

BOARD OF CITY COMMISSIONERS PROCEEDINGS

MAY 16, 2022 AT 6:00 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 16 West 9th Street, Shawnee, Oklahoma on, Monday, May 16, 2022 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 5:39 p.m. on May 12, 2022. Mayor Bolt presided and Miss Lora Nichols called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews
Commissioner Ward 1

Cami Engles
Commissioner Ward 2

Absent
Commissioner Ward 3

Darren Rutherford
Commissioner Ward 4-Vice Mayor

Mark Sehorn
Commissioner Ward 5

Ben Salter
Commissioner Ward 6

ABSENT: Travis Flood

INVOCATION

Commissioner Daniel Matthews

FLAG SALUTE

AGENDA ITEM NO.1:

Presentation of Certification of Recognition to the
Gordon Cooper Technology Center - Robotics
Team.

Mayor Bolt presented a Certificate of Recognition to Robert Farris, Gordon Cooper Technology Center Superintendent and members of the Robotics Team.

AGENDA ITEM NO. 2:

Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

Mr. Rob Morris, Mr. Joey Ward, and Mr. Rick Young spoke during Citizens Participation.

AGENDA ITEM NO. 3:

Consider approval of Consent Agenda:

- a. Minutes from the May 2, 2022 regular meeting.

b. Acknowledge the following minutes and reports:

- Planning Commission Minutes from the April 6, 2022 regular meeting
- Shawnee Urban Renewal Authority Minutes from the November 3, 2020 meeting
- License Payment Report for April 2022
- Project Payment Report for April 2022

c. Mayor's Appointments:

Shawnee Beautification, Parks, and Recreation Committee

Vicki Winters 1st Full Term Expires: May 1, 2025
Appointment to newly created board

Shawnee Library Board

Jordan Parsons 1st Full Term Expires: June 30, 2025
Reappointment

d. Acknowledge the Contract for Solid Waste Collection, Recycling, and Disposal Services with Central Disposal for Fiscal Year 2022-2023.

e. Acknowledge the Management Agreement with Global Spectrum, LP d/b/a Spectra Venue Management for Fiscal Year 2022-2023 for management services of the Heart of Oklahoma Exposition Center.

f. Approve renewal of the following agreements for Fiscal Year 2022-2023:

- 1) Agreement with REACT Ambulance Authority for dispatch services.
- 2) Agreement with the Independent School District North Rock Creek for police services.
- 3) Agreement with Pioneer Library for library services, facilities, and maintenance.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve Consent Agenda Item Nos. 3(a-f). Motion carried 6-0.

AYE: Rutherford, Engles, Bolt, Sehorn, Salter, Matthews

NAY: None

AGENDA ITEM NO. 4:

Presentation by Animal Control to present the Pet of the Week.

Animal Control Officers Brandi Spoon and Shelby Bowen introduced Zeus, a male canine. The Animal Shelter currently has twenty-nine (29) dogs and six (6) cats.

AGENDA ITEM NO. 5:

Mayor's Proclamations:

"Avedis Foundation Health Week"
May 21-27, 2022

Ms. Kathy Laster, President/CEO of Avedis Foundation, along with several supporters, accepted the Mayor's Proclamation for "Avedis Foundation Health Week" from Mayor Bolt.

AGENDA ITEM NO. 6:

Presentation of the City of Shawnee Proposed Budget for Fiscal Year 2022-2023.

Andrea Weckmueller-Behringer, City Manager, presented the proposed budget for Fiscal Year 2022-2023.

AGENDA ITEM NO. 7:

Consideration of an Addendum to the Agreement for Administration of the Sales Tax Resolution for the City of Shawnee with the Oklahoma Tax Commission.

Jacob Bussell, Assistant Finance Director, explained this agreement is for the Oklahoma Tax Commission to serve as the collection agent of the City of Shawnee for occupancy surcharge.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve an Addendum to the Agreement for Administration of the Sales Tax Resolution for the City of Shawnee with the Oklahoma Tax Commission. Motion carried 6-0.

AYE: Sehorn, Rutherford, Salter, Matthews, Engles, Bolt

NAY: None

AGENDA ITEM NO. 8:

Consideration of an ordinance of the City of Shawnee, Oklahoma amending Chapter 5 – "Animals", Section 5-7 "Keeping Fowl", of the City Code regulating the keeping of fowl and chickens for personal use within city limits; and also providing for severability, codification, and repealer.

Seth Barkhimer, City Engineer, explained this item designates the Permitting Office as responsible party for collecting the fee and sets the fee per the City Fee Schedule.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve an ordinance of the City of Shawnee, Oklahoma amending Chapter 5 – "Animals", Section 5-7 "Keeping Fowl", of the City Code regulating the keeping of fowl and chickens for personal use within the city limits; and also providing for severability, codification, and repealer.

Ordinance No. 2756NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING CHAPTER 5 – “ANIMALS”, SECTION 5-7 “KEEPING FOWL”, OF THE CITY CODE REGULATING THE KEEPING OF FOWL AND CHICKENS FOR PERSONAL USE WITHIN CITY LIMITS; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER.

Motion carried 6-0.

AYE: Rutherford, Engles, Bolt, Sehorn, Salter, Matthews

NAY: None

Ordinance No. 2756NS was adopted by the City Commission.

AGENDA ITEM NO. 9:

Consideration of a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma relating to Chapter 5 – “Animals” of the City Code; and providing for the re-adoption of the City Fee Schedule in whole.

Seth Barkhimer, City Engineer, explained this resolution is a companion item to Agenda Item No. 8. This resolution includes the permit in the City Fee Schedule.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma relating to Chapter 5 – “Animals” of the City Code; and providing for the re-adoption of the City Fee Schedule in whole.

Resolution No. 6659 was introduced.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA RELATING TO CHAPTER 5 – “KEEPING FOWL”, OF THE CITY CODE; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

Motion carried 6-0.

AYE: Matthews, Sehorn, Salter, Engles, Bolt, Rutherford

NAY: None

AGENDA ITEM NO. 10:

Public hearing and consideration of an ordinance to rezone property located at 33909 Lake Road from A-1 (Rural Agricultural District) to RE (Residential Estates District). Case No. RZ05-22, Applicant: Gerald and Linda Nowlin.

Rachel Clyne, City Planner, explained the proposed ordinance is to rezone property located at 33909 Lake Road. Staff and the Planning Commission recommend approval of this item.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located at 33909 Lake Road from A-1 (Rural Agriculture District) to RE (Residential Estates District). Mr. Gerald Nowlin appeared in favor of said rezoning. Mr. Gary Ticer spoke against said rezoning. The public hearing was closed.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve the ordinance rezoning property located at 33909 Lake Road from A-1 (Rural Agriculture District) to RE (Residential Estates District).

Ordinance No. 2757NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: THE EAST 30.00 ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA AND FURTHER DESCRIBED BY CHARLES REED ON MAY 30, 2021 AS COMMENCING AT THE NORTHEAST CORNER (NE/C) OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION 23; THENCE S89°35'05"W ALONG THE NORTH LINE OF SAID N/2 NE/4 A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, THENCE S00°27'56"E A DISTANCE OF 1317.73 FEET TO A POINT ON THE SOUTH LINE OF SAID S/2 NE/4; THENCE S89°30'21"W ALONG SAID SOUTH LINE A DISTANCE OF 688.86 FEET; THENCE N00°29'49"W A DISTANCE OF 1318.68 FEET TO A POINT ON THE NORTH LINE OF SAID N/2 NE/4, THENCE N89°35'05"E ALONG SAID NORTH LINE A DISTANCE OF 689.58 FEET TO THE POINT OF BEGINNING; FROM ZONING CLASSIFICATION A-1 (RURAL AGRICULTURAL DISTRICT) TO RE (RESIDENTIAL ESTATES DISTRICT) AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

AYE: Matthews, Sehorn, Salter, Engles, Bolt, Rutherford

NAY: None

Ordinance No. 2757NS was adopted by the City Commission.

AGENDA ITEM NO. 11:

Public hearing and consideration of an ordinance to rezone property located on approximately 8.79 acres north of West MacArthur Street and east of Acme Road from R-3 (Multifamily Residential District) and C-2 (Suburban Office Commercial District) to a PUD (Planned Unit Development). Case No. PUD01-22, Applicant: J. Bentley Investments, LLC represented by Grubbs Consulting, LLC.

Rachel Clyne, City Planner, explained the applicants have requested a deferral to the June 1, 2022 Planning Commission meeting. Staff and the Planning Commission recommend the deferral.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to defer the item to a future City Commission meeting. Motion carried 6-0.

AYE: Matthews, Rutherford, Sehorn, Salter, Engles, Bolt

NAY: None

AGENDA ITEM NO. 12:

Public hearing and consideration of an ordinance to rezone property located at 1717 East Remington Street from R-1 (Single-Family Residential District) to R-1 (Single-Family Residential District) with a Conditional Use Permit (CUP). Case No. CUP03-22, Applicant: Steven and Gloria Barnett. (Deferred from the April 18, 2022 City Commission meeting.)

Rachel Clyne, City Planner, explained the Conditional Use Permit (CUP) would allow an accessory dwelling unit on the property. Staff and the Planning Commission recommend approval of this rezoning, with conditions.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located at 1717 East Remington Street from R-1 (Single-Family Residential District) to R-1 (Single-Family Residential District) with a Conditional Use Permit (CUP). Mr. Steven Barnett appeared in favor of said rezoning. No one appeared against said rezoning. The public hearing was closed.

A motion was made by Commissioner Sehorn, seconded by Commissioner Engles, to approve the ordinance rezoning property located at 1717 East Remington Street from R-1 (Single-Family Residential District) to R-1 (Single-Family Residential District) with a Conditional Use Permit (CUP), with the following conditions:

1. The property owner must reside in either the principal structure or the ADU.
2. Only one ADU is allowed per lot in conjunction with a single-family house. ADUs are not allowed in conjunction with duplexes, triplexes, or multifamily dwelling units.
3. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
4. The ADU may only be located in the established rear yard.
5. The living space of the ADU shall not exceed 900 square feet.
6. The footprint of a single-story detached accessory dwelling shall not exceed 50 percent of the first-floor area of the principal structure.
7. The footprint of a two-story detached accessory dwelling shall not exceed 40 percent of the first floor of the principal structure.
8. ADUs with a second-story dwelling unit shall enclose the stairs interior to the structure.
9. The ADU shall be of similar style, design, and material color and used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
10. A home occupation shall not be based out of the ADU.
11. The ADU must provide, at minimum, one off-street parking space.
12. A separate driveway providing exclusive access to the ADU shall not be allowed.
13. The lot area shall be larger than 10,000 square feet.
14. A building permit shall be issued prior to construction.
15. The ADU shall not serve as a residential use until a Certificate of Occupancy is issued.
16. The subject property must be rezoned to R-2 (Medium Density Residential) within 90 days of City Commission approval of the CUP. (See associated case RZ06-22 on the agenda for this meeting).

Ordinance No. 2758NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT TWENTY (20), REMINGTON-BEARD ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE WEST 500 FEET; THENCE SOUTH 232.50 FEET; THENCE EAST 500 FEET; THENCE NORTH 232.50 FEET TO THE POINT OF BEGINNING; FROM ZONING CLASSIFICATION R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

AYE: Sehorn, Engles, Bolt, Rutherford, Salter, Matthews

NAY: None

Ordinance No. 2758NS was adopted by the City Commission.

AGENDA ITEM NO. 13:

Public hearing and consideration of an ordinance to rezone property located at 1717 East Remington Street from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District). Case No. RZ06-22, Applicant: Steven and Gloria Barnett.

Rachel Clyne, City Planner, explained this is a companion item to Agenda Item No. 12. One of the conditions of the Conditional Use Permit (CUP) is to rezone the property to R-2 (Medium Density Residential District). Staff and the Planning Commission recommend approval of this rezoning.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located at 1717 East Remington Street from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Matthews, seconded by Engles, to approve the ordinance rezoning property located at 1717 East Remington Street from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District).

Ordinance No. 2759NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT TWENTY (20), REMINGTON-BEARD ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE WEST 500 FEET; THENCE SOUTH 232.50 FEET; THENCE EAST 500 FEET; THENCE NORTH 232.50 FEET TO THE

POINT OF BEGINNING; FROM ZONING CLASSIFICATION R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

AYE: Matthews, Engles, Bolt, Rutherford, Sehorn, Salter

NAY: None

Ordinance No. 2759NS was adopted by the City Commission.

AGENDA ITEM NO. 14: Acknowledge monthly Sales Tax and Budget Reports.

Assistant Finance Director Jacob Bussell reported sales tax is up \$3,401,877.00, or 17.01%, over the projected budget year-to-date. He stated that use tax collections are up approximately \$607,877.00, or 26.45%, over the projected budget year-to-date.

AGENDA ITEM NO. 15: Administrative Report(s):

- a. Shawnee Homeless Program Update – Erika Gentry, Homeless Program Coordinator

Homeless Program Coordinator Erika Gentry provided an update on the Shawnee Homeless Program.

- b. Shawnee Twin Lakes Police Patrol – Mason Wilson, Police Chief

Police Chief Mason Wilson provided a presentation on the Shawnee Twin Lakes Police Patrol.

AGENDA ITEM NO. 16: New Business (Any matter not known, or which could not have been reasonably foreseen prior to the posting of the agenda.)

There was no New Business.

AGENDA ITEM NO. 17: Commissioners Comments

The Commissioners thanked Staff for the preliminary budget presentation.

Commissioner Sehorn spoke regarding the sales tax report, rezoning RZ05-22, and the Homeless Program.

Commissioner Engles thanked Staff for the provided presentations.

Commissioner Matthews spoke regarding the Gordon Cooper Technology Center Robotics Team, Shawnee Twin Lakes progress, and the upcoming Santa Fe Depot meetings.

Mayor Bolt spoke regarding the administrative reports and the homelessness progress.

AGENDA ITEM NO. 18:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:45 p.m.)



ED BOLT, MAYOR

ATTEST:

KACIE ECK, CMC, SENIOR DEPUTY CITY CLERK