

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2009

Wednesday, February 8, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Carnes, 2nd Vice
Chairman
Doherty
Gray
Horner
Midget, Mayor's
Designee
Pace
Parmele
Chairman
Taylor
Wilson

Members Absent

Ballard
Selph

Staff Present

Hester
Jones
Matthews
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, February 7, 1995 at 11:23 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of January 25, 1995, Meeting No. 2007:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes Doherty, Gray, Horner, Midget, Pace, Parmele, Taylor, Wilson "aye"; no "nays"; "abstaining"; Ballard, Selph "absent") to **APPROVE** the minutes of the meeting of January 25, 1995 Meeting No. 2007.

REPORTS:

Chairman's Report:

Chairman Parmele announced that all reports would be deferred to the end of the agenda.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

Hyde Park North (PUD-455)(383) (PD-18)(CD-7)
North of the northeast corner of East 71st Street South & South Yale Avenue.

Staff Comments

Mr. Jones announced that all release letters have been received and Staff recommends **APPROVAL**, subject to the Legal Department's final approval of wording on the Deed of Dedication Restrictive Covenants.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace, Parmele, Taylor, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Selph "absent") to **APPROVE** the FINAL PLAT of Hyde Park North and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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33rd Self Storage (PUD-483)(3392) (PD-8)(CD-2)
Southwest corner of West 57th Street South & South 33rd West Avenue.

Staff Comments

Mr. Jones announced that all release letters have been received and the Legal Department has approved revised wording; therefore, Staff recommends **APPROVAL**.

Responding to Ms. Pace's concerns, Mr. Jones informed that all the PUD conditions have been included in the plat.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace, Parmele, Taylor, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Selph "absent") to **APPROVE** the FINAL PLAT of 33rd Self Storage and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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Committee Reports:

Budget and Work Program Committee

Ms. Wilson presented an update of the monthly training sessions for Planning Commissioners. Listed below are the topics and the months in which they will be presented.

<u>Topic</u>	<u>Month</u>
Statutory Authority for TMAPC; Title 11 & 19 (Requested by Eddie Taylor)	March
Use Units, Chapter 12 from the Zoning Code (Requested by Bobbie Gray)	April
Historic Zoning or whether ex parte communication is a conflict (Requested by Fran Pace)	May
Setback Requirements, Subdivision Regulations or Signs (Requested by Dwain Midget)	August
Density/Intensity Calculations or Development Guidelines (Requested by Jim Doherty)	October

Ms. Wilson requested that those Planning Commissioners who have not yet submitted topics do so, and informed that she will work with Mr. Gardner in scheduling these training sessions.

Ms. Matthews reported on available dates for the spring workshop to be held at the Helmerich Conference Center. After discussion, the Planning Commission agreed that May 2 would be the first preference, with April 25 being the second choice.

Comprehensive Plan Committee

Review of City of Tulsa Capital Improvement Project (CIP) requests - 1995; finding that they are in accord with the Comprehensive Plan for the Tulsa Metropolitan Area.

Ms. Matthews announced that the Comprehensive Plan Committee met on February 1 and found the CIP requests to be in accord with the Comprehensive Plan.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Carnes, Doherty, Gray, Horner, Pace, Parmele, Taylor, Wilson "aye"; no "nays"; Midget "abstaining"; Ballard, Selph "absent") to **FIND** the 1995 Capital Improvement Project Requests to be in conformance with the Comprehensive Plan.

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Rules and Regulations Committee

Consider amendments to the TMAPC Rules of Procedure.

Mr. Doherty announced that the Rules and Regulations Committee met February 1 to consider additions to the TMAPC Rules of Procedure to codify practices of the past few years. He informed that the Rules and Regulations Committee recommended on a 4-1 vote to add the items listed below.

**PROPOSED AMENDMENTS to
the TMAPC RULES of PROCEDURE**

Amend section I C. "Officers", 2. on page 2 of the Procedures to read as follows:

2. When present the Chairman shall officiate at all meetings of the Commission. The Chairman shall also appoint Commissioners to act as liaisons to District Planning Chairs, present or designate a representative to present TMAPC recommendations to the City Council and County Commission, establish a seating arrangement for Commissioners at TMAPC meetings and select Commissioners to receive training at out-of-state planning conferences.

Add the following sentence to the end of Section I E. "Committees" 1.:

The Chairman shall serve as an "ex officio" member of all standing committees.

Mr. Doherty made a motion to add the above-listed amendments to the TMAPC Rules of Procedure. Mr. Horner seconded the motion.

Ms. Wilson addressed the issue of a Planning Commission representative presenting TMAPC recommendations to the City Council and County Commission, noting that this tradition dates to the change of City government in 1990. She pointed out that the longer tradition is that Staff presented the information to City officials. Ms. Wilson declared that the Planning Commission does not need to advocate their position or have their position represented at the City Council. She reported on findings from three Boards, discovering that those Chairs do not make presentation to the City Council. Ms. Wilson expressed opposition to institutionalizing these rules. She also expressed opposition to seat assignments and questioned how this could be enforced.

Mr. Midget also expressed opposition to assigned seating. He informed of attending an APA conference workshop where Planning Commissioners were encouraged to change seating and not institutionalize themselves in seating arrangements. Mr. Midget commented on the Chairman selecting Planning Commissioners to attend out-of-state planning conferences. He addressed tenure of the Chairman, noting that over the past ten years, Mr. Parmele served six years, with Mr. Doherty serving three years and Ms. Kemp serving one year. He informed that this denies other Planning Commissioners the opportunity to serve as Chair and direct the Commission. Mr. Midget believes that every one of the Planning Commissioners is competent to chair the TMAPC.

Regarding conference sessions, Mr. Doherty informed that the Rules and Regulations Committee suggested selecting an *alternate* when Commissioners could not attend. He explained that Staff wrote this language, and in the past funds were not sufficient for all Commissioners to attend the conference; however, presently every Commissioner is budgeted to be able to attend a conference. Mr. Doherty noted that when Commissioners are not able to attend, representatives from the Legal Department or Staff are selected to attend.

Mr. Parmele explained that in the past there were not sufficient funds to send the entire Planning Commission, and in those instances the Chairman selected the newest Planning Commissioners to attend.

Ms. Pace was opposed to codifying the amendments. She was of the opinion that the subject duties would be best left to tradition. Ms. Pace questioned the Planning Commission's role in discussing beforehand changes in land use, and when communication with an applicant is *ex parte*, i.e., what is appropriate and what is not. She urged the Planning Commission to examine more carefully the role of the TMAPC liaison and the correct procedure to follow. Regarding seating, Ms. Pace believes it would benefit each Planning Commissioner to have a different perspective by not having assigned seats, which was discussed at the San Francisco APA Conference. Ms. Pace supports leaving these as informal tradition-bound duties of the Chairman.

Mr. Midget addressed TMAPC representation before the City Council, revealing that he believes that Staff should take the lead in presenting the technical aspects of the application. He revealed that if the City Council has questions regarding the Planning Commission's vote, then it would be appropriate for the Planning Commissioner to explain the rationale behind the Planning Commission's decision.

Mr. Carnes saw no reason to change the manner in which things have been done in the past. He expressed that presentations to the City Council should be decided between Staff and the Planning Commissioner in attendance as to who will take the lead. Mr. Carnes declared that with regard to seating, if an individual wishes to sit elsewhere, he is sure Mr. Parmele will comply.

Mr. Midget made a motion to amend the main motion by referring to selection of Commissioners for training to "select *alternate* Commissioners to receive training at out-of-state planning conferences". He also offered an amendment to allow the Mayor and County Commissioner to serve as *ex-officio* voting members to all committees with the right to vote on all matters, including committee meetings, as specified in the State Statutes. Ms. Wilson seconded the motion.

In response to a question from Mr. Taylor, Chairman Parmele explained the reason for having five members per committee is to not have a quorum of Planning Commissioners voting at a committee meeting which may represent a vote of the full commission. He disclosed that the remaining issues don't merit discussion.

Mr. Midget revealed that State Statutes give the Mayor the right to vote on all matters, including committee meetings. Regarding quorum concerns, he informed that all City Councilors are afforded the right to attend and vote at all committee meetings; he declared that the same courtesy should be extended to the Planning Commission.

Mr. Linker read the State Statue regarding this issue and interpreted it to mean that the Mayor's designee, as well as the County Commissioner, has the power to vote on everything, including committees. Responding to questions, he replied that he interprets this to include committees even if they are not members of the committee. Mr. Linker noted that the number of Commissioners on each committee may need to be changed.

Mr. Midget made a motion to amend the main motion to delete verbiage *..designate a representative to present TMAPC recommendations to the City Council and County Commission, establish a seating arrangement for Commissioners at TMAPC meetings*. He also amended verbiage to *... select alternates for commissioners not attending APA meetings*. Ms. Wilson seconded the motion.

Ms. Pace deemed that it should be specified who would qualify as alternates.

Mr. Doherty amended his main motion to state...*select alternates for commissioners not attending APA meetings*. Mr. Horner seconded the amendment.

Ms. Wilson asked to hear from the proponents who want to adopt the amendment.

Mr. Doherty disclosed that these issues were discussed at great length at the Rules and Regulations Committee meeting and all Commissioners in attendance have heard the arguments. He deemed that nothing would be gained by reiterating them.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted 4-4-1 (Midget, Pace, Taylor, Wilson "aye"; Carnes, Doherty, Horner, Parmele "nays"; Gray "abstaining"; Ballard, Selph "absent") to **AMEND** the main motion by deleting the following:

Chairman designating a representative to present TMAPC recommendations to the City Council and County Commission, establish a seating arrangement for Commissioners at TMAPC meetings.

MOTION FAILED.

Ms. Pace offered the following amendment to the verbiage, "The Chairman *may* appoint Commissioners to act as liaisons....." Mr. Midget seconded the motion.

TMAPC Action; 9 members present:

On **MOTION** of **PACE**, the TMAPC voted 1-7-1 (Pace, "aye"; Carnes, Doherty, Gray, Horner, Midget, Parmele, Wilson "nay"; Taylor "abstaining"; Ballard, Selph "absent") to **AMEND** the main motion to read:

When present the Chairman shall officiate at all meetings of the Commission. The Chairman may also appoint Commissioners to act as liaisons to District Planning Chairs, present or designate a representative to present TMAPC recommendations to the City Council and County Commission, establish a seating arrangement for Commissioners at TMAPC meetings and select alternates for commissioners not attending APA meetings.

MOTION FAILED.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **3-4-2** (Doherty, Horner, Parmele, "aye"; Midget, Pace, Taylor, Wilson "nays"; Carnes, Gray "abstaining"; Ballard, Selph "absent") to **APPROVE** the following:

When present the Chairman shall officiate at all meetings of the Commission. The Chairman shall also appoint Commissioners to act as liaisons to District Planning Chairs, present or designate a representative to present TMAPC recommendations to the City Council and County Commission, establish a seating arrangement for Commissioners at TMAPC meetings and select alternates for Commissioners not attending APA meetings.

MOTION FAILED.

There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 2-22-95


Chairman

ATTEST:


Secretary

