MINUTES
LAWTON URBAN RENEWAL AUTHORITY

Minutes of the Lawton Urban Renewal Authority meeting held August 20, 2013 in the 2nd Floor Conference Room, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The meeting was called to order at 1:00 p.m. by Chairman Ernest Sheppard.

Notice of the meeting and agenda were posted on the City Hall bulletin board as required by State law.

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1. **ROLL CALL**

MEMBERS PRESENT: John P. Purcell, Jr.
Albert Johnson
Jerry Evers
Ernest Sheppard
Jacob Brox

MEMBERS ABSENT: None

OTHERS PRESENT: Richard Rogalski, Executive Director
Steven Greb, Assistant City Attorney
John C. Mackey, Legal Counsel
Cindy Augustine, Subdivision Administrator
Kristin Duggins, Financial Services
Jackie Monette, Recording Secretary

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2. CONSIDER APPROVAL OF THE MINUTES OF THE JUNE 18, 2013 MEETING OF THE LAWTON URBAN RENEWAL AUTHORITY.

MOTION by Evers, SECOND by Johnson, to approve the minutes of the June 18, 2013 meeting of the Lawton Urban Renewal Authority.

VOTE ON MOTION: AYES: Johnson, Evers, Sheppard, Brox, Purcell. NAYS: None. MOTION CARRIED 5 – 0.

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3. CONSIDER A RESOLUTION APPROVING THE EXPENDITURES AND ACCEPTING THE FINANCIAL STATUS REPORT OF THE LAWTON URBAN RENEWAL AUTHORITY FOR THE MONTH OF JUNE, 2013.

The balance in the bank as of May 31, 2013 was $136,312.10. After deposits of interest, reimbursement from LEDA and disbursements, the bank balance as of June 30, 2013 was $141,200.22.

MOTION by Brox, SECOND by Johnson, to adopt LURA Resolution 13-08, approving the expenditures and accepting the financial status report of the Lawton Urban Renewal Authority for the month of June, 2013.

VOTE ON MOTION: AYES: Evers, Sheppard, Brox, Purcell, Johnson. NAYS: None. MOTION CARRIED 5 – 0.

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4. CONSIDER A RESOLUTION APPROVING THE EXPENDITURES AND ACCEPTING THE FINANCIAL STATUS REPORT OF THE LAWTON URBAN RENEWAL AUTHORITY FOR THE MONTH OF JULY, 2013.

The balance in the bank as of June 30, 2013 was $141,200.22. After deposits of interest, reimbursement from LEDA and disbursements, the bank balance as of July 31, 2013 was $147,261.62.

MOTION by Evers, SECOND by Brox, to adopt LURA Resolution No. 13-09, approving the expenditures and accepting the financial status report of the Lawton Urban Renewal Authority for the month of July, 2013.

VOTE ON MOTION: AYES: Sheppard, Brox, Purcell, Johnson, Evers. NAYS: None. MOTION CARRIED 5 – 0.

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5. CONSIDER SENDING AN INVOICE TO THE LAWTON ECONOMIC DEVELOPMENT AUTHORITY FOR LEGAL EXPENSES INCURRED WITH WADE & MACKEY LAW FIRM FOR ISSUES ASSOCIATED WITH PROPERTY ACQUISITION AND REDEVELOPMENT WITHIN THE PHASE 1A ACQUISITION AREA.

An invoice dated August 8, 2013 has been submitted by Wade & Mackey Law Firm, covering legal counsel on the Downtown Project during the LURA meeting held June 18, 2013. Per the Memorandum of Understanding between LURA, LEDA and the City of Lawton, LEDA will reimburse LURA for the expenses incurred toward the acquisition of real property within this area.

MOTION by Johnson, SECOND by Purcell, to authorize the Chairman to send an invoice to the Lawton Economic Development Authority in the amount of $96.00 for reimbursement of legal expenses incurred for issues associated with property acquisition and redevelopment within the Phase 1A acquisition area.

VOTE ON MOTION: AYES: Brox, Purcell, Johnson, Evers, Sheppard. NAYS: None. MOTION CARRIED 5 – 0.

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6. PURSUANT TO SECTION 307(B)(3), TITLE 25, OKLAHOMA STATUTES, CONSIDER CONVENING IN EXECUTIVE SESSION TO DISCUSS THE PROPOSED SALE OF LOT 31, BLOCK 84, IN THE LAWTON VIEW ADDITION, AND TAKE APPROPRIATE ACTION IN OPEN SESSION.

On April 16, 2013, LURA directed staff to begin the process of disposing of LURA owned properties in the Lawton View Addition. As provided by LURA Policy 04-01, staff sent letters to those property owners adjacent to the eight (8) non-buildable lots to notify them that the lots were for sale. LURA has received an offer for Lot 31, Block 84, in the Lawton View Addition.

Legal counsel advised the LURA Board that the Board should determine the disclosure of communications between the Board and the Executive Director and legal counsel regarding the above referenced item would adversely affect the potential purchase price of the property. From that determination, the Board should convene in executive session to discuss this matter.

MOTION by Purcell, SECOND by Evers, to enter into executive session.

VOTE ON MOTION: AYES: Purcell, Johnson, Evers, Sheppard, Brox. NAYS: None. MOTION CARRIED 5 – 0.

The Board entered into executive session at 1:10 p.m., and then reconvened in open session at 1:13 p.m.

MOTION by Brox, SECOND by Purcell, to accept the offer of $1,000.00 from Rosalie Pennah to purchase Lot 31, Block 84, Lawton View Addition, and authorize the Chairman and Secretary to execute all documentation to facilitate the transfer of the property to Ms. Pennah.

VOTE ON MOTION: AYES: Evers, Sheppard, Brox, Purcell, Johnson. NAYS: None. MOTION CARRIED 5 – 0.

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7. REPORTS AND COMMENTS

Rogalski stated that a mowing work order was recently requested on the Lawton View properties. He added that he authorized The Lawn Wizards to mow and clear the debris around the old Coca Cola building site. He added that an agenda item will be on the next LURA meeting to bill LEDA for the cost of that work order.

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Rogalski stated that Councilman Stanley Haywood discussed the properties that Habitat for Humanity had under contract. He stated that there seemed to be some confusion about the properties. Staff thought the issue was settled when Habitat issued Quit Claim Deeds to LURA on all of the properties that were in the old contract that was executed in 2006. As the contract stipulated that the properties be developed within five years from the date of the contract or the ownership would revert back to LURA, deeds needed to be recorded to clear up the title issue created by the reversionary clause. Councilman Haywood was under the impression that Staff told Habitat that the properties had to be deeded back to LURA, when it was possible for Habitat to inform LURA that they were still interested in retaining the properties. He added that, to retain the properties, a new contract would need to be executed by LURA and Habitat and new deeds would need to be executed by LURA. Rogalski stated that Habitat had not shown any interest in renewing the contract or retaining the properties.

Augustine stated that Habitat has conveyed that they have interest in obtaining 8 lots for development. She stated that they are looking at Lots 1 & 2, Block 74, Lots 3 & 4, Block 98, Lots 3 & 4, Block 111, and Lots 7 & 8, Block 110, Lawton View Addition. She added that they could build four homes with those lots.

Rogalski stated that they emailed their request for these lots yesterday afternoon, but it was too late to add this as an agenda item to today's meeting. He added that Staff is bringing this information before the Board today for some direction, but not a formal action. He stated that it would be possible to delete these properties from the Auction, as the notice won't be sent to the newspaper for publication until Wednesday, August 21st.

Evers asked if these lots would alloW them to develop four home sites.

Rogalski stated that it would allow four homes to be built, and added that these lots would be good home sites for the auction.

Chairman Sheppard asked if Habitat has qualified buyers lined up for homes to be built on these sites. He stated that he doesn't want to delete these home sites from the auction if there are no definitive plans for development and occupancy of the lots. He added that he doesn't want to give the lots back to Habitat if their basis is just speculation. He stated that he'd like to try to sell them at the auction first and then, if they don't sell, consider entering into a contract with Habitat.

Mackey stated that Habitat would probably ask that the lots be donated to them for development through a contract with LURA like the one that was executed in 2006.

Chairman Sheppard stated that he would like to see Habitat purchase the lots for a small amount. He added that it would show that Habitat actually purchased and owns the property and the taxes and mowing would be Habitat's responsibility. He stated that this would be much easier than creating a new development contract with a reversionary clause like in the past.

Johnson wants to know why Habitat wants these properties and wants some assurance that homes will actually be built.

Purcell stated that, if Habitat is truly serious about developing these lots, they need to appear before this Board so that they can present their plans for the properties.

Rogalski stated that he will talk to the people at Habitat and see how serious they are about developing these properties in the near future. He stated that, if they are serious about it, a special meeting would have to be called to act on their offer. He stated that those properties can be removed from the auction by an affirmative vote of this Board.

Augustine stated that the auction is scheduled for September 12th at 6:00 p.m. and will be held at the Owens Multipurpose Center. She added that the notice has to go to publication by August 21st, so there wouldn't be time to schedule a special meeting for authorization to remove the lots from the auctioned properties.

Chairman Sheppard stated that he would like to see all of the lots listed and published for the auction. He stated that LURA has always tried to help Habitat in their cause, but this Board has a fiduciary duty to the citizens of Lawton first.

Mackey stated that he agrees that Habitat is a good organization, but LURA's first purpose is the citizens of Lawton as a whole.

Johnson asked where the notices of the public auction will be posted and published.

Augustine stated that it will be distributed to some investors that Stallings Auction knows, as well as announced on the radio, signs on the specific lots and the posting in the *Lawton Constitution.* She added that there were only two non-buildable lots included in the auction, as Zoe Christian Center and Sam Moyd will not raise their offer above $100 per lot.

Mackey suggested that notification of the auction should be sent to the Board of Realtors.

Chairman Sheppard asked if a minimum bid has been established by Stallings.

Rogalski stated that the minimum bid will be $500 per lot.

Evers asked what the cost of the auction will be to LURA.

Augustine stated that LURA will pay $300 to Stallings Auction and the cost of publication in the *Lawton Constitution.*

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8. ADJOURNMENT

There being no further business the meeting was adjourned at 1:26 p.m.

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Ernest Sheppard, Chairman

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Jacob Brox, Secretary

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