

MINUTES  
LAWTON URBAN RENEWAL AUTHORITY  
SECOND FLOOR CONFERENCE ROOM  
February 7, 2023

Minutes of the Special Lawton Urban Renewal Authority meeting held February 7, 2023, in the 2<sup>nd</sup> Floor Conference Room, 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 Dr. Ernest Sheppard.

Roll Call

MEMBERS PRESENT:      Dr. Ernest Sheppard  
                                 Jacob Brox  
                                 Jesse Cross  
                                 John Purcell, Jr

MEMBERS ABSENT:      Joe Abshere

ALSO PRESENT:          Madison Aust, Recording Secretary  
                                 Charlotte Brown, Director of Community Services/Planning  
                                 Gregory Gibson, City Attorney  
                                 Larry Burk, Deputy City Manager  
                                 Susan Schlecht, Finance  
                                 Joe Dunham, Director of Finance  
                                 Kelly Harris, Council Man Ward 2  
                                 Andrew Zamora, All American Car Wash  
                                 Chris Cavett, All American Car Wash  
                                 Tim Attlee, All American Car Wash  
                                 Larry Ayres, All American Car Wash  
                                 Linda Mask, Cummins-Setters Commercial Partners

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**2.      Verify posting of meeting according to The Open Meeting Act (Title 25, Okla. Statutes 301-314).**

Meeting was posted on February 2, 2023, at 1:20pm by Tammy Branstetter

**3.      Establish Quorum**

Four (4) of the Five (5) member present

#### 4. Approval of Minutes

Recommended Action: Motion to approve minutes from the November 22, 2022, meeting.

**Motion** by Purcell, **Second** by Brox, to approve the minutes from the November 22, 2022, as written. **Aye:** Purcell, Cross, Brox, Shephard **Nay:** None **Motion Passed**

#### 5. Consider approving a Use Permit on Review submitted by Racer Classic Investments, LLC for a car wash to be located in the Mixed Use section of the Civic Center Urban Renewal District at 202 W Gore Boulevard and take action as necessary.

Brown stated so the proposed location is the old Dan Mullins dealership at the southwest corner of 2<sup>nd</sup> and Gore Boulevard. It falls under the Mixed-Use District section of the Civic Center Urban Renewal Center area. Carwash is not specifically listed as a permitted use, if you remember last year, we put a clause in for a Use Permit On Review for LURA can determine if it can be consistent with the Urban Renewal Plan. I forgot to print that page for you, I'm sorry. Any specific uses not specifically listed above as submitted will go through LURA to determine if it is consistent with the Urban Renewal Plan. If you do find it consistent, then it will move on to CPC and City Council as a Use Permitted on Review which is like anywhere else in town. If you do not find it consistent, then they don't go anywhere. We have representatives of the company here.

Sheppard stated Andrew thank you for being here.

Zamora responded thank you.

Sheppard stated as of new policy staff is making a recommendation on these.

Brown stated our recommendation is that in our opinion it does not meet the consistency, but you do have the power to disagree with us or not.

Sheppard responded all right. Discussion? Guys?

Brown asked do you guys want to go ahead and present.

Sheppard stated I have a copy of your notes just on uses that are permitted, references that Charlotte made for us.

Zamora stated I will go ahead and start. I'd like to thank of you for meeting us. We are excited to come to Lawton, we have another car wash here. And planning on hopefully opening this one along with another on Sheridan. Kind of tripling our employees and our efforts here. What we

looked at we were unaware of the overlay an oversight on our part, I guess. I guess not a point of contention but what I look at is if we put another dealership back in it would be ok, and we don't really see that much more of a change. Obviously, these are renderings that we drew up, we would paint it and design it, make it look as you wish. As you can see these are modern exterior only with three back stations around the property. Old light post would be taken down, landscape the whole deal. We think it's a pretty building down there, I kind of looked at the overlay and I saw what I would assume the dealership across the street was grandfathered in because it was already there.

Brown responded yes; they actually owned this building.

Zamora continued, like I said these are kind of our plans for it. There's not going to be much change in that building at all. We are using the existing building and not demoing anything. It's going to have a tunnel installed inside of it so none of it will be exposed. Chris Cavett is our CO by the way if there is anything else we want to add to it we are All American Carwash we really like that Buffalo Soldier memorial we walked around it, and all of our carwashes have sixty-foot flag poles we install one in each of locations. Our idea was to donate to the city to re-landscape and put up a new aluminum flagpole for the city and use that one as our flagpole since there would already be one there and we wouldn't put one on our property as it shows here. Just to be good neighbors and I understand about the overlay it's kind of on the edge on it you have the restaurants and hotels other than that we'd be in kind of a pickle we'd have to sell it or repurpose it. But I guess repurposing this for any business we'd have to go through this again if its other than a car dealership.

Brown responded actually the car dealership was considered nonconforming it could stay there as long as it was there, but it has been closed for more than two years so it can't go back to being a car dealership at this point.

Zamora stated okay, so if you guys have anything you'd like to add. I like to hear from all of you and see what direction you would want us to go. Again, we would conform to making it look to your standards or whatever you wanted obviously we'd have to get to that point to approve it. I'd just kind of like to hear.

Sheppard responded the original area was when we did the shopping center years ago, we repurposed that area to be a work live area so we could have offices, residential, and recreational areas those kinds of things all combined in one area. Trying to reestablish downtown as an active area, so to give you a little background that was our intent. We have some people that are interested in building some condos down there that kind of thing so it's beginning to come around. Thoughts guys?

Purcell stated, well I guess I'll start off; I have a problem. That is sort of a main entrance to the city coming off the interstate coming down Gore, Gore is a main east west drive. We spent an awful lot of time trying to upgrade what's on 2<sup>nd</sup> Street and on C Ave. I just can't support having a carwash there. I know it looks nice; I mean it's a great car wash looking building just not there. That doesn't mean I wouldn't like this somewhere else in the city. My other problem I have with a carwash, and this has happened time and time again in the city. Carwashes come in and I know

they intend to stay forever but I think if you've been involved with carwashes, you know what happens to them. We have several examples right here in Lawton where they build the carwash beautiful, and it works well three or four years later is a junk heap basically. So, my only problem is I cannot support a carwash at that location.

Brox asked how set is this plan?

Zamora responded they're just preliminary we drew them up for this purpose. Again, obviously we would conform to what the city wanted. We face this in Lubbock, we built a carwash downtown, very close to downtown it was in the Overton area that was redeveloped from Texas Tech all the way to downtown. McDougal Properties from McDougal Development redid the entire area, and it took a good ten to fifteen years. They had an overlay I think they called it something else and we face the same thing there and surprisingly enough though it's kind of lended to the people that live there because they brought people into downtown and they had apartments and whatever else. So, it went with the commercial there because they drive cars, it proved to be very successful for both and was actually a really good-looking part of the district. It was the only one in the district, it was just on a main road as well, but it was at the very forefront of downtown. We are familiar with it I do agree with your comments that most thoughts of a carwash usually end up with old run down, I know there's one here in town the needs to be knocked down, if you drive by our Cache store the really nice looking one, we just completed renovated it. Walls are all different colors, beautiful. We put up all new arches like this and if you look throughout our website and social media pages all our washes are just like that, whether they be in San Antonio. We built sixteen or nineteen of them we plan on building two more here and two more in Wichita Falls so we will have about twenty of them and we maintain consistency, or we would fail. We pride ourselves in that. It's all I can offer to say that we are a different kind of company than what that persona is I guess you would say. But I agree that that persona some of or could be a lot of them, that is never the approach we have. We have been doing this for twenty-five thirty years so we've kind of figured it out and stayed in business. Obviously, it is a hurdle, but I don't think by allowing us to go there you would be disappointed. I think it would something the public could utilize in fact its three miles away from the nearest carwash, so you're a ways away and typically you want to be three miles away. That's what we do, we won't put any closer than that. So, you would be underserved on that side of town. That's kind of my thoughts in a nutshell on that.

Sheppard responded so I understand you were surprised by the overlay district didn't know about that. Some of the provisions in that overlay district are that when you try to use natural looking environment red brick, stone, cast stone those kinds of things if that is required by the overlay district does that change your plans and cost on this thing?

Zamora stated absolutely not. Within reason I don't think we've got it knock down and build a new building, we would conform with what. I guess to be fair we would look at your changes on it and see if it was feasible for us and I don't know I can't imagine we would need anything that would not be feasible. We would have to look at that cost but that is what we are here for. We're here to kind of abide if that's a point we really have to look at than obviously

Cavett stated I think from my stand point to help answer to the question is we've tried to try and read through it and we're kind of told that is the next step after getting past this earlier there's a lot of things I'm not a hundred percent sure on just an explanation of is it Gore or 2<sup>nd</sup> Street you know all four sides of the building how much., there's a lot of things in there to plan the cost for us to do it but if we need fifty-one percent brick on certain sides of the building absolutely we've talked about it, there's a lot of questions I think we still have. That have not been answered. How it applies to the building?

Cross responded it would have to be approved drawings, right?

Brown responded yes it would still have to go through DLARC. It would have to come back through DLARC for a Certificate of Architectural Conformance.

Sheppard stated any changes to the outside have to be approved by DLARC, Jesse.

Brown stated yes.

Cross stated it's not just the carwash is the actual structure and location.

Sheppard stated we are not looking at the structure today.

Brown responded we are just looking at the location.

Sheppard stated just the function going in there.

Purcell stated my comments I was saying about it not being appropriate, I want to support it. I think the picture is great and the one you have on Cache Road is fine. I just don't think people vacuuming out cars along 2<sup>nd</sup> Street, with all the work we tried to do on 2<sup>nd</sup> Street to make it a friendly place where you have businesses and apartments above the businesses that we've been trying to do that that's appropriate at that location. That's my concern. I think the picture is great it's just I don't think right there at the corner of Gore and 2<sup>nd</sup> after all the time we spent trying to upgrade 2<sup>nd</sup> Street and C Avenue that that works for me. So anyway, that is my comment.

Zamora responded here is another picture we had talked about is another drawing with added landscape. In fact, we have all the way around because if we make it look more inviting it's going to look better to us to begin with. It would benefit both of us. I do think that I understand you know cars vacuuming this and that they don't stay very long. It's certainly what all new modern carwashes do but I mean sometimes I look at it, understand there's a car dealership across the street you know all those cars are parked there along the street it's not really inviting for pedestrians.

Sheppard asked Andrew the entry areas are off of 3<sup>rd</sup> and off of Gore.

Zamora responded yes.

Sheppard asked and is there one off of 2<sup>nd</sup> Street also?

Zamora responded there is one off of 2<sup>nd</sup> Street currently, obviously trying to get through this, we would again conform to the openings or closings or moving openings we would need one off of

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3<sup>rd</sup> because cars would actually drive directly in here, The Chamber of Commerce is here so they would just go straight in.

Cavett stated currently I think there's two approaches off of Gore that we would be willing to close the one that works for us if not two just so Gore right there at the traffic light is a little bit easier. 3<sup>rd</sup> Street currently has one entrance we would like to see two and then the 2<sup>nd</sup> Street kind of dumps into the alley. That one not as important to us, we won't be come back around through the vacuums once they leave the carwash. We are trying to focus some of that traffic back off of Gore and 2<sup>nd</sup> Street.

Sheppard stated so basically, we'd have them entering off of 3<sup>rd</sup> two entry and exits.

Brox asked how many employees per location? Eight?

Cavett responded total? A site like this probably about seventeen.

Sheppard asked do you guys remember when we revised that latest use permitted and took away the executive director's ability to approve things? We had an opportunity to approve additional uses we chose not to including this one. Do we have a motion of some kind? I'm inclined to let it go to the next level.

Cross stated I second that.

Purcell responded what was your hope?

Sheppard stated I'm inclined to let go to the next level since the uses are not permitted here. The use is permitted here, I'm inclined to decline it and let it go to appeal process.

Purcell stated me too.

Cross stated the only thing I see is the vacuuming at the front, which can be in the back but that's the different.

Sheppard I just keep thinking we are trying to get people to build and to live down there this is not one of the things that would be there, hopefully we can get something better.

Cross stated I was looking at this document and on number fourteen it says community recreation isn't washing cars community recreation.

Brox and Shephard stated absolutely.

Cavett stated it is. They spend their entire two-hour trip to the carwash.

Brown stated typical uses for that are golf courses, club houses,

Cross responded that's typical.

Brox stated the use for that is typical.

Purcell asked for your recreation can you come wash the cars at my house please?

Brown stated for real.

Cross responded can I wash my truck?

Purcell stated yeah, sure.

Cross said I'll be there.

Brown stated I'll drop mine off too.

Cross responded bring it on. I'll get Greedo and the boys to come help me.

Sheppard stated ok, give me some kind of motion we can act on.

Purcell asked what exactly are we being asked to do here? To approve the acceptance?

Brox stated that what the motion is.

Cross stated the motion is to deny and let it go on

Purcell responded yes.

Sheppard stated we don't have a formal motion yet.

Cross stated I make a motion that we deny his request and he go on to the next level for appeal

Brown stated so the way this is written is the appeal process we have is for DLARC not LURA. So, if you guys deny it then there is no next step. I've been talking with Greg to make sure that we are correct on that. That's the way it is. If you find it consistent with Urban Renewal Plan, then it goes on to CPC and council otherwise it stops here.

Sheppard responded ok, thanks for the info. You sure about that Greg?

Gibson stated well, I tell you what you what. It's a piece of code I'm not crazy about the way it's written, but just a plain reading of it that is the way it's written.

Sheppard responded okay.

Purcell stated I'll make a motion that we deny the application for a use permitted on review.

Sheppard stated we a motion, do we have a second? No second?

Brox stated I'll second it.

Sheppard asked any other questions or discussions?

**Motion by Purcell, Second by Brox,** deny the application for a Use Permitted On Review. **Aye:** Purcell, Sheppard, Brox **Nay:** Cross **Motion Passed**

Sheppard stated sorry gentlemen thank you for the effort, we appreciate you coming to town. We appreciate you coming to town.

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

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Gibson stated that's me.

Brown stated thank you.

Purcell stated we're looking forward to the one you're building on Ferris and Sheridan. It's going to be good.

Cavett stated we are working on it.

Gibson stated the open meetings act everyone's favorite thing.

Brown stated you only have to listen to it once because you're two boards you only have to do it once.

Sheppard asked is this required by the state. Is this called continuing education or something.

Brown responded the City Managers and the Mayor have determined that all boards need to

Sheppard stated educated.

Brown stated educated.

Gibson stated this is not targeted this body but everybody. Every board every committee, every trust authority.

Burk stated Greg I'm starting to feel targeted because I've already heard this.

Schlecht stated I've heard it a couple of times too.

Brown stated welcome to the club.

Purcell stated you're the one so said you wanted it; you got it.

Gibson responded I will try not to refer by name as I go through this. So, this is going to be brief an eye level summary. The act is in Title 25 of the Oklahoma Statutes and its section 0-1-3-14 it's small and carries a big punch. It's all about transparency. It's all about doing things so that the public knows what is going on, and not doing things behind closed doors basically. Some high points really, it does apply this body, I think the key thing that comes out of this is kind of 3 points one of them is notice. I don't have a problem with notice we give now we do a good job of it. You must give notice of your meeting. You can't suddenly call them except in certain circumstances. I don't see there are four types of meetings regularly scheduled meeting, special, emergency meetings, and executive session. Continued and reconvene meetings are another kind of executive sessions. I think regular and special meetings are going to be the ones we deal with here. Regular meetings the one we had back in December I think it was or maybe it was before that I'm not sure. Scurrying in December to get they're meetings done for the next year we've already got them done and noticed. Everyone knows when the meetings are going to be held. Special meetings need 48-hour notice with time and place so that excludes Saturday Sundays and state holidays. So, if you must have a special meeting, again you are well represented here, we've got this covered. You get that notice out and you to provide an agenda 24-hours before the meeting. That leads me to my second really import maybe the most important topic we've had

more corrections to do in this area than any other I believe and that's the agendas. So, the agenda is key to the meeting. It lets, the public might know that a meeting is being held but they don't know what is being talked about, where it's held, who's going to be there, if they are supposed to be there unless we provide them with an agenda that gives them that information. You cannot take any action that is not on the agenda you can't really talk about things that are not on the agenda. We could have comments from the public, we'll talk about that in a minute. The key to a good agenda is really to, this is straight from the statute, must contain specific information to the public to identify the items of business and purpose. If you say we're going to receive a report from Susan, you receive your report you can discuss with her a little bit, but you can't take any action, you can't say hey we're going to vote to move some of that money around right now you can't do it because it wasn't on the agenda. It's basically an action that can be reversed and you might have to come do it again something along those lines. If you want to cover your bases there are some magic words, we sure use a lot and that's receive a report from Susan, take action as deemed necessary something along those lines. I think mostly these agendas look really good I don't have a problem with it. Have to record votes and we do; votes have to cast in public so again that's part of the transparency, so they know for sure that Mr. Purcell does not care for the carwash.

Purcell stated I made that pretty clear.

Gibson responded I got an inkling of it.

Purcell stated I made that very clear to someone who called me, they didn't say they wanted me to vote for it, but I made it clear probably wasn't going to.

Gibson responded that's the reason. We keep these things out in the open transparent. Here's an interesting thing I didn't know till I really dug into this thing public comments, I think there is a thought that public comments are required, and they are not. No body no board is required to offer the public an opportunity to comment off the agenda. Most do. Can it be positive yes, I was at a Parks & Rec meeting a woman came and it was time for public comments she told the Parks & Rec committee something they didn't know something they were not aware of. So great. Now that was great up till that point, but they went crazy trying to take action we kind of had to reign that back a little. You're not required to have public comments but if you do and it's not on the agenda so you can't take business off of it you can't take any action off of it. I think the Mayor handles it perfectly when he has public comments, he just says thank you very much. That doesn't mean if someone came in here and had couple of comments and you knew Dewayne could solve it, you would not be out of line thank you for coming let me get you over to speak with Mr. Burk because it's not you are taking action it's just you steering them to someone that might give them a hand. We see that a lot, Charlotte you get a lot of those because of the whole dilapidated situation they don't know what to do go talk to Charlotte, Jon, or somebody. That's really the main points of the open meetings act. One thing we'd also like to add onto this is because it was a bit of confusion is if you don't have a quorum what can you do? And the answer is almost nothing. You can deal with the fact you don't have a quorum that's what you can do. Let's say we don't have a quorum today our recommendation is starting the meeting bring the meeting to order get it on record that you do not have a quorum. You can decide if you want to

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wait fifteen minutes to see if a quorum gets here or do we want to stop it now, how we want to proceed in that manner. Let's say you wait fifteen minutes, and no one shows up, that's it meeting adjourned we don't have a quorum meeting adjourned and here comes the person the makes the quorum running up at the last minute, too late. Once you've adjourned, you adjourned. It's done you'd have to post notice and go for the next one.

Sheppard asked can I ask a question, as I understand if a quorum of us is present, and the meeting as not been called to order that we are actually in the meeting because we were discussing a particular subject that may come up.

Gibson responded that's good question and it's kind of tricky. I would say if you have a quorum of you here but you're not talking business that's okay. If you have a quorum somewhere and you're talking business that's not ok.

Sheppard stated alright.

Gibson stated I've seen some case law on that one where the University of Oklahoma Regents they were having meeting an all-day meeting, but they decided to appointment someone to a position over lunch. It wasn't on their agenda they actually didn't have a quorum when they did it, those kinds of things come up. It is a tricky deal if you guys are over at Mr. Cross's house and he's helping wash everyone's car

Purcell stated as long as we don't discuss any business it's fine.

Gibson stated as long as you don't discuss business its fine.

Cross asked is it business? Or is it agenda items?

Gibson responded I'd almost switch those out interchangeably. I'd say thing that would be business or possibly on an agenda item you can't discuss it.

Cross stated okay.

Purcell stated the other thing about that I thought you would discuss more that usually has more implications than anything else over the years. Let's take this group there's five of us on this group if one of us calls one person to discuss whatever that's okay, but the minute of those two people calls a third person now we are in violation of the open meeting act.

Gibson stated exactly and that goes to email. I think Joe Don you managed to step in and stopped something from happening.

Cross stated as long as you get one.

Brox asked you're not supposed to reply all on emails anymore?

Purcell responded that's just about the meeting.

Brown stated you can't discuss anything on the agenda, with everyone via email.

(Cannot discern audio people are talking over each other)

Gibson stated one other thing kind of along the same lines happened to us last week I think if you barely have a quorum and one of you gets up and leaves you no longer have a quorum.

Brown stated you have to wait.

Gibson stated you just kind of have to sit tight and wait for them to come back. Did that answer your question?

Cross responded yes.

Gibson stated that's all I've got unless you guys have some more questions.

Sheppard stated any questions? Thank you.

Gibson responded you're welcome. If something looks like it's going to come up call us call John and we'll figure out how to deal with it. There's a lot of things in I could bore you with detail and who would remember it I don't.

Brown stated if you want the boring details, we are more than happy to send them to you.

Sheppard stated I will with us being commoners and not familiar with this as Legal is, we rely on you two ladies, and staff to keep us straight on this. So, the way you agenda items is very important.

Dunham stated I'll just chip in my two cents worth the way I see it violated more times than not is emails. People reply all and that gets you in trouble more times than not.

Sheppard asked alright, is that it.

Gibson responded yes sir.

**7. Receive a Financial Report for the months November, December, and January from Susan Schlecht and take action as necessary.**

Schlecht stated looking at November our cash has decreased by \$1.20 and of course that is the regulatory fee as well as the interest, that is net decrease for \$1.20. And we also had below on the accounts payable have a \$3800 check that has not been cut yet it's an invoice and not a check yet it's still a payable and that is for an audit we had. That takes our total equity for the month of November to \$720,020.92 and that's all that is on this particular balance sheet. You can turn it over to the profits and losses sheet. Our interest income was eleven cents, and our bank service charge was \$1.31. You can see that \$3800 there for professional technical services. To a net income of negative \$3,801.20. Any questions on the number? Okay. These are all one item on the agenda, right?

Brown responded right.

Schlecht stated we'll go on to December 31 now so our cash at this time because of the \$3800 check that went through it has decreased by that it would be the \$3800 plus the regulatory fee

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and the interest which is a negative \$1.04. That brought our cash to \$ 9518.39. We are going to go down and look at our fixed assets as of December 31<sup>st</sup> it was \$244,109.24. Our receivable from LEDA Lawton Economic Development Authority \$568,657.79. I also want you to come down to our long-term liability which is payable to the City of Lawton that's \$102,265.54 and our total liability for liabilities and equities is \$822,285.42. The reason I am pointing those out is because it's going to be considerably different for January, so I wanted to get all those numbers back into your mind since we haven't talked about them in a while. Our profits and loss statement for December has our interest income at .09 cents and regulatory fee at a \$1.13 brings us to a negative net income \$1.04. Everybody good on that one? Anybody have questions on here? So, we're going to move to January. In January LURA has the benefit of two things changing on the balance sheet to the good. We'll start with our cash first of all. Our cash jumped up to \$64,513.67 this is due to the \$55,000 check we received and there is also a regulatory fee of \$5.13 and our interest is 0.41 cents so that gave a net increase of \$54,995.28 in our cash. Moving down to our land fixed assets on the balance sheet that is now \$109,655.93 its negative \$134,453.31 that is for the land sale. So that is the value of the land that was removed, the book value. Moving down to our receivable from LEDA the decreased by \$102,000. Which brought it to \$466,392.25 and that's again to the LEDA land transfer to the city. And move down to our long-term liabilities payable to the City of Lawton is now zero dollars. So, it's a wonderful feeling. Also, down on our equity is now \$640,561.85. Anybody have any questions on the balance sheet?

Cross asked what was the land sold, I thought one of them sold for \$60,000?

Brown responded so that was the LURA lots. We finally closed on the properties and received the money so we had a \$6,000 earnest money so they paid another \$54,000, \$55,000.

Sheppard stated 61 lots at \$1000 apiece. We received a down payment of \$6,000 and the fifty-five is there.

Cross responded okay.

Brown stated and the \$102,000 she is talking about that was the payable was the landfill fees that we owed the city from the demolition of 2<sup>nd</sup> Street so LEDA, LURA, and the City of Lawton did a three-way MOU so those have been wiped off the books.

Schlecht responded yes.

Purcell stated I always have a problem with this I know I asked this, how come you said we had an increase in cash so something came in?

Schlecht responded yes.

Purcell asked why is not that not showing up in profits somewhere?

Schlecht stated as revenue. Right. On land you either have a loss or a gain you don't have a revenue and an expense. In this case we had loss. This loss was substantial it was about \$73,000 loss on the property exchange to remove it from the books. So, you don't show a revenue, but you do see a loss on the income statement.

Purcell asked explain to me how on December 31 we had \$9000 whatever in the bank. And how all the sudden on January 31 we have \$64,000. Something came in.

Schlecht responded right. So, you're looking at cash and the cash in the form of a check was put into the bank which increased the actual cash.

Purcell stated okay, but what was that check for?

Schlecht responded it was for the sale for the lots of the land. That we had.

Brown stated the Lawton View lots.

Schlecht stated all of these lots were sold here.

Purcell stated but why doesn't that show up?

Brox responded because we took a loss on it.

Schlecht stated it does show up on under your land if you look at December which is an asset.

Purcell stated right.

Schlecht responded \$244,109 so that asset decreased by the book value of the land. So decreased by \$134,453.31. So, you have your decrease in your asset there and an increase in your cash asset.

Purcell stated I see what you're doing now.

Schlecht continued and your loss will come through your net income. Your net income has been adjusted. So that seventy if you look here in your income profit and loss your negative \$79,458.03 that's where your loss is and so that loss comes over to your balance sheet through the next income and that's where they're all showing.

Purcell responded alright, gotcha.

Schlecht asked were there any other questions? No, okay.

Sheppard asked a motion to accept the cash reports.

**Motion by Cross, Second by Brox,** to approve the Financial Report for the months of November, December, and January. **Aye:** Purcell, Sheppard, Brox, Cross **Nay:** None **Motion Passed**

**8. Consider approving a 60-day extension for the Contract with Builder Investment Group for the purchase of LURA lots located at 2<sup>nd</sup> and C Avenue.**

Brown stated so back in September this one kind of fell by the wayside, you guys gave Janet the authority to negotiate with Builders Investment Group about the Lawton View lots for the 2<sup>nd</sup> and C lots, she came back with \$40,000. It was a 60-day contract, and we are obviously past that now so we either need to approve it I do not have a closing date I do not know when they are set

to close on that. I have also been contacted by the Chamber of Commerce I was at a meeting Friday, and they are very against the condos going there. They would rather have a commercial development and Jacob; I think you sit on the committee as well.

Brox responded I do.

Sheppard stated dually noted. That's all I'll say.

Cross stated let me go back to the Lawton View lots I thought we were getting \$60,000.

Brown responded we did. We got \$6,000 back in June July somewhere around there as earnest money and then they actually close in December we got the other \$54,000.

Cross stated but I thought you said someone gave us \$40,000.

Brown stated not these are the 2<sup>nd</sup> and C lots.

Cross responded okay I'm back now.

Brown stated these are for the 4 town that they want to build there. The two story.

Sheppard asked they still want the property, correct?

Brown responded yes.

Sheppard stated so all we have to do is extend the contract and they're will to execute?

Brown responded yes.

Brox asked what's taking them so long?

Brown responded I think they were working on the Lawton View lots and now that they've finally got that done this is their next priority.

Purcell asked they're still planning to build.

Brown responded yes.

Sheppard asked so we have a motion to extend.

**Motion by Cross, Second by Purcell,** to approve a 60-day extension for the contract with Builder Investment Group for the purchase of LURA lots located at 2<sup>nd</sup> and C Avenue. **Aye:** Sheppard, Cross, Purcell **Nay:** Brox **Motion Passed**

## **9. Commissioner's Reports.**

**None**

## **10. Secretary's Report**

Brown stated CPC, I know this is a DLARC thing, CPC did not uphold your recension on 308.

Sheppard responded I saw that.

Purcell stated they made it very clear; the chairman of CPC made it very clear that this was not a precedent setting action.

Brown stated yes, he did.

Purcell stated Dewayne did a very good job, I went to the meet now I didn't say anything in the meeting, Dewayne did a very good job explaining to them on why we voted the way we voted. But CPC couldn't get over the fact the city had approved it and therefore once the city approved it, they didn't want to take it back. The petitioners were guilty of having it done prior to getting any approval. And that was one of the reasons the city approved it. It was already done. So, they were between a rock and a hard spot to.

Brown responded Kameron had conversation with the property owner Tiffany Walker after CPC because I went back and did some research after the DLARC meeting and we have not issued them a Certificate of Occupancy. They had a temporary to finish up a few plumbing issues and stuff, so he let her know hey your contractor needs to finish it. She has also gone sideways with her contractor. I don't know if it is because of this or what so they are moving forward trying to get those other things taken care of.

Sheppard stated and we still have a wood fence behind it.

Brown stated yes.

Sheppard stated thanks for the report.

Brown asked do you want to cancel the meeting, the regular meeting for February.

Sheppard responded yeah; I don't think that is a problem.

## **11. Comments from the Public**

Sheppard stated no public here to comment, ok good. Anything else?

Brox stated I have something; nothing makes me more upset than these investors out of town investors coming to the meeting saying they had no idea about the overlay district before purchasing it would have changed their mind. What are we doing to prevent this?

Brown responded we are working with our GIS Department to include it in our zoning maps online.

Brox asked why can't you go plaster it on the door of every commercial realtor here? Johnny Owens knew it, why?

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Brown responded and that's why nobody. And we've talk to everybody who would've had a contact with them, and nobody had ever talked to Johnny or anybody until after they already, until after the sign got put up. They never called or anything. I spoke with the Mayor of Wichita Falls; his father-in-law is involved in this. So, I explained the situation and sent him a copy of the whole Civic Center stuff and said you know this is where it is and what it is, and he was like okay I understand.

Brox stated it makes us as a whole look like we have no idea what we're doing.

Brown responded we're working with IT also to get our Urban Renewal stuff on the website. Right now, our binders are about all we have. It's not on the website.

Brox asked, have you all sent anything to the commercial and residential realtors? In the past?

Brown responded no we have not. Not that I'm aware of.

Brox stated well email? Here's the district.

Sheppard stated can you mail them a notice and say this is your official notice, please. From now on they're aware.

Brox stated (cannot discern audio)

Brown responded yes; we can send them maps to them as well.

Purcell stated but how much of what they don't know, or they know but they just want to disregard because they have been doing this for at least 25 years that I know of, they do it to council. Someone goes and does something they know it's wrong, they spend money and then they come to council and say of I spent all this money and council says oh okay you shouldn't have done it, but we are going to leave that building that you built that you shouldn't have building on an easement that until such time that this city says you're the example we're going to make I'm sorry it's going to be you but you're going to tear down that \$10,000 building you built on an easement everyone else will immediately get the message and we won't have any more like this. But until we do that it's never going to happen.

Brown responded right.

Purcell stated its goes through what we see here, it goes through the city council, and it's been doing it for years.

Sheppard stated while we are here, I would like to have a discussion about the appeals process going to DLARC. I wasn't aware of that, and I think we need to be.

Gibson responded yeah, we talked about it at length.

Brown stated yeah, we did.

Gibson stated its one of those things where, geez I don't like the way it's written. Keep in mind I'm an ex-software developer I things that say if a then b if c then d else e. I want to know what is happening every step along the way. This particular piece of code it only addresses the fact if

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you approve it, it goes to CPC. There's no other mention of what happens if you disapprove it, so just reading that kind of statement leaving out the second half. If you approve it goes to CPC, which says to me if you don't approve it doesn't go to CPC.

Brown stated right.

Gibson continued, it's not truly an appeal it would be in this case.

Sheppard stated maybe we need to change the wording.

Brown stated yeah, that's why

Gibson stated I can see that. I'd really like to see that.

Sheppard stated something like that.

Brox stated we need to be a lot more stricter on approving anything because everything that gets appealed in DLARC it always gets approved almost one hundred percent. it means nothing to us to disapprove it.

Gibson stated I would like to see that.

Purcell stated DLARC, if we disapprove something under DLARC it to approval through CPC now.

Brown responded right. It used to go to the Board of Adjustment. You can't leave Jesse.

Sheppard stated only one of us can leave. You have to go second.

Purcell stated if DLARC disapproves something it goes to approval at CPC.

Brown stated yes.

(Cannot discern the audio to much background noise)

Purcell stated that if LURA disapproves something, that's dead.

Gibson stated the Use Permitted on Review right and you don't mean that its consistent the actually uses that are listed. If you disapprove it at that point again it's kind of the way it is worded if you approve it then it goes to the next step, which is CPC. And so, from that I read so you have to kind of say one way or another so I kind of have to read if you don't approve it, it doesn't go to CPC.

Purcell stated got it. Why does it go to CPC if we approve something?

Brown responded because the normal Use Permitted on Review process is CPC and Council.

Purcell stated ok

Brown responded yes.

Gibson stated since it's the overlay its go one extra step where you guys have (cannot discern audio)

Purcell stated so if we approve it that it goes to CPC and then if CPC approves it, it goes to city council.

Brown stated so CPC

Purcell stated if CPC disapproves it still goes to council

Gibson stated correct.

Brown stated so CPC is just a recommending body.

Gibson stated I would like for that to be rewritten. I really would. Just so that we have it.

Brown stated we'll add it to my list.

Gibson stated ok.

Brox stated it's a legal problem (cannot discern audio to much background noise)

Purcell stated why don't we fix the problem going from and maybe we have, and we took it from DLARC to the excise board which they overruled whatever we did.

Gibson stated yeah.

Purcell stated now it goes to CPC. I think CPC is probably more understanding they got caught in a bind on this, I understand that. It just didn't get through to them that there was some guilt on the part (cannot discern audio) It might not have been their fault. It was the fault of the guy they hired to (cannot discern audio)

Gibson stated they took it really hard. They were taking it very seriously, it weighted on them.

Brox stated I move to adjourn.

Cross stated second.

## **12. Adjournment**

**Motion** by Cross, **Second** by Cross, to adjourn the meeting. **Aye:** Cross, Brox, Purcell Sheppard **Nay:** None **Motion Passed**

With no further business the meeting was adjourned.