we were starting this venture, we wanted to make sure that we were doing it as effectively as possible that included asking all of the questions so we know that we're not skipping any steps and we're doing everything as by the book as we can because we didn't want anything to delay our timeline in trying to get our needs of our students and families met. All three of us, the 2 (two) owners and myself grew up in this community and we're excited to be able to start that process. At the beginning of, it was the end of May I came up to the Permit Office and that's when I originally picked up the application. Which also comes with a checklist and lets us know all of the steps that we need to follow in order to get approved for our permit. Being the question asker that I am, I said what about health inspections, what about some other things. How do I go about scheduling the Fire Marshall to come through and at that time the Permit Office said well, health inspection let me go see what type of health inspection that they've had in the past. She pulled Playcare's health inspection history, I guess, and then she had pulled 2 (two) other Playcare locations to see if they had a similar type of health inspection and it was noted that none of the locations had health inspections, it was not required on any of the permitting and so she said she would make a note to add it to the list, of an additional thing that they would start requiring for future applicants but again we wanted to do it by the book, so we're willing to follow whatever step that we can. That application was completed, we thought effectively and dropped off on July 10th and the check was cashed July 12th for that. We just wanted to make sure that we had our permit in as soon as possible because we had an anticipated start day of August 7th. We wanted to make sure everything was taken care of and walking through the building, which we agreed to lease was worrisome at that point because by the time that the previous occupants had been there for 16 (sixteen) years as a day care center left there was a lot to change in order to make it a safe environment for our kids and make it a joyful, healthy, safe place. In order to do that our timeline was sped up we wanted to make sure our permits were exactly what they needed to be. We got that; we got the ball rolling. The Lawton Fire Department came out to complete that inspection,

once the check was cashed because it gets scheduled after and they authorized, the let us know that there was a couple changes we needed to make and then it was authorized by the Fire Department on July 21st. We didn't hear anything back after that. The check was cashed. According to us we had all of the items on the check list completed. So, we continued to move forward with a planned start date of August 7th. August 7th, the first day of school we get a message and a contact from the Planning Department, reaching out to let us know that they won't sign off on the permit application because our location is not designated as a childcare facility. Despite being a childcare facility for 16 (sixteen) years through Playcare and then previously Western Hills Elementary School. I was contacted by our owners to see if I could figure out, you know, at this point we've got families showing up, we've got staff, we've got like you know we need to figure this out. On August 8th I came in and I spoke with Mr. Good and his associate, they pulled up the zoning map I'd stayed for about an hour so we could walk through like explaining this to me and while we were walking through that and they had the zoning map pulled up I was, the question asker that I am, why is the church building, so, the history of the Church, Grace Fellowship, paid off their church building at the top of the hill and when Western Hill Elementary became available, they purchased the school. It was at that time I questioned why the school building, that was owned by the church, and leased out was zoned differently than the church? And I was told well churches are of their own like thing. We don't really worry about how they're zoned. But it was zoned Residential. The church building is zoned as Residential and then the school building is still zoned as Public Use. So, we're walking through that process and Mr. Good let me know that we would need to move forward with the Use Permitted authorization process over the next 60 (sixty) days, that would include coming here and after we had turned in our application. He let me that there was a fee for the application, a fee for a newspaper listing for \$200 something dollars, I believe and then they wanted me to go to get a list of all the residence within 300 feet of our building, our business, and so we could pay \$6.90 per resident within 300 feet of our location and let me know that and I had asked again, are you sure that we just can't re-zone, there's not a different way to re-zone and they explained that there's multiple levels of each zone and so if they allow, just like you had mentioned, to open up this can of worms if we approve it for this zone does it not get approved for someone else who wants to come in later. They said they're not open to re-zoning at the time we needed to go through the Use Permitted process. That same day Oklahoma Human Services actually designated us as a Five-Star Facility because we had to supply them with all of our extensive application and inspection process on site and with what we had planned for our students we had gone through that, we were already a Five-Star Facility but operating without a permit, trying to figure out what to do with our families. On August 9th I called again, and I asked Mr. Good why this is falling on us if it should have been done in the past why is this our responsibility again, we're going to do everything that we can, we will pay whatever we need to pay we just want it to make sense. For like it to be a fair decision. So, Mr. Good let us know that it should have been done before but let us know that he was the one that had actually caught the mistake so the only way for us to move forward was the application. Again, we have students and families there was no option at that point for us at that point. We did show up and give that completed application with all of the items that were requested and pay an application fee which was taken care of and cashed immediately and then they said that they would let me know how much it would cost for all of the residents, about \$7.00 per resident. When they did that, it was actually 300 feet within

the city block not within our address. It was within 300 feet of the city block which is owned by the church. We went through the whole process and we're still asking questions, we're still wondering why and that it was just explained that if we wanted to come here because maybe we could approach re-zoning verses doing the authorized use and paying the fees and the application going through that having to renew it and all these things that maybe it could be re-zoned for the same purpose that it has served for over 16 (sixteen) years. I just wanted to clarify all of the facts. I know that if this gets approved today then we will be able to move forward to the City Council Meeting we were also notified that if we, we were notified if this doesn't go through today that we need to be anticipating that we're going to have to go through the Use Permitted process again. So, that's it.

Denham asked Ms. McKesson are you still not open?

McKesson stated we were able to once we paid for the residents fee and they contacted a few days later and said the City Manager was going to let us maybe go after re-zoning verses Use Permitted, they basically said that they would give us a permit temporarily and so they sent us a permit back dated to that first day that they had contacted us letting us know that our application was not approved, our permit was not approved.

Denham stated thank you. Any questions for Ms. McKesson? Thank you very much. Anybody else like to come speak before the commission. Seeing no one approach I'll go ahead and close the Public Hearing. Members of the Commission what's your pleasure?

D. Jones stated I'd be glad to make a motion on this. Let me just take a moment to defend the staff because they can't do it. A church may be in any zone based upon the U.S. Constitution, so you understand that. The 300-foot notice area is prescribed by Oklahoma Statute, it's not a local law. When you re-zone or you have a Use Permit on Review, you have to notify a 300 foot radius of that re-zoning or Use Permitted On Review because those owners that fall in that 300 feet may have a real estate investment and may have legal standing and they get to come to the hearing and they get to say yes that would be fine with this or no we object. I'm glad to hear about that what I call a time out, I think that was a great move by the staff until it can get to Council. Are we ready for a motion? Ready for me to read it?

Denham stated yes ma'am.

D. Jones stated I make a motion to recommend to the Council an ordinance pertaining to planning and zoning amending Section 18-5-7-571 and 18-5-7-572, Division 18-5-7, Article 18-5, Chapter 18, Lawton City Code, 2015, by removing childcare center and church from the Uses Permitted on Review section and adding those two uses to the Uses Permitted section in a Public Facility District.

Denham asked wonderful, is there a second?

Medders stated second.

Denham stated Mr. Medders. Any further discussion? Let me just point out the reason we're reading all this stuff and you're speaking into the microphone it's so that they can get properly

recorded in the minutes, so when we approve minutes of future meetings and come back and say what was said, you're going to be in there forever and ever. So, congratulations. Alright.

Motion by D. Jones. Second by Medders, to recommend an ordinance pertaining to planning and zoning amending Section 18-5-7-571 and 18-5-7-572, Division 18-5-7, Article 18-5, Chapter 18, Lawton City Code, 2015, by removing childcare center and church from the Uses Permitted on Review section and adding those two uses to the Uses Permitted section in a Public Facility District. **Aye:** Springborn, Logan, Medders, D. Jones, Jester, Jarvis, J. Jones, Denham **Nay:** None **Motion Passed.**

7. Hold a public hearing to consider a request for an amendment to the 2030 Land Use Plan from Public Facility to Commercial, and a change of zoning from the P-F Public Facilities District to C-5 General Commercial District zoning classification for the property located at 6725 NW Atlanta Ave, Lawton, OK 73505.

Good stated this is a request for an amendment to the 2030 Land Use Plan and a change of zoning from P-F to C-5. This is located west of 67th Street, north of Cache Road, back off of Atlanta Avenue. It's currently zoned P-F with a zoning classification of C-5 to the west, R-3 and R-1 to the north, P-F to the east, and C-5 to the south. The Land Use is Public Facility as well with Commercial to the west, the south, Public Facility to the east and Residential Low-Density to the north. This is an arial shot of the garage and area to the north, this is just west of the water tower. They want to currently use that building as an automotive garage. It was previously used as a laydown yard and warehouse. This was mailed to 36 (thirty-six) property owners within 300 feet on August 23rd and published in The Lawton Constitution on August 27th.

Denham asked Kameron what was the building used for prior?

Good stated just as a warehouse, storage. As you can see the lay yard was kind of to the north portion of it and the facility to the south, that was the warehouse.

D. Jones asked was the lay yard owned by the City of Lawton?

Brown stated I don't think so. I think it was AT&T actually at one point.

D. Jones asked who owns the tract now?

Good stated the applicant was submitted from Tanwood III LLC. It was brought to us by Melissa Busse.

Brown stated it's Steve Mansell. Steve Mansell is the property owner. I'm sure that this was one of Bobby's properties at one point.

Denham stated alright, any questions of Mr. Good? Alright I will go ahead and declare the Public Hearing open. Anybody that would like to come speak for or against this proposal please

approach the microphone, give us your name. Seeing no one approach, I'll go ahead and close the Public Hearing.

Medders asked did we hear anything from neighbors?

Good stated we did not receive any phone calls for or against this or letters for or against.

Denham asked is there any fencing requirement or is there fencing already there to the north since it's a residential area?

Good stated as you can see there's actually a little sliver that kind of protects the northern boundary but that would be caught during the change of use through their building permit process. So, yes technically that north little sliver would be required the opaque screening.

Denham asked it wouldn't be required for the R-3 either.

Good stated it's a separate property and so if it.

Brown stated the screening from the C-5 to the R-3 would be required.

D. Jones stated it's an intentional residual. Well, I have a couple of questions. Is Atlanta Avenue platted and dedicated to the City?

Brown stated no it's actually a private street and we have an egress easement that covers the access to the water tower, and I believe but I'm not a hundred percent sure to this property. But they also have that R-3-piece strip up there can also be used as access.

D. Jones asked are they showing that on the site plan as being improved to accommodate the access by patrons, employees, and etcetera?

Brown stated no, but you can make it a condition of the re-zoning.

D. Jones asked do you know if they have access to sanitary sewer because it's in the easement of Hunter Hills? I don't have any idea, you know. Sewers depend on grade and depth and capacity and all those things, but they have to have sanitary sewer they can't.

Brown stated I believe they do. I believe it runs in the easements just on that north side.

D. Jones stated yes that's shown on the plat for Hunter Hills. What I'm saying is do we know if this tract can access that main?

Brown stated let me check.

D. Jones stated okay thank you. Would you also look at the Water Atlas?

Brown stated yes.

D. Jones stated thank you.

D Jones asked Kameron are the plugs private? Where are my plugs, my fire plugs? That I love.

Good asked by plugs you mean fire hydrants?

D. Jones stated fire plugs. No plugs in my ears. Which I use because my niece swims.

Good stated there are 2 (two) fire hydrants located within 200 feet.

D. Jones asked can you show me where they are? Can you show me? Where they are?

Good stated I'll have to pull up the map, I'm sorry.

D. Jones asked okay, does it indicate on your atlas, whether they are public or private?

Good stated it does.

D. Jones stated okay, thank you. We'll just take a little pause here.

Denham stated it just would be really interesting if they don't have access to water and they're literally right next to a water tower.

D. Jones stated here's the problem, ladies, and gentlemen, yes with that lowered voice, I'm familiar with that tactic.

Denham stated institutional history.

D. Jones stated particularly from the previous owner. Anyway, you can see on the other map, your plat map, which is this one.

Good asked the location map? Yes, ma'am.

D. Jones stated you can see all those grayed lines, that are not bold and there's rectangles and squares and trapezoids, or whatever. Those are all separate lot splits, none of this has plotted and so what you have achieved here is a big mess. I liken it to Summerwood Square or the Industrial area, when you don't lay out lots and blocks and we don't lay out provisions for utilities, you end up with land locked parcels. You end up with neighbors not knowing any better, but they can't get to utilities. At the corner where you have your Walgreens, next to it is a dry cleaner. It was purchased by a local attorney for a real estate investment but unfortunately it was land locked and he didn't do his due diligence. So, we had to draw a panhandle lot split. He had to get an ownership strip from Walgreens so that he could have a driveway.

Denham stated that's reason number 2 (two).

D. Jones stated so, anytime you get into these things, you know, if they're not frontage, like Willow Park Nursing Home, whatever's out there, you got problems with these interior lots because Atlanta is not dedicated. Somebody has to go in and buy virtually or get permission from these lot owners to plat it, to clean it up. It's an expensive mess, there are mortgages involved, there are I bet you even money encroachments building over the, you know, because there are not lot lines. This is no way to do something.

Denham asked how far west does that go, 67th to where? I mean, we are beyond 73rd it looks like.

D. Jones stated in goes to Hunter Road, in theory. You see the residual on Hunter Road.

Denham stated it's more of the same on the west though.

Medders stated everything west of Hunter is platted.

Denham stated okay.

D. Jones stated Hunter is platted. The big tract right next to it is the apartment complex and so I think it's pretty good but this mess. I'm glad I don't have to clean it up. I've cleaned 2 (two) of them up and it's expensive. All these little parcels have owners and attorneys, mortgages, and leases.

Denham stated in that area there's a lot of businesses up there too.

D. Jones stated that's right and easements, cross easements.

Denham asked did you get some answers yet Charlotte?

Brown stated they have, there's a water line along the rear of the property, that they have access to, but I do not see access to a sewer line because in Hunter Hills the sewer line is actually out in front of the houses. On the street side and not in the back easement.

D. Jones asked it's not in the rear easement?

Brown stated no, it runs along the southside of Baldwin, right there is where I am seeing the sewer, but I do see a water line that does run along the back. It's in the rear easement.

D. Jones asked it's in the rear of Hunter Hills?

Brown stated yes.

D. Jones stated okay so we got no access. We have no sewer. Unless maybe they run it down the R-3, I guess in that residual or down to 72nd. You got anything on 72nd, Charlotte?

Brown stated somewhere.

D. Jones stated that's a long sewer. It has to be a public main, can't be a service line.

Brown stated yes.

D. Jones stated we're in spaghetti hit the wall.

Good stated they already connected privately.

Brown stated they maybe, I'm not 100 percent sure. Did you run this through Public Utilities?

Good asked the change of zoning?

Brown stated yes.

Good stated no.

D. Jones stated here's what I don't want to do, I don't want to have zero answers and then the staff goes back to the applicant and the applicant finds out that this is going to cost them instead of \$50,00.00 dollars, \$150,000.00 dollars, \$350,00.00 dollars and then they take it out on the staff. I would rather table this.

Brown stated yes, that was going to be my request.

D. Jones stated to a date certain, and we start to do some research.

Denham stated fair.

D. Jones stated and that's fair to the applicant and it's fair to the public.

Denham asked no readvertising.

D. Jones stated no readvertising.

Denham stated I have closed the public hearing though.

Brown stated we can still, we can continue it.

Denham asked I can re-open it.

Brown asked do we need to re-open and continue, Greg? Do you think?

Gibson asked this was a Public Hearing, right?

Denham stated yes, I've opened and closed.

Gibson stated let's re-open it.

Denham asked and then table.

Gibson stated then table, yes.

Denham stated at this time I'll go ahead and re-open the Public Hearing with a motion to continue the Public Hearing and the item to a meeting scheduled in the future.

D. Jones stated we need a date, Charlotte.

Denham asked 2 (two) meetings from now? Not next one but the.

Brown stated yes that is what I was looking at so, we can do for the October 12th meeting.

D. Jones stated that's fine.

Denham stated for October 12th.

Brown stated that will give us a month to make sure that we have everything in line.

Denham stated if I am allowed to make a motion, I don't know.

Brown stated I think DJ made the motion; you just clarified it.

Denham stated very good, I just re opened the hearing, that's all I did. Do you agree with that DJ? Darren seconded the motion. Any further discussion? Allan would have loved Chairing this.

Motion by D. Jones. Second by Medders to table item until October 12, 2023, meeting.

Aye: Denham, J. Jones, Jarvis, Jester, D. Jones, Medders, Logan, Springborn **Nay:** None **Motion passed.**

Denham stated once again unanimous 8 (eight) to 0 (zero). I don't know about the next meeting, but we will definitely be meeting on October 12th. Please clear the calendars.

8. Commissioner's Reports or Comments.

Denham stated I would like to thank Allan for covering for me at the last meeting, I'm sorry he's not here to hear that. Any other Commissioner's reports?

D. Jones stated I would like to suggest something, it's up to the commission, but when we get into a hearing like this, if we have had twenty people out front, it would have caused some hard feelings because we can't answer questions and I'd like to suggest, Charlotte that maybe we look into just basic things water, sewer, fire you know a dedicated street, access and all that. And then we can answer the Commissions questions and anyone who shows up and then if there is another question, like a legal question or something, we can table it and go on that way. These things when you see these messes like this, they take some time to research.

Denham stated let's also as we get these packets early, as Commissioners let's make an effort if there are questions that you have to reach out to staff. We can't talk about it amongst each other obviously Public Meeting requirements but here's a concern I have Charlotte or Kameron, and then maybe give you guys a heads up on that because like I say, we get what we get and we're counting on you guys to have done that so.

Brown stated I'll make sure that additional research is being done prior to it coming before you guys.

Denham stated perfect that's an excellent point DJ. Just imagine if this was a Public Hearing and the owner was here and everything else.

D. Jones stated and the owner may not know the answer.

Denham stated exactly.

D. Jones stated I don't think they would know the answer on the plug question. They would have to go to that atlas.

Denham asked well I'm just curious, I'm just wondering what would it be a, not a sewer line, but a septic tank system or something, I'm just saying.

D. Jones stated no, no.

Denham stated who knows.

D. Jones stated don't ever mention those words again. We're in the city not in the country.

Denham stated well but like you say it's a mess.

D. Jones stated well if you were building a house in the ranch size lots, in our subdivision code, you have that.

Denham stated I'm not saying we're authorizing it, we can't but what if that's there and that's why it never, hey there's a toilet in our building and we never think nothing of it.

D. Jones stated they're not going to approve it.

Denham stated I understand.

J. Jones stated (cannot discern audio)

D. Jones stated it is for the Health Department. Historically the City has not authorized septic tanks except when there was no way to extend the main. That's just their policy and they have cautionary agreements you know to do that. I'll buy the materials, you do the labor, that kind of thing. It's a good policy.

Denham stated Neil, I believe you had a Commissioner comment, sir.

Springborn stated you know some of you may have heard I had a slight kerfuffle at the last meeting. Someone dropped a dime on the floor, and I tripped over it. I want to I guess go on record by saying how wonderful the City staff was. The Security Policemen knew exactly what to do with me and got me up in the chair. They were concerned that I needed an ambulance, I wasn't concerned about it. It was fairly simple, I just went down but the City staff was just so caring and nice, I think that's an example of how they treat all citizens in this City. I don't ever want to trip again, if I do, I'm going to do it in City Hall.

Denham stated thank you for the kind words to the staff Neil and I'm sorry that you had to experience it as well. I'll try and sweep the place for dimes next time so we can protect you. I didn't quite know where you were going when you dropped a dime, so.

9. Secretary's Report.

Brown stated I don't have anything today.

10. Comments from the Public.

Denham asked any comments from the public. Christy, any comments being in the public chair. Alright, very good. Okay. I'll go ahead with the Commissions pleasure call for adjournment.

Motion by J. Jones, Second by Logan, to adjourn the meeting. **Aye:** Springborn, Logan, Medders, Denham, D. Jones, Jester, Jarvis, J. Jones. **Nay:** None **Motion Passed.**

With no further business the meeting was adjourned at 2:25pm.