

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 9, 2019 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:

Bart Hadley, Acting City Manager

Frank Jensen, City Attorney

Traci Hushbeck, City Clerk

COL Don A. King, Fort Sill Liaison

Mayor Booker called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Prophet Martha Collins, United in Christ Discipleship International Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Mary Ann Hankins, Ward One

Keith Jackson, Ward Two

Caleb Davis, Ward Three

Jay Burk, Ward Four

Dwight Tanner, Jr., Ward Five

Sean Fortenbaugh, Ward Six

Onreka Johnson, Ward Seven

Randy Warren, Ward Eight

ABSENT:

None

PROCLAMATION FOR SAFE DIGGING MONTH

Mayor Booker proclaimed April 2019 as Safe Digging Month in the city of Lawton. He presented the proclamation to Cody Dupler, Centerpoint Energy, and Rusty Whisenhunt, City of Lawton, who encouraged everyone to call 811 before they dig.

UPDATE FROM THE LAWTON FORT SILL CHAMBER OF COMMERCE

Brenda Spencer Ragland, President and CEO of the Lawton Fort Sill Chamber of Commerce, updated the council on chamber activities.

AUDIENCE PARTICIPATION:

Ted Symeleski, 2509 SW Cornell, stated he has asked that some barriers be placed on Gore past Sheridan Road at the Murphy's station so that people who are going west on Gore will not try to

turn left into Murphy's. The no left turn signs are not working. He stated the Traffic Commission cannot do anything because there are not records.

Davis stated there is some funding which is collected through a gate fee at the landfill and part of that money is divided between the wards and it allows council members to spend money on things like this. It is not much, it's a couple thousand a year. The reflectors he spoke with Mr. Symeleski about are between \$20 and \$30 a piece. He stated the council would have to agree to put anything there and override the traffic commission. He stated he is working on trying to get this done.

Bryan Allen, 2316 NW 76th Street, stated he would like to talk about the inconsistency of late fees on the water bills. He stated if you pay at the box it is 5 p.m., if you pay on line it is 7 p.m. He suggested those times get pushed to midnight or even the next morning instead of the last pickup being at 5 p.m. , maybe the late fee can be addressed at the first pickup at 7 a.m. He feels this affects the citizens because not everyone can get to the water department on time, there may be internet issues because not everyone has the trust of the internet because of the issue the city had in 2017. He just wanted to bring this to everyone's attention.

Tanner stated this is an issue that has been brought to his attention. He questioned if this could be handled by a policy through the staff level. He questioned if the last pickup for late fees could be when employees show up for work the next day and that would give those who don't get off until 5 p.m. or those that don't have access to the internet time to make their payment.

Hadley stated that is a policy decision if that is the desire of the council. He is not sure if it would require any change other than just direction to staff.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 26, 2019.

MOVED by Burk SECOND by Davis to approve the minutes of the Lawton City Council regular meeting of March 26, 2019. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Booker stated there is a request to speak by Willie Stallworth regarding the denial of his claim on item #1.

MOVED by Burk SECOND by Warren to approve the consent agenda with the exception of the Willie Stallworth claim in item #1. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Debra Barbour in the amount of \$715.84, and Willie Stallworth in the amount of \$8,188.69. Exhibits: Legal Opinion/Recommendations.

Kelea Fisher, Deputy City Attorney, stated Mr. Stallworth is seeking reimbursement for a sewer backup that flooded his workshop at his property located at 1609 NW 34th Street on February 26, 2018. The claim is in the amount of \$8,188.69 for reimbursement of damage to items in the workshop as well as his personal labor costs. On the day in question the wastewater collections received a report of a sewer backup from the resident two houses down from Mr. Stallworth at approximately 9 a.m. A wastewater collections crew arrived at 11 a.m., flushed the city's main, found an obstruction in the main and cleared it. While the workers were on scene it appears that Mr. Stallworth reported that he too was having issues, so Mr. Stallworth was given the same notification as the other neighbor that there was an obstruction in the main that was cleared. At approximately 7 p.m. the same day, Mr. Stallworth called dispatch to report that sewer flooded his workshop through his toilet. A wastewater collections crew responded again and flushed the main and at that time there was no obstruction so they cleared the call. Mr. Stallworth is now alleging that the flushing caused his sewer backup. As with all sewer backup claims, the first issue is whether or not the city had notice of any history of any defective condition with the main. Our records show that there is no prior main history on the pipe segment below, the actual pipe segment, the first, second, third or fourth segments below at this location for the past three years so in accordance with long standing Oklahoma case law, because there is no notice the city would not be liable. In this case because Mr. Stallworth is alleging that the flushing actually caused the backup then there is a secondary consideration for the council and that is whether or not the manner in which the workers performed the flushing was negligent. The proper process for flushing a line is to enter the downstream manhole and to flush upstream toward the blockage. This allows the newly introduced liquid to flow naturally away from the blockage. Their records show that the workers used the proper process in flushing the main on both occasions and because there was no notice and there is no indication that the flushing was negligently performed it is her recommendation to deny the claim.

Willie Stallworth, 1609 NW 34th Street, stated on the evening of February 26, 2018 he entered his shop and discovered approximately 1800 square feet of contaminated raw sewage approximately 2 inches thick. He called Lawton dispatch within a reasonable time and there was a wastewater crew there who made an assessment. The supervisor made a video and he questioned if the council had seen that video. (No one on council responded that they had seen the video). He questioned how the council could make a fair assessment of his damages if they had not seen the video produced by the city employee. He stated that the city attorney states that the crew contacted the supervisor who advised him on damages at the workshop. He stated the letter from the city attorney recommends denial. He felt it would have been better if it had said recommendation of the claim was denial. He stated if you found raw sewage in your home, he questioned what corrected actions do you expect and who do you feel caused these damages? The party that created these circumstances should step up to the plate and take responsibility for their actions. (Mr. Stallworth distributed a picture of the raw sewage that had flowed through the valve). The supervisor of the wastewater collections department recommended that he hire a toxic waste cleanup company and pay out of pocket and then file a claim with the city. He stated the letter he received from the Deputy City Attorney made him feel that someone had assessed him as being a scam or a dishonest citizen. He stated he is a veteran and they perceive things differently. He has to deal with post traumatic stress disorder, depression and OCD. He can always be a productive citizen but he will never be the same. He expects that the city will do

what is right by reimbursing him for the damages caused by the City of Lawton on his property. The city owns the sewer line and what is contained in that sewer line, it is not his responsibility.

Davis questioned what time Mr. Stallworth went into his shop and discovered the sewage.

Mr. Stallworth stated around 7 p.m. He questioned the supervisor about the toilet paper and waste that was shown on the photo he distributed to the council and asked him if that indicated that there is a blockage in that line and his answer was yes.

Davis questioned what time the city flushed the line.

Fisher stated the city flushed the line at 11:15 a.m. and that was the notice provided to Mr. Stallworth as well as the other residents and then they flushed it again when they came back out at 7 p.m. after Mr. Stallworth called.

Davis questioned if there was damage done to the other properties down the line.

Fisher stated there was no damage reported.

Davis stated the day the damage occurred it was 9 a.m. that they received a call from a resident.

Fisher stated they received a call from the neighbor at 9 a.m. and they responded to the call at 11 a.m. and then they provided notification to Mr. Stallworth that the line had been flushed and an obstruction had been cleared at 11:50 a.m.

Davis questioned if the city had any idea where the obstruction was in reference to the line and his property.

Rusty Whisenhunt, Director of Field Utilities, stated the blockage was downstream of his neighbors house. It was two houses downstream of his residence.

Davis question if the neighbor reported any damage.

Whisenhunt stated they did not report any damage.

Davis clarified that there has been no reports on that line for the preceding three years.

Fisher stated yes, or the first, second, third or fourth pipe segments below that line.

Davis stated the question here is not whether or not the Stallworths had damage or that it was caused by sewer backup, but according to state law, the city has to be proven negligent before they are responsible to cover damages. That would mean that we would have to have notice in the preceding three years that there was a problem with that line and then we possibly could be liable for damages caused by that line.

Jensen stated there is an Oklahoma Supreme Court case that talks about prior notice. We have always gone back as much as three years and that is very tough to meet. We are put on notice and we go out and abate the problem. If we don't do it properly we should be held liable. To hold us to three years is a stretch. You can't expect other things to not have been entering that line during that extensive period of time. We have no records for that three year period. There is no question here about whether there was damage suffered. We have hundreds of miles of line for water and sewer and we are not an insurance company.

Davis stated he recognizes that there was a sewer backup and it did cause damage the Mr. Stallworth's property. The liability, because there was no prior notice, is not legally on the City of Lawton to pay for this. He feels for the Stallworth's situation but we have denied claims by citizens holding this same standard. If we don't have that standard then we are basically an insurance company which would put the City of Lawton in a horrible financial situation. He has to recommend that the City of Lawton is not the responsible party and we should not pay this claim.

MOVED by Davis SECOND by Warren to deny.

Burk stated he would suggest that Mr. Stallworth talk to a plumber about getting a backflow preventer put on their sewer line. It will stop this from happening.

Tanner stated the prior notice does not have to be by Mr. Stallworth, it could have been by anybody in the community that had some problems with the city main. According to city records there has been no problem but according to Mr. Stallworth he has seen city crews out. If the city cleared the main at 11:50 a.m. and the flooding of the shop happened before that, then the city could legally say that we had no prior notice. If the shop was flooded after 11:50 a.m., the city had been give prior notice, then Mr. Stallworth might have a legitimate claim with the city. Even if the council goes along with the staff recommendation, which in most cases they do, because they can be held personally liable by the citizens because this is citizens money and they can sue the council personally and if they lose it is a multiple factor. Even if they go along with staff recommendation to deny the claim, Mr. Stallworth can still take this to district court. He questioned if the shop was flooded before 11:50 a.m. He stated if it happened after 11:50 a.m. then the city had been given prior notice. He recommended that they postpone this decision until they look into this issue a little further.

SUBSTITUTE MOTION by Tanner SECOND by Davis to table. AYE: Hankins, Davis, Burk, Tanner, Fortenbaugh, Johnson. NAY: Jackson, Warren. MOTION CARRIED.

2. Consider accepting the Health Literacy grant of \$3,655.00 from the Oklahoma Department of Libraries for library classes and publicity, and authorizing the Mayor to sign the contract. Exhibits: On file in Clerk's Office.
3. Consider rejecting bids for the Water Line Emergency Replacement Requirement Contract 18-6 SSES Project. Exhibits: The Bid Tabulation is on file in the Sewer System Technical Division's Office.

4. Consider extending contract for (CL17-018) Footwear (Safety, Athletic & Walking) to Woodward's Occupational Footwear of Cyril, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
5. Consider extending contract (CL18-022) Mowing & Litter (5 Areas) - Areas 1, 3, 4 and 5 to The Lawn Wizards of Lawton, OK, and Area 2 to Adult & Teen Challenge of Oklahoma for an additional year. Exhibits: Department Recommendation, Contract Extension Forms, Price Sheets.
6. Consider awarding contract (CL19-018) Precast Concrete Manholes to Primary Structure of Guthrie, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
7. Consider approving appointments to boards and commissions. Exhibits: None.
8. Consider approval of payroll for the periods of March 25 – April 7, 2019.

NEW BUSINESS ITEMS:

9. Consider amending Council Policy No. 1-6, Council Rules of Procedure regarding the Agenda and the order of business to add Mayors Opening Remarks immediately following Roll Call and to change Mayor's Appointments to Mayor and Council Appointments. Exhibits: Council Policy No. 1-6, Council Rules of Procedure, #2C – Order of Business.

Mayor Booker stated this will add a place at the beginning of the comments where he can make some opening remarks before the council meeting. The second part is just housekeeping because the Mayor is not the only one that makes appointments. The policy only had Mayor's appointments and we have ward appointments as well. He would recommend a motion to approve.

MOVED by Tanner SECOND by Hankins to amend Council Policy No. 1-6, Council Rules of Procedure regarding the agenda and the order of business to add Mayors Opening Remarks immediately following Roll Call and to change Mayor's Appointments to Mayor and Council Appointments.

Davis stated that at the end of council meeting they all get a comment section. He stated the Mayor asked him about this issue some time ago and he told the Mayor he would support this. He does not know that he has changed his mind but he may have. He questioned the purpose of having a comment section for the Mayor alone at the beginning of the council meeting.

Mayor Booker stated he has been trying to bring attention to several issues and that is what this is about.

Davis stated the beginning of council meeting is prime time, that is when everyone is here. There are council members who announce important things for the community, so he would like the council to consider having the comments section for everyone at the beginning of council meetings so that those council members have the benefit of making their announcements.

Mayor Booker stated he does not have a problem with that.

Burk clarified that they would delete the report section from the end of the agenda.

Davis stated yes.

Tanner stated during the beginning of every meeting they have audience participation and if the council or Mayor wanted to address something that was not on the agenda, they could do it at that time. He personally does not want to hear all this stuff from all the council members at the beginning of the meeting, he likes how it is now. He stated if the Mayor, who is the chairman of the board, wants to have an opening statement, he does not mind allotting the Mayor a limited amount of time, say less than three minutes.

SUBSTITUTE MOTION by Davis SECOND by Fortenbaugh to move the report section to the beginning of the agenda and delete it from the end of the agenda. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

10. Consider replenishing the contingency allowance of the Public Safety Facility construction project in the amount of \$300,000, and from the contingency allowance and authorizing payment to Flintco, LLC to cover the cost of pier depth unit price cost overruns in the amount of \$172,516.53. Exhibits: Pier Depth Cost Overrun - Public Safety Facility and Pier Log Analysis.

George Hennessee, Director of Engineering, stated in closing the 2005 CIP, funds were identified that were to be used for IT improvements in the amount of \$500,000. It was determined that those IT improvements could be applied to the public safety facility and that would free up \$500,000. Staff has proposed to put \$300,000 back into the contingency account. They also have the final report for the pier overruns which is in the amount of \$172,516.53. that was a reduction based on a clause in change order #6 that stated that the pier overrun had to exceed 10% or it was effective on the bid. Their proposal is to approve change order #10, pay for the additional pier overrun and use that \$500,000 to cover that cost.

Fortenbaugh thanked staff for finding these funds without having to cut things from the facility.

Davis stated they are taking that \$300,000 from the 2005 CIP and putting it into the public safety facility IT fund.

Hennessee stated the \$500,000 was to be dedicated to the public safety facility and \$300,000 was to be put into the contingency account.

Hadley stated on September 11, 2018, the council closed the 2005 CIP. Those funds were transferred and \$500,000 was transferred into the public safety facility project for IT purposes. This motion would not be transferring that money from the 2005 CIP, that has already been closed. This agenda would allow \$300,000 of the \$500,000 that was transferred in for IT purposes to be put into the contingency allowance.

Davis stated we are funding the IT part of the public safety facility with the 2005 CIP because it was earmarked and that is the one place it can be spent. It is not directly going to the contingency fund, but the other monies it is replacing is going to the contingency fund.

Hadley stated the 2005 CIP did have restrictions on it to be used for hardware and software upgrades and that is how that money will be used. It will free up money to allow some additional money to now go into the contingency allowance.

Hennessee stated the IT requirements for the public safety facility does exceed the \$500,000 limit, but this does free up \$500,000 for other items.

MOVED by Burk SECOND by Warren to approve replenishing the contingency allowance of the Public Safety Facility construction project in the amount of \$300,000, and from the contingency allowance, authorize payment to Flintco, LLC to cover the cost of pier depth unit price cost overruns in the amount of \$172,516.53. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider providing direction to staff to prepare an ordinance regarding reviving Lawton City Code Sections allowing the retail sale of fireworks within city limits; permitting the discharge of consumer fireworks in areas and at times designated by the Council by resolution; ensuring proper code official oversight of the permit process; revising current code language regarding possession of consumer fireworks; and, revising the current fee schedule related thereto. Exhibits: Copy of Repealed Lawton City Code Division 7-11-1 “Fireworks”.

Fortenbaugh stated this item is to give direction to staff to look at our fireworks policies and see if they can be improved. It is illegal to blow off fireworks and everyone should know that but it is highly violated. He has heard from the police that unless they actually witness the person lighting it and shooting it off, they can't do anything about it. He does not know that we have the authority to enforce the rules we have, so he would like staff to look at how we fix this. The other issue they want to look at is the sale of fireworks in the city. We have banned that but it is not getting rid of the fireworks, people are just buying them outside of the city limits and often times blowing them off inside the city. He has heard from people in his ward that they want the city to give them a place where they can go and blow up their fireworks. Right now people are buying them outside of city limits, and we lose the sales tax, and they are going outside city limits like Pecan Valley and turning it into a war zone. We used to provide a place out at the lake and there needs to be a place where people can legally blow off their fireworks.

Davis stated he has also heard from people for the past several years. Setting off fireworks is a patriotic tradition and by banning this out at the lake, a lot of people don't have any other place to set them off. When the ordinance was passed years ago, there is language that prohibits the possession of fireworks outside of their original packaging inside of your home. That is complete overreach by this body to tell someone that you cannot have that inside your home unless it is in its original packaging and if you do, we can come inside your home and confiscate

it. He does not understand how this ever passed the council. There is also the city sales tax dollars that we are losing out on by not allowing the sale. The vendors are still selling it, but they are selling it outside the city limits. He also believes that there should be a place to set off fireworks at the time and place that council approves from year to year.

Burk stated he was on council when this ordinance passed. There was such a problem with fireworks landing on people's homes and it was a nightmare situation. Out at Lake Lawtonka and Ellsworth there was a problem with people just leaving all their trash. The money we lost in city sales tax would not even touch the amount it cost for staff to clean up all the trash at the lakes. The trash was not only on the land, it was even in the water and it was out of control. Most of the bigger cities our size do not allow fireworks to be popped inside the city limits. We were one of the last cities to adopt an ordinance which would not allow it anymore. He feels that the fireworks display we fund in Elmer Thomas Park is fabulous and we are making sure that people are safe. It is very difficult to enforce anything if you don't have a policy, but they may need to change the policy of how they enforce it. He feels that this is not something that they need to change and they do not need to go back to how it was because most people do not wish to have fireworks shot at their homes. He feels they need to leave this to the professionals where you can go out and enjoy an evening with your family.

Fortenbaugh stated fireworks are illegal in Lawton and it would be dumb to open that up. He stated that Mustang allows fireworks and the sale of fireworks within the city limits under certain parameters. There are examples from other cities to look at. There are a lot of people who are interested in having the ability to celebrate on July 4th.

Tanner stated he was on the original council committee that looked at this issue. He stated they have two proposals that the Fire Marshall put together. He stated the sales tax generated was estimated to be \$6,000. They looked at doing this through a permitting process and charging a fee to go to these areas. He feels that they need to ban the fireworks that go up in the air, but he personally does not see any danger in the small sparklers or a small firecrackers. He does agree that they need to reinvestigate this and look at some of the old ideas and make it happen. He likes to go watch the fireworks display, but he also likes to pop the firecrackers personally. He has property in the country to do this on, but a lot of people don't have that luxury so they need to provide a little area in the city of Lawton.

Davis stated they are not allowing firecrackers inside the city limits. He stated there is the enforcement issue, the liberty issue and do they not want their kids to pop firecrackers because the government says that the citizens are too irresponsible, but the government knows how to set off fireworks so they will take this over. The government will take \$70,000 of the citizens money because they like their fireworks display. He feels that this is a pretty common sense thing.

Tanner stated this is the most enforceable ordinance that they could have come up with. You can possess fireworks in their unopened package, but once the package is open, it becomes illegal. If you are setting off bottle rockets in your front yard and one of the code enforcement officials show up and see those wrappers, they can write you a ticket. This is an enforceable ordinance.

Johnson stated one of the challenges they have with this is that they have several issues wrapped up in one. They are talking about whether or not to allow sales within the city limits and if they want to have a designated area. If staff does bring this back she feels they need to separate these two issues so they can be discussed individually.

Warren stated evidentially all the people that contacted him don't have any common sense. Every single person that contacted him was not in favor of revisiting this issue.

Hadley stated it is important for staff to get that direction tonight and if the council wants to give direction separately on those two issues, so that staff does not spend a lot of time to rewrite code and then have it turned down.

Mayor Booker stated it is going to cost money to put this all together and that is what they need to find out. He stated there were representatives from the Fire Marshall's office and he asked if they had any additional information to add to this conversation.

Mark Mitchell, Fire Marshall, stated in 2010 they drafted some language to address the issue of fireworks. The issue was that it was unenforceable. They sold fireworks in the city limits but it was illegal to discharge them, and this was confusing to some people. In 2013 he made a presentation to the council and one of the concerns was that we would lose sales tax revenue. They pulled the numbers from finance for the time period of 2008 through 2012 and the tax revenues were \$5,031 in 2008, \$5,300 in 2009, \$5,943 in 2010, and zero in 2011 because of the burn ban due to drought and in 2012 they had \$699. At that time they were allowing fireworks to be discharged at both the lakes and according to parks and recreation, the conservative estimate for manpower for set up, break down and clean up at the two lakes \$9,500. After the fact they calculated it was closer to \$20,000, so we are not even coming close to covering the city's expense at the two lakes. Out of the top 20 largest cities in the state, in 2013 there were four cities that had not banned the sale, possession and discharge. Those were Lawton, Broken Arrow, Muskogee and Bixby. Muskogee is the only city that allows citizens to shoot them anywhere. He stated staff did recommend that the council ban the sale, possession and discharge. With regards to possession, there was never any intent for them to go into people's homes looking for fireworks or even stopping vehicles searching for fireworks. The reason the ordinance was unenforceable before was that it is a misdemeanor violation and to issue a citation, the offense has to occur in their presence. At the time they got the council to agree to ban the sale, possession and discharge, Councilmember Jackson came up with the idea of the Freedom Festival, which has grown every year. Public fireworks displays are much safer and they are heavily regulated by fire officials. From June 5, 2013 to July 5, 2013, police were making 292 responses on fireworks calls, and from June 5, 2017 to July 5, 2017, they made 124, so this is working because the numbers are dropping. He stated he has copies of all this data available. The intent was not to throw a wet blanket on patriotism or the ability to celebrate, but from a fire protection standpoint they are dangerous.

Hankins stated she did not receive one call, so she felt that people had adjusted to going to the Freedom Festival or doing something different.

Davis stated he just received a message from a citizen who was in support. He stated the Freedom Festival is a great event, but this is not the council giving something back to the citizens that was taken away, this is the citizen's money that the council has decided to spend on a fireworks display. He stated that setting off fireworks is an American tradition and they are talking about setting them off at Lake Lawtonka, not anywhere in town. If there are unintended consequences, he will be the first one to bring it back next year. He stated what they are doing tonight is just giving city staff direction and when it comes back they can start picking and choosing what they want to do. They need direction tonight on whether or not to proceed.

Jackson stated he believes that they should not have fireworks shot at Lake Lawtonka because we don't provide any fire protection for the lake or surrounding areas and he is afraid something will get burnt down out there and we won't be able to respond.

Mayor Booker requested the fire marshal make some comments about firing them off at the lake.

Mitchell stated they don't provide fire protection out there on a daily basis. They do typically send out one of the brush rigs out there to stand by and help the volunteer departments that do respond. There was some push back from people in the county back in 2013 when this was adopted because some of them felt like we didn't want it in town, but you can push them out in the county. He does not think they saw that big of an uptick and once they stopped it at the lake, he is not sure when everyone is going. He stated with the fireworks display, they are working with a professional company to put on a display for people to attend and enjoy.

Tanner questioned if Mr. Mitchell thought it would be okay to let the kids do things like sparklers.

Mitchell stated the number one injury with fireworks are from sparklers.

Jensen stated they are in the process of looking at the drafting of these changes to go back to where we were at in the 2013-2014 timeframe and time is of the essence. They need to know if the council is expecting to receive a modified proposed ordinance at the next council meeting or they are expecting to receive additional staff input at the next council meeting.

Davis stated in the interest of time and complete transparency, he would say that if any council member is planning on voting against allowing fireworks at Lake Lawtonka, then he would say to vote against this. He is not in favor of wasting staff's time on that portion of it. He and Council Member Fortenbaugh can work on the issue of enforcement. If the council agrees to proceed with giving the staff direction according to this agenda item, they will proceed with the fireworks at Lake Lawtonka as well as the enforcement issue. If you are going to vote against the fireworks at Lake Lawtonka, he would say to go ahead and vote no now.

Burk suggested they just vote now and figure out where they go from there.

Tanner stated he would just like the council to designate an area whether it is Lake Lawton or Lake Ellsworth and then some type of ability to regulate what type of fireworks goes into this

designated area and have a vendor there to sell them. He is not for just firing fireworks anywhere out at the lake.

Hadley stated the issue of selling fireworks in the city limits is an issue that the council may want to give direction.

MOVED by Davis SECOND by Tanner to direct staff to reinvestigate the issue and come back with something and at that point they can choose to talk about the enforcement. AYE: Davis, Tanner, Fortenbaugh, Johnson. NAY: Hankins, Jackson, Burk, Warren, Booker. MOTION FAILED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Fortenbaugh stated he attended the Washington D.C. trip with the chamber and there were over 40 people from the community and they were able to interact with some important people who have an impact on what happens in our community and they were able to talk to them about what is needed as far as economic development and infrastructure. It was a valuable trip.

Hankins encouraged everyone to attend a neighborhood watch meeting in your ward. She stated there are a couple of very successful ones in Ward 1 and the police department has been very helpful and direct contact with your council member is very beneficial.

Hadley stated the preliminary budgets are available. He stated the 45th Street project is final.

The Mayor and Council convened in executive session at 7:45 p.m. and reconvened in regular, open session at 8:25 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

11. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations regarding for a Collective Bargaining Agreement for FY 2019-2020 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #11. No action was taken.

There being no further business to consider, the meeting adjourned at 8:26 p.m. upon motion, second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK