

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 10, 2012 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch
Presiding

Also Present:
Larry Mitchell, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Paul Hossenlopp, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor John Dunaway, Abundant Life Christian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bill Shoemate, Ward One
Michael Tennis, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Rex Givens, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF DECEMBER 13, 2011.

MOVED by Wells SECOND by Burk to approve the minutes of Lawton City Council regular meeting of December 13, 2011 AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Jensen requested item #1 be considered separately. Mayor Fitch requested item #6 and Wells requested items #10 and #12 be considered separately.

MOVED by Burk SECOND by Zarle to approve the consent agenda with the exception of items #1, #6, #10 and #12. AYE: Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Elijah and Esquella Grant in the amount of \$1,322.15 (**Res. 12-01**), Linda and James Mashburn in the amount of \$84.35, Albert and Edith Bragg in the amount of \$75.00 and Galen Gossett in the amount of \$25,000.00. Exhibits: Res. 12-____, Res. 12-____, Legal Opinions/Recommendations.

Jensen requested the council strike the last claim of Galen Gossett. Mr. Gossett has asked to keep his 2011 Silverado pickup. Staff will review the claims memorandum and bring it back to the council at the next meeting.

MOVED by Burk SECOND by Shoemate to approve all damage claims excluding the claim of Galen Gossett in the amount of \$25,000.00. AYE: Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall. NAY: None. MOTION CARRIED.

2. Consider adopting a resolution approving the settlement by a joint petition and making payment in the workers' compensation claim of William Carpenter. Exhibits: **Resolution No. 2012-02**.
3. Consider accepting a grant of \$1,000 from the Oklahoma Humanities Council to support the 2012 Lawton Soulful Story. Exhibits: None.
4. Consider accepting State Aid for Libraries Grant of \$50,612 from the Oklahoma Department of Libraries for FY 2011-2012. Exhibits: State Aid agreement on file in the City Clerk's office.
5. Consider approving contracts for 'Children's Art Studio', Spring 2012 semester for Steven Scott Smith (\$ 600), Kenneth Hobbs (\$ 495), Catherine Daugherty (\$ 240), and Krista Clavon (\$ 240) instructors for the program. Total amount for fall semester stipends is \$ 1,575.00. Exhibits: Contracts on file in City Clerk's office.
6. Consider approving the contract for the emergency notification system Everbridge. Exhibits: None.

Jensen stated staff has received a letter from an unsuccessful bidder on this contract. He stated they are complaining that they were not given fair consideration because we considered other bids and the fact that the other bidders were going to provide unlimited minutes as part of their package. He stated every bidder was given the chance to offer free or unlimited minutes.

Chief Ronnie Smith, Lawton Police Department, stated RFP's were sent out. He stated four companies made presentations to staff. He stated staff agreed that Everbridge was the best proposal and the best value.

Wells stated since the City Attorney has indicated that the contract has met all legal requirements, he is inclined to support staff's decision.

MOVED by Wells SECOND by Shoemate to approve the contract for the emergency notification system with Everbridge. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

7. Consider approving Change Order # 8 for the Rehabilitation of Old Lawton High School Phase IV. Exhibits: Architect's Change Order No. 8, dated November 30, 2011.
8. Consider setting the date of February 14, 2012, to hold a public hearing to close the 20-foot alley adjacent to Lots 12 – 16, Block 9, Industrial Addition, and the 5-foot alleys between Lots 12 – 16, Block 9, Industrial Addition, located approximately at 101 SE D Avenue. Exhibits: Application and Location Map.
9. Consider approving the construction plans for an 8-inch waterline and a fire hydrant to serve Jim Norton Toyota used car dealership located at 7202 NW Quanah Parker Trailway subject to conditions. Exhibits: Location Map.
10. Consider approving plans and specifications for the SW 2nd Street Enhancement Phase IV Project #2011-4, authorizing staff to advertise for bids and authorizing funding from the 2008 CIP and the 2012 CIP. Exhibits: None.

Wells stated in the past when they talked about the \$600,000 grant, he asked if we had the money for our portion and he was told yes. He stated we are going to spend \$2.6 million for 2 ½ blocks on the end of 2nd Street that is not even being developed. He stated \$2 million is from the CIP programs to include the 2012 CIP. He knows they have money for the second half of 2nd Street in the CIP which was approved, but now they are going to take money out of the mill and overlay. He stated for \$2 million they can do the mill and overlay from Gore all the way out to 38th Street and from 52nd Street to 67th Street on Cache Road, which is a couple miles of road versus 2 ½ blocks. He is disappointed that we are going to try to use 2012 money for this.

MOVED by Wells SECOND by Zarle to disapprove.

SUBSTITUTE MOTION by Givens SECOND by Haywood to approve plans and specifications for the SW 2nd Street Enhancement Phase IV Project #2011-4, authorizing staff to advertise for bids and authorizing funding from the 2008 CIP and the 2012 CIP.

Mitchell stated if the council votes this down, they may run the risk of losing the ODOT grant money that we secured for all three phases of 2nd Street. We went through a grading process and the reason we are doing the south portion of 2nd Street is because that is how the state graded the work. If we don't do the south portion of 2nd Street first, we may lose that \$600,000 and we may also lose the \$600,000 for the north portion of 2nd Street.

Givens stated it is crazy to just do the middle section and not finish up the whole project.

Wells stated this is for the far end that is not even being developed yet. He stated most grants are 80% and we do a match, this is 20%. He stated \$600,000 is nice but \$2 million on our other roads would be very valuable for our citizens.

Burk stated they cannot afford to lose a \$600,000 grant. These grants are not easy to get. He stated spending \$2 million is a lot of money but ODOT picked that portion and that is what they want us to do. He feels they need to move forward with the process.

Givens stated we are still trying to secure money for the north entry and Commissioner Brad Burgess is helping with that request. All these pieces go together with what the city is doing along with what ODOT wants to do.

Haywood stated he agreed with Givens. The north end needs to be completed because of the hotel/conference center and all the other development that will be there.

Tenis stated this enhancement would be important to those businesses who are interested in coming downtown.

Bellino-Hall stated she believes the community is very concerned about 2nd Street in that we are spending funds instead of doing streets and overlays in the rest of community. She stated the street are unbelievably bad and she feels the community is going to have some concern over the council taking this kind of money and putting it on 2nd Street when they haven't seen anything come out of the ground yet.

Mayor Fitch stated he feels they need to go ahead and get it done. It is part of the overall downtown revitalization and it is important to this community. This revitalization will increase the tax base. He stated they did address \$50 million in streets in the 2012 CIP.

VOTE ON SUBSTITUTE MOTION: AYE: Haywood, Shoemate, Tenis, Burk, Givens. NAY: Wells, Bellino-Hall, Zarle. MOTION CARRIED.

11. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: southbound SW Sheridan Road in advance of the intersection with SW Lee Boulevard; eastbound and westbound SE Warwick Way near the Carriage Hills Elementary School; eastbound and westbound NW Santa Fe Avenue near NW 47th Street for the Ridgecrest Elementary School; and on northbound NW 44th Street north of NW Meadowbrook Drive. Exhibits: **Resolution No. 12- 03** and Traffic Commission Minutes and Traffic Issue Requests.
12. Consider adopting a Resolution of Necessity for real property acquisition for the Nine Mile Creek Sewer Line Project #2008-2. Exhibits: Resolution 12-__ and Map of project location. Exhibit "A" (legal descriptions) are on file in the Engineering Division Office.

Well stated he thought this was included in the 2012 CIP.

Jerry Ihler, Public Works Director, stated there was \$3 million for design and right of way acquisition in the 2008 CIP.

MOVED by Wells SECOND by Burk to adopt a Resolution of Necessity (**Res. 12-04**) for real property acquisition for the Nine Mile Creek Sewer Line Project #2008-2 AYE: Wells, Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood. NAY: None. MOTION CARRIED.

13. Consider approving the agreement for receiving pre-treated wastewater at the Wastewater Treatment Plant from the City of Geronimo and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Agreement (On file with the City Clerk).
14. Consider awarding contract (CL12-017) Automated Side Load Refuse Trucks to Bridgeport MFG of Bridgeport, TX. Exhibits: Department recommendation, abstract of bids, price sheet.
15. Consider approving appointments to boards and commissions. Exhibits: None.

Mayors Commission of the Status of Women

Brandi Jones
Ward 4
3011 E Gore Blvd, Apt 224
Lawton, Oklahoma 73501
Unexpired Term 09/14/12

Shelley Hossenlopp
Ft. Sill
462 Hamilton Road Suite 120
Fort Sill, Oklahoma 73503
Unexpired Term 09/12/2012

Lucy Laird
7113 SW Cherokee Circle
Lawton, Oklahoma 73505
Unexpired Term 06/23/13

Christi Chambers
1515 NW Lake Avenue
Lawton, Oklahoma 73505
01/10/2014

16. Consider approval of payroll for the periods of December 25, 2011 – January 8, 2012.

NEW BUSINESS ITEMS:

17. Consider an ordinance pertaining to consumer fireworks amending Section 7-11-1101 through Section 7-11-1-1106 and repealing Section 7-11-1-1107 through Section 7-11-1-1120 of Division 7-11-1, Article 7-11, Chapter 7 Lawton City Code, 2005, by redefining the scope of the Article; by adding and amending the definitions of certain terms to include “consumer fireworks”, “display fireworks”, “distributor”, “fireworks”, “manufacturer”, “novelty”, “permit holder”, “public fireworks display”, and others as needed; by clarifying prohibited and required activities relating to fireworks; by providing new regulations for public fireworks displays; by authorizing punishments and seizure of fireworks for violations of the article; by providing for severability and for an effective date. Exhibits: Ordinance 2012-_____.

Chief Bart Hadley, Lawton Fire Department, stated in August the council was told that staff would be looking at making some changes to the code because of changes in state law. Staff asked the council if they were open to looking at some additional changes to include the selling of fireworks within the community as well as possession. Current code prohibits the discharge of fireworks in the city of Lawton. Under the current section of code, it is extremely difficult to cite violators who illegally discharged fireworks. An officer would have to personally witness an individual in the act of lighting and discharging fireworks before being able to issue a citation. This ordinance also prohibits the retail sale of consumer fireworks, as well as the possession of consumer fireworks by a consumer. There is a lot of illegal discharge that goes on in the community particularly around July 4th and the primary reason is that the community assumes that if you can buy them in the city limits it is legal to discharge them as well. Additionally, of the top ten Cities in Oklahoma, only one other city allows the sale, possession or discharge of consumer fireworks. He stated a revised version has been distributed. The version that was originally printed in the agenda packet did make it illegal to sell or possess in the city of Lawton but because they left in the ordinance the ability for a wholesale distributorship, they left consumer in that section which would indicate that the wholesalers would be allowed to sell to a consumer as well. In section 1102 the word “consumer” is deleted from the definition of wholesaler and who they would be able to sell to and in section 1103 added the word “wholesaler” to those who are prohibited from selling directly to consumers. The ordinance as presented struck the portion that allowed the council to designate a date and location for discharge of the fireworks.

Haywood questioned if the county allowed the sale of fireworks.

Chief Hadley stated yes. He stated residents would still be able to buy them and discharge them within many areas of the county. He stated it would be up to the council to designate a location to discharge such as areas at the lake. He stated if they did designate an area at the lake there would be a \$12,000 cost associated with clean up of the area by parks and recreation staff.

Tenis questioned if this was Lake Lawtonka.

Chief Hadley stated yes.

Tenis stated the clean up should be the responsibility of the gentleman that leases the concessions at the lake. It has not been done that way, but they have had that discussion.

Shoemate stated that is at School House Slough, it does not affect Robinson’s Landing, city staff cleans that up.

Mayor Fitch stated they discharge on property that is owned by the city and it is our responsibility.

Shoemate stated he believes we have been cleaning up all of it, even around School House Slough, even though the lease states that Mr. Waller is responsible for cleaning up the area he is leasing.

Kim Shahan, Parks and Recreation Director, states that Mr. Waller attempts to take care of the areas that are similar in nature to general operation days and clean up. Parks and Recreation staff takes care of those areas that are designated for fireworks activity at a cost of approximately \$12,000, which includes both lakes.

Shoemate stated they shoot fireworks everywhere, not just in designated areas.

Haywood stated even if residents buy the fireworks in the county, what will prevent them from shooting them off inside city limits.

Chief Hadley stated that is one of the problems with the current ordinance, it is virtually impossible to enforce. The way it is written it is illegal to discharge within the city of Lawton but it has to be committed in the presence of the officer before he can write a ticket. He can only write a ticket if the officer sees someone light the fireworks. The other problem is that the officer cannot confiscate the fireworks and that is why other communities have adopted this similar ordinance. By banning the possession as well, even if the officer does not see the illegal discharge, they can still write a ticket for possession of fireworks and confiscate those fireworks.

Haywood questioned what other cities have this ordinance.

Chief Hadley stated most of the top ten cities in the state, Oklahoma City, Tulsa, Norman, Edmond, Moore, Midwest City, Enid, Stillwater, the only other city that does not have this ordinance already is Broken Arrow. They do allow the sale of fireworks in their community but they also allow the discharge.

Mayor Fitch stated in Broken Arrow the residents have to buy a permit if they are going to discharge fireworks, otherwise they would be illegal.

Chief Hadley stated yes, they use this as a revenue source. He stated they raised approximately \$36,000.

Tenis stated that would go a long way in cleaning up the property at the lakes.

Shoemate questioned how much we would lose in taxes with King Fireworks.

Chief Hadley stated in 2011 there was no sales tax collected because of the burn ban. Previous years have averaged \$5,500 to \$5,700.

Givens stated there is a lot of cash involved.

Mitchell stated that is just local tax, they also pay state tax.

Burk stated he hates to hurt local business. He understands it is a pain to chase these things down and clean this up, but it is hard enough for a business to survive without cutting their livelihood. He stated local people work in these stands that provide income for their families

who in turn buy things in Lawton. He would like to see them do something along the lines of Broken Arrow and charge \$20 for a permit rather than put all of these people out of work.

Shoemate stated there are a lot of boy scouts and school groups that use these stands as fundraisers to support their programs and those would be cut. He does not want to see that happen.

Tenis suggested that people have to purchase the permit before they can buy. You collect the money first.

Burk stated he believes they get the best of both worlds if they do a permit scenario and maybe limit more to some areas at the lake. He stated it has gotten out of control at the lakes. He cannot support totally eliminating those businesses.

Mayor Fitch stated he does not believe, based on reported sales tax, that these people are relying on this as their income for the year.

Burk stated but they would push these businesses out in the county where Cache and Elgin are going to collect the sales tax and Lawton will not get a penny.

Mayor Fitch stated it is obvious that we are not collecting all the sales tax now.

Burk stated with the permits we would be collecting something.

Haywood questioned if Fort Sill allows fireworks.

COL Hossenlopp stated they can shoot them off for supervised special events like the July 4th public display but they do not authorize the sale of fireworks on Fort Sill.

Chief Hadley stated many communities have gone to organizing large public displays instead of individual ones.

Bellino-Hall stated as a physician, she has adversity against all fireworks in untrained hands. If you want to see injuries from fireworks you need to go to the emergency room. It doesn't make sense to her to have the sale of fireworks in the city and then prohibit the use. She cannot believe that families are dependent on this for their income for two weeks out of the year.

Tenis stated we sell firearms in the city limits but you are not allowed to discharge them either.

Chief Hadley stated these people could lease property outside the city limits. Many people would still go out and purchase fireworks regardless of where the stands are.

Haywood stated if people are still going to discharge those fireworks the city needs to benefit from it.

Chief Hadley stated he has to correct something he said, with this ordinance the council would still have the ability to designate a location.

Zarle stated they could use prisoners for the clean up.

Cindy Herriage, King Fireworks, stated her and her husband have been in the fireworks business since 1975. She stated they operate nine stands in Lawton and there are other companies besides King Fireworks. Their operators are honest, hard working, respectable, home owning citizens. They have church groups, boosters, cheerleaders, civic groups, bands and volunteer fire departments. They also hire about 20 college age students to work in the warehouse during the summer. She has sold fireworks since 1975 and to her knowledge there has never been a burn ban on the fourth of July in Comanche County until this past year. When the county banned the sale of fireworks last summer her company chose to close all of their stands in the county. They were not required to do that, but they did not want to encourage anyone to disrespect authority. It was a very costly decision but they felt it was the responsible thing to do. She stated they sell class 1.4 fireworks and since 1976 all of those fireworks have to be inspected by the Consumers Product Safety Council and they are inspected at least three times. She stated all fireworks also have to have a warning label that denotes how to use them and how to set them up. Since the CPSC has become involved in fireworks in 1975, injuries have declined 70% although fireworks consumption has increase 920%. Fireworks do cause injuries, but 99.98% of all injuries in the US are caused by something other than fireworks. Cooking is the primary cause of residential fires and smoking is the primary cause of fire related deaths according to the Center for Disease Control. She stated Thanksgiving, not the fourth of July, is the peak day for residential fires. She stated it is humans that are responsible for fires. The current ordinance was drafted in the late 1980's by an ad hoc committee comprised of council members, fireworks business owners and City of Lawton staff. Prior to that time fireworks were discharged in Elmer Thomas Park. They have signs in all stands that state that the discharge of fireworks in the city limits is illegal. They also have to hand out, per ordinance, a small slip of paper that states it is illegal to pop fireworks in the city of Lawton. They also post the resolution with the times and places that are designated for legal discharge. She requested that the council not consider this ban a viable option. She hopes they would look at passing a more progressive ordinance like the one in Broken Arrow in 2006. They have not reported any major fires or injuries. Other cities with similar ordinances are Mustang, Okarchee, Muskogee, Choctaw, Bixby, Glenpool, Sand Springs and Claremore. She requested that the council not approve this ordinance.

Givens questioned how many employees she has for the nine stands.

Ms. Herriage stated it varies, but there are probably at least ten employees at each stand.

Tenis stated it is naive to think that people are not going to shoot off fireworks in the city limits just because there are not stands here. He feels the permit is the right way to go. They can have a permit when they go to the lake, if they don't have a permit then the officer can confiscate the fireworks.

Burk stated they are not totally killing the sale of fireworks, they are getting the best of both worlds. In a year if they see it is not working they can look at it again.

Mayor Fitch stated there will be 90% less people going to the stands if they have to have a permit before they can buy.

Haywood questioned that if he wanted to go buy fireworks he would have to get a permit?

Chief Hadley stated in Broken Arrow you have to have a permit in order to discharge the fireworks. You can purchase them within the city limits without the permit, but you have to have the permit to discharge them.

Zarle stated if they want to buy them they will get them.

Chief Hadley stated their issue has been the enforcement side of the current ordinance. This ordinance would allow them to enforce the law that is on the book and he feels that what Councilmember Burk is suggesting would give them that ability too. Broken Arrow's ordinance would be difficult to enforce as well, but they would have to go check all of the firework areas. They have to specify on their permit where they are shooting them, but they can shoot them on their street at their home.

Burk stated he does not want that.

Haywood stated he would want them to go to a designated area to shoot them.

Burk suggested they table this ordinance and go back to look at what other communities are doing with these permits.

MOVED by Burk SECOND by Tennis to table. AYE: Shoemate, Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

18. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by SG Development, LLC to the Oklahoma Housing Finance Agency for property located at 7508 NW Quanah Parker Trailway. Exhibits: Resolution No. 12-____, Location Map and Site Plan.

Richard Rogalski, Planning Director, stated the City of Lawton has received a request from SG Development, LLC for a resolution of support adopted by the local governing body in accordance with Oklahoma Housing Finance Agency (OHFA) Chapter 36 Program Rules for Affordable Housing Tax Credit Rules Section 330:36-4-2 (b)(5) for a proposed new 80 unit senior housing project located at 7508 NW Quanah Parker Trailway. This project is located in between the Monte Vista Nursing Center and Tractor Supply. The Consolidated Plan for the period 2010 through 2014 indicates a shortage of affordable rental households in the City which are needed for the extremely low- and low-income families, placing the need for rental housing that is affordable for low- and moderate-income persons as a high priority. Also, the City of Lawton's residential housing market analysis conducted by the University of Oklahoma, Center for Business and Economic Development for OHFA and the Oklahoma Department of Commerce (ODOC) indicates a strong demand for affordable rental units in the community. In

addition, the Fort Sill “2005” family housing market analysis indicated that the City of Lawton’s affordable and adequate overall housing shortfall was estimated to be 2,788 units of quality housing in Comanche County that met DOD criteria in year 2004. That shortage was expected to grow up to 3,165 units in year 2010. There were two other applications that were approved by council this year, one on 45th Street and one on 11th Street. All of these applications will go to the tax commission for approval and it is expected that one or two or those will be approved. It is a very competitive process. He stated the property is zoned C-4 so apartments are allowed on this property.

Stanley Booker, apartment owner, stated they have had six major apartment repossessions in the past six years and that tells a little about where we are at. Repossessions happen when the income is not enough to make the payment to keep the property up. Rental property owners are concerned. He stated 2,286 is the number of new apartments. Currently 50% of the apartments are filled with military. He stated as soon as apartments open up on Fort Sill those families will leave their rental property in Lawton. He stated if this is the same minimum income level as the previous requests which would be \$18,000 and if 50% on their income is spent on housing, that would be \$750 per month and you could live in the nicest one bedroom apartment in Lawton. There are an abundance of apartments in Lawton under \$500 per month

Haywood questioned what area Mr. Booker lives in.

Mr. Booker stated he lives in Pecan Valley but he owns Paragon Apartments and Regency Apartments.

Haywood stated there are plenty of homes in Lawton where Mr. Booker could live, but he chose to live outside of Lawton, but yet he wants to come and dictate to the council what they need to do. People have the option to live where they want.

Mr. Booker stated he owns a lot of property in Lawton and he feels he should have a voice in what is going on in town. He believes this is an unfair advantage. There is not one property owner that could compete in this business if the government was giving a 90% tax credit to their competitors. That is what is happening here. There is a lot of quality affordable housing for seniors available in Lawton.

Tom Langdon, SG Development, LLC, stated this next phase of development is to complete the continuum of care for our elderly. This will be an independent living facility where people who are not yet in need of nursing care can live and be able to receive meals and have a lifestyle that is in the continuum of care campus so that they will be part of that community. They are not recruiting the military or the general public. This is a specified population. He stated it will be wonderful if they are able to get the tax credits because they will be able to offer these apartments to seniors at very good rental rates.

Wells stated this would be the third company putting in for tax credits and probably only one will get the credits. If anyone gets it this year in Lawton then no one can apply for credits for the next two years.

Zarle stated they only have a two weeks period that this has to be taken care of.

Mr. Langdon stated they have to put the application in this Thursday.

Mitchell questioned the duplex part of this project.

Mr. Langdon stated they have anticipated that there will be duplexes around this apartment building but they have not been planned yet and are not part of this project. The roads will be in around the facility so it will be possible when they are added.

Mayor Fitch stated the intention of this campus atmosphere is so that people can move in stages.

Mr. Landgon stated that is correct but also the spouse of someone who is the assisted living or skilled nursing building could live in the apartments. These are the people who want to live in this community.

Mayor Fitch stated this is something that is needed and they need more of this type of progressive living for our elderly.

Tenis stated he does empathize with those individuals who currently own property and he does believe it is an unfair advantage for these outside individuals over those Lawtonians who have lived here all their lives, borrowed money from local banks and put their sweat and blood into their properties.

Mr. Langdon stated their financing is coming from a local bank.

Givens stated currently the housing authority has a waiting list for elderly housing.

Bellino-Hall stated we are one of the few cities this size that does not have continuum care and we lose patients every day to Oklahoma City to facilities such as this one. Of all the projects the council has looked at lately this is the one that makes the most sense to her. She sees this every day when one spouse is well and the other is not and they need nursing home care. They want to live close together and in this community they can't be so they move.

MOVED by Zarle SECOND by Bellino-Hall to adopt Res. 12-05 to support an Oklahoma Affordable Housing Tax Credit application by SG Development, LLC to the Oklahoma Housing Finance Agency for property located at 7508 NW Quanah Parker Trailway. AYE: Bellino-Hall, Givens, Zarle, Haywood, Wells. NAY: Tennis, Burk, Shoemate. MOTION CARRIED.

19. Consider approving an application to be submitted for a \$22,456.00 grant from the Corporation for National and Community Services (CNCS) for the Retired & Senior Volunteer Program (RSVP) for Fiscal Year 2012 – 2013 funding. Exhibits: To be presented at council meeting.

Shahan stated they need to start the process for the RSVP program for 2012-2013 budget year. He stated for the next year they got a \$6,500 increase in terms of grant money. This is basically an application to be submitted with a due date of January 20th.

MOVED by Givens SECOND by Burk to approve an application to be submitted for a \$22,456.00 grant from the Corporation for National and Community Services (CNCS) for the Retired & Senior Volunteer Program (RSVP) for Fiscal Year 2012 – 2013 funding AYE: Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Zarle stated the residents of Wyatt Village want to thank public works for taking care of the sidewalk on 82nd Street.

Bellino-Hall stated she received a message from Barry Ezerski who is building townhouses on 40th and Elm and apparently there has been an issue with the ordinance regarding the size of the yards. The way the current ordinance reads that for townhouses there needs to be a private yard or private patio or a combination of a size not less than 40% of the lot area exclusive of parking. She stated this is a very large amount of yard for a townhouse. Most people live in townhouses because they don't have a yard. She suggested they look at this ordinance

Givens stated they are losing money because this issue is holding up the development. He stated the City Attorney has previously ruled that the council can suspend, by motion, enforcement of that ordinance so they can do what they need to do while staff is working on bringing back an amended ordinance. He stated it is going to take two months to go through the process of bringing back an ordinance.

Wells stated if there is a consensus of the council to make a change he believes staff can expedite the process. In the meantime they could go ahead and issue his building permit.

Givens stated recently the council suspended the enforcement of an ordinance that pertained to vehicles or trailers pending bringing back a new ordinance. He does not know why they can't bring this back in two weeks and suspend the enforcement of this ordinance and staff can start the process.

Jensen stated staff can put it on the next agenda.

Wells stated he would hope that the people who voted for the change in zoning classification on 11th Street would bring it back up to reconsider. He stated they all deal with the federal government and if they take the chance that they would lose the airport or Fort Sill because of residential development out there they will regret that vote.

Haywood stated he has a problem with Councilmember Wells saying this. Those areas out there were designated for a reason. He stated there is a golf course, school and a race track that is in violation. Those houses were there before the airport. There are apartments at 622 Bishop that

are less than three blocks from 11th Street. He stated Ranch Oaks is less than one mile from 11th Street. He does have a problem in bringing this issue back to reconsider.

Wells stated they all know how the federal government changes rules. He stated it has to be brought back up from someone who voted for it.

Haywood stated there are barriers there already and the airport is not going north it is going south. He stated they don't need to destroy his area. They are not going to lose the airport.

Mitchell distributed the recommendations of the Oklahoma Academy Town Hall. He feels a lot of bills will result from these recommendations. He distributed a copy of a letter from Oklahoma Department of Transportation regarding the installation of a fiber optic network in Lawton.

Mayor Fitch stated they will probably meet on either January 23rd or before the regular meeting on the 24th to interview candidates for the ward five council position.

The Mayor and Council convened in executive session at 7:30 p.m. and reconvened in regular, open session at 8:30 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

20. Pursuant to Sections 307B.4, Title 25, Oklahoma Statutes, consider convening in an executive session to discuss the pending actions relating to past Notice of Violation's (NOV) received from the Oklahoma Department of Environmental Quality (ODEQ) regarding the sludge lagoons utilized at the Medicine Park Water Treatment Plant (MPWTP) located on Ft. Sill and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of #20. No action was taken.

21. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None.

Jensen read the title of #21.

Mayor Fitch stated the council was extremely satisfied with the progress that has been made in the court and feels he is doing a very fine job.

22. Pursuant to Section 307(B)(3), Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appraisal/proposed sale of approximately 50 ½ acres, more or less, of City-owned real property in the vicinity of NW 67th Street and Rogers Lane, as authorized by Ordinance No. 11-07, and take appropriate action in open session. Exhibits: None

Jensen read the title of #22. No action was taken.

23. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property and financing in connection with the Lawton Downtown Redevelopment Project, for the hotel-conference center and the mixed-use commercial retail establishments and take appropriate action, if necessary, in open session. Exhibits: None.

Jensen read the title of #23. No action was taken.

ADDENDUM:

1. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of City of Lawton v. International Union of Police Associations, ALF-CIO, Local 24, and Charles Todd Palmer, CV-2011-173, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of the addendum. No action was taken.

There being no further business to consider, the meeting adjourned at 8:33 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK