

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 8, 2017 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Samuel Curtis, 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 Charles Barnett, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:	Bob Morford, Ward One
	Caleb Davis, Ward Three
	Keith Jackson, Ward Two
	Jay Burk, Ward Four
	Dwight Tanner, Jr., Ward Five
	Cherry Phillips, Ward Six
	V. Gay McGahee, Ward Seven
	Doug Wells, Ward Eight

ABSENT:	None
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AUDIENCE PARTICIPATION:

Tom Leon, 2307 NW Redwood Lane, stated he read that we are in impasse with the police. He stated police and fire saves lives and we need to support them. Give them what they want. He stated the general employees need help too. We have to be truthful to our people. He stated the front door at city hall has been broke a long time and he questioned if we had the money to fix that door.

Mayor Fitch stated he appreciated Mr. Leon's comments, but since he is a candidate for office he needs to keep items for discussion with the council to other matters than doing a campaign speech.

Mr. Leon stated this is not a campaign speech, it is him speaking.

Mayor Fitch stated he should not be using that podium prior to the election. He has heard those same words in campaign speeches.

Bishop John Dunaway, 802 NW 53rd Street, stated he would like to invite the council and citizens to a candidate's forum on August 17th from 6 p.m. to 7:45 p.m. in the auditorium at City Hall. This is for candidates running for council wards 6, 7 and 8.

Theodore Symuleski, 2509 SW Cornell Avenue, stated he would like to know why the city cannot fix the front door at City Hall.

Bart Hadley, Assistant City Manager, stated the parts for the door are obsolete and staff is trying to find a part that will work.

Paula Huckabee, Alzheimers Association, 6425 NW Cache Road, invited the council to the 9th annual Walk to End Alzheimer's on August 26th at Elmer Thomas Park.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JULY 25, 2017.

MOVED by Wells SECOND by McGahee to approve minutes of Lawton City Council regular meeting of July 25, 2017. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Davis requested item #2 be discussed separately.

MOVED by Burk SECOND by Phillips to approve the consent agenda with the exception of item #2. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Gloria Green-Gaines and Crynell Gaines in the reduced amount of \$3,242.51 (**Res. 17-90**), Coleen Thompson, through her attorney Michael Mayhall in the amount of \$349.00 and Rebecca and Dennis Brown in the amount of \$290.73. Exhibits: Legal Opinions/Recommendations and Resolution No. 17-____.
2. Consider accepting a \$2,640.00 donation to the Library from the Friends of the Library to be designated for library-related activities. Exhibits: None.

Davis questioned if someone could make a donation to the library, police or fire and it go directly to that department or does it have to be accepted by the city and go into the general budget and may or may not go to that department.

Mayor Fitch stated the Friends of the Library make donations that go directly to the library.

Burk stated it goes through Friends of the Library because they are a non-profit.

Davis questioned if this donation will go directly to the library.

Burk stated yes.

Wells stated he is not sure a department can accept funds directly from citizens without it going through the accounting procedure.

Davis stated it is different with the police and fire, they can't do a fundraiser with the money to go directly to them.

Wells stated a volunteer organization could do that. There have been fundraisers held by private organizations that have donated funds for specific purposes within the police department.

Jensen stated for auditing purposes their recommendation is that the City accepts these donations that are made to a sub-part of the City. These sub-parts fall under the umbrella of the City budget and we need to have proper accounting for those funds.

MOVED by Davis SECOND by Tanner to accept a \$2,640.00 donation to the Library from the Friends of the Library to be designated for library-related activities. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, Wells. NAY: None. ABSENT: McGahee. MOTION CARRIED.

3. Consider renewing a professional services agreement for the City's annual auditing services for fiscal year 2016-2017, including the City's required single audit over expenditures from federal financial awards, with BKD, LLP (BKD) of Oklahoma City, OK. Exhibits: BKD's engagement letter outlining its professional services agreement with the City for auditing services, on file in the City Clerk's office.
4. Consider approving the construction plans for an 8-inch waterline to serve Freeman Veterinary Clinic located at 1702 NW Ferris Avenue, subject to the condition listed. Exhibits: Location Map.
5. Consider approving the record plat for the Replat of Lot 11, Block 1, Stonebridge Estates and Lot 2, Block 10, Saint James Place, Part 3. Exhibits: Plat Map.
6. Consider awarding the requirement contract for Sulfuric Acid to Southwest Chemicals of McAlester, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
7. Consider extending the requirement contract for Sludge Lagoon Maintenance to Denali Water Solutions of Russellville, AR for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
8. Consider extending the Requirement Contract for Repair Clamps, Bell Joint Clamps and Steel Couplings, Items No. 1, 3, 5, 6, 7 8 and 9 to HD Supply Waterworks of Owasso, OK; Items No. 2 and 4 to Oklahoma Contractor Supply of Oklahoma City, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

9. Consider approving appointments to boards and commissions. Exhibits: None.

Lakes and Land Commission

Dr. Richard Campbell
Existing Member
08/09/2020

Dr. Mark Duncan
Existing Member
08/09/2020

Parks and Recreation Commission

Jacobi Crowley
Ward 5
New Member
01/01/19

Redistricting Commission

Kent Jester
Ward 2
Existing Member
07/01/22

Mayor's Commission On the Status of Women

Vera Oldham
Ward 5
Existing Member
09/22/19

Jennifer McGrail
Ward 6
Existing Member
09/10/19

Augelica Andrea Fleming
Ward 8
Existing Member
09/22/19

Nicole Bucher
At Large City Limits
Existing Member
06/11/19

Lynn Null
At Large City Limits
Existing Member
09/08/19

Kathy L Banks Monroe
At Large City Limits
Existing Member
09/10/19

Toni Capri
Western District Commissioner
Existing Member
09/10/19

10. Consider approval of payroll for the periods of July 17-30, 2017.

NEW BUSINESS ITEMS:

11. Hold a public hearing and adopt a resolution declaring the structures located at 5 SW H (Part 1), 715 SW 4th Street, 611 SW Park Avenue, 1006 SW H Avenue, 1408 SW 8th Street, 1604 NW Floyd Avenue and 1606 NW Floyd Avenue to be dilapidated and a public nuisance, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. Exhibits: Resolution and exhibits for each property.

5 SW H (Part 1)

Joshua Leach, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since September 2011. Leach presented photographs of the property

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Phillips questioned what Part 1 meant.

Leach stated the way this property was platted there is a part 1 and part 2. Part 1 is the south side and part 2 is the north side, but they both have the same address.

Phillips questioned if the north side has a different house.

Leach stated yes.

MOVED by Wells SECOND by Tanner, to adopt **Resolution 17-91** declaring the structure located at 5 S.W. “H” Avenue (Part 1) to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

715 SW 4th Street

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since January 2012. Leach presented photographs of the property. He stated the homeowners requested an extension in April to make improvements but the only change has been a tarp and a wrap has been placed on a wall.

PUBLIC HEARING OPENED.

Robert Griffith, property owner, stated he is currently renting the property out to Eduardo Javier. He stated Mr. Javier has been working on upgrades to the house. He has done foundation work and the subfloors have been replaced.

Mayor Fitch questioned if Mr. Griffith has obtained a building permit.

Leach stated no permits have been pulled for this property.

Griffith stated no, but they will do what they need to do.

Mayor Fitch stated all of this will need to be brought up to code.

Tanner stated he spoke to Mr. Javier and he understood that he was going to turn this into a storage shed and the dimensions actually meet 20 x 20 where you don't need a permit.

Richard Rogalski, Community Services Director, stated the code does allow an accessory structure not on a permanent foundation, less than 200 square feet to be put in without a permit.

Tanner stated he might have misinformed Mr. Javier and that is why he did not obtain a permit. He stated something has to be done.

Mayor Fitch questioned if Mr. Griffith needed to get a permit at this point.

Leach stated yes.

McGahee questioned when the pictures were taken.

Leach stated they were taken yesterday.

McGahee requested to look at the pictures Mr. Griffith had brought to the meeting.

Burk questioned if anyone was living in this building.

Mr. Griffith stated no. Mr. Javier lives in the main house.

McGahee questioned when he started working on this building.

Mr. Javier stated he has worked on it a little, but he is really working on it now because he really needs it done.

McGahee questioned how much it will cost to get the roof fixed.

Mr. Javier stated probably a couple thousand dollars.

Mr. Griffith stated they are working together to make sure he has the money necessary to get the job done as quickly as possible.

McGahee questioned if they had the money set aside for this job.

Mr. Griffith stated he has half set aside.

McGahee stated there are neighbors complaining about this.

Mr. Javier stated neighbors have told him they are happy he is working to make it look better.

McGahee questioned how long it is going to take to make it look better on the outside.

Mr. Javier stated a month or month and a half.

Burk questioned if plumbing is going to be put in the house.

Mr. Griffith stated they will need to put in new plumbing.

Burk questioned if someone was going to live in this building.

Tanner stated he understood this was just going to be used as a storage shed.

Mr. Javier stated they will be using it for storage.

Burk stated there are different rules if someone is going to live there or if you are using it as storage. He feels they need to get a roof on first. He suggested they meet with staff and develop a plan and look at this again in 30 days.

Jackson stated if this property is placed on the D&D list they still have time to go down and pull a permit and then they get their thirty days.

McGahee stated it is not that simple if they put it on the D&D list.

Jackson stated they have a policy that if you are making progress in your remodel, staff will continue to give you time.

Davis stated it is more expensive and a more extensive process to go through the D&D process. If you go and get a regular remodel permit, whatever you are addressing has to be brought up to code, but not the entire property. If it is on the D&D list, you are subject to being required to bring everything up to current code. It is a completely different process than a regular remodel permit.

Wells stated if he comes down and gets a permit it can't be brought back up until the permit is expired.

Leach stated that is correct. He stated the remodel permit is for six months.

McGahee stated they have asked staff to go out and bring these properties to the council because they are a blight to the community. He questioned if Mr. Griffith was willing to get this fixed. They need to see if he can get this done in six months.

Mr. Griffith stated they will be on it and they will see improvement to the property. They will get the roof taken care of first.

Tanner stated he would be willing to table this item for 30 days.

McGahee stated that would be a better option and that way they can see some progress within 30 days.

Wells stated that won't work because if he goes down and gets a permit it will be for six months. Phillips stated she is not clear if this is going to be used for storage or as a residence.

Mr. Javier stated they originally told Councilmember Tanner that it was for storage, but he has the skills to make it for living.

Tanner stated Mr. Javier is a master carpenter and he does excellent work.

PUBLIC HEARING CLOSED.

MOVED by McGahee SECOND by Phillips, to deny. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

611 SW Park Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since June 2001. Leach presented photographs of the property.

PUBLIC HEARING OPENED.

Rendell Williams, property owner, stated he bought this property to use as storage. He stated it is a top and bottom unit. He let a person stay in this building. He started using the outside area to park his cars and trailer. He has been working on this building and he has doors and windows set aside and one day the City just confiscated it without notice. He went to see about putting in a water meter and he was told it would cost him \$1,000.

McGahee questioned if anyone was living in the property and if the property had water.

Mr. Williams stated no.

McGahee questioned what Mr. Williams wanted to do with the property.

Mr. Williams stated he wants to keep it for storage. He would like to have water to the property but he doesn't understand why he has to pay \$1,000 for a meter.

McGahee stated that neighbors are complaining about this property and no one wants to live next door to this.

Burk questioned if Mr. Williams wants this to be a storage building. Why would he want water if it is just a storage building. He questioned if Mr. Williams was going to have someone living there and make it into a rental. These are two different things. He questioned if he can make this just a storage building in a residential area. There may be an issue with zoning.

Davis questioned if Mr. Williams is willing to fix up the outside, regardless of what his intention are for the building.

Mr. Williams stated he is willing to do that, he just needs an extension and some more time.

Davis questioned what happens if the outside is up to code but there are no utilities.

Leach stated if the exterior is in compliance, the interior is not their business.

Davis questioned how soon Mr. Williams could bring the exterior up to code.

Leach stated the City has spent a lot of money in securing this property and this is causing a lot of issues within this neighborhood.

McGahee stated this property not only looks bad there are also vagrants living in the property.

Leach stated there was, it has been sealed and secured since March.

Burk stated we have filed liens on mowing and securing of this property. He questioned if Mr. Williams knew the City has been filing liens against this property for the work that has been done.

Wells questioned how much was owned.

Leach stated he is not sure, but probably around \$500 for the junk and debris clean up.

McGahee questioned what Mr. Williams wants from the council.

Mr. Williams stated they went in and confiscated his goods without him knowing. He stated he just wants an extension to get the building up to code.

McGahee questioned how long it will take and how much it will cost to get the building up to code.

Mr. Williams stated he has not gotten an estimate, but he can do most of the work. He stated it might take about 3 months and cost about \$2,000.

Tanner stated it looks like Mr. Williams just needs to clean it up on the outside and paint it. They need to figure out a way to make it less costly to get that water meter put in.

Wells questioned what Mr. Williams is going to do about the tree that is growing up inside the house.

Mr. Williams stated he will get it taken care of.

McGahee stated Mr. Williams has not made any attempt to move forward to clean this up.

PUBLIC HEARING CLOSED.

MOVED by McGahee SECOND by Morford, to adopt **Resolution 17-92** declaring the structure located at 611 SW Park Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Burk, Phillips, McGahee, Wells. NAY: Davis, Tanner. MOTION CARRIED.

1006 SW H Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since September 1998. Leach presented photographs of the property.

PUBLIC HEARING OPENED.

Denise Higgins, 1116 NW Birch, stated she is the property owner. She is in the process of trying to get it remodeled. She has not followed up with her contractor and that is why she is here tonight. She thought he was taking care of things.

McGahee questioned what Ms. Higgins would like the council to do.

Ms. Higgins stated she would like an extension because she had litigation going on at this time with regard to her contractor and the property. She has done everything she can and it does not look like that today. She tried to retain the permit by herself and she did not understand why the City wanted to come out and do a preliminary investigation of her home to see if they deemed it to be repaired. She hired the next contractor who took her money and told her all was well and now she is back to square one.

Burk stated it looks like the home needs a lot of work. Putting it on the D&D list does not mean that the City will tear it down, it gives you the opportunity to make this contractor right and he suggested she get an attorney to get her money. This will give her the opportunity to get it right and give her a timeframe to do something with it. Staff will extend her time if she is making progress.

Ms. Higgins stated that is what she thought the contractor was doing for her.

McGahee questioned if the City has done any work on the yard.

Leach stated no, they have not had any work orders on this property in a couple of years.

Davis recommended that Ms. Higgins speak to a professional or a realtor about how much money she will put into this property and the value of this property when she is finished. He is guessing she will have to put more into this property than what the value of the property will be when she is finished remodeling it.

McGahee questioned if she if wanting to rent it out.

Ms. Higgins stated she would like to live there.

Morford questioned the last time she lived in the trailer.
Ms. Higgins stated she lived there in 2015.

Mayor Fitch stated staff said there were no utilities since 1998.

Ms. Higgins stated she does have utilities on at this time. She had the water turned on a couple months ago. She cannot have the electricity reconnected at this time.

Tanner stated this is just an ugly structure.

McGahee questioned if the water was on or not.

Leach stated revenue services told him that utilities have been off for water since 1998.

PUBLIC HEARING CLOSED.

McGahee questioned what type of litigation is Ms. Higgins involved in.

Ms. Higgins stated there has been damage done to her property and she is trying to obtain an attorney but no one will take her case.

McGahee stated Ms. Higgins will still have the opportunity to save her property even if it goes on the D&D list.

MOVED by McGahee SECOND by Burk, to adopt **Resolution 17-93** declaring the structure located at 1006 SW H Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Phillips, McGahee, Wells. NAY: Tanner. MOTION CARRIED.

1408 SW 8th Street

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since September 2009. Leach presented photographs of the property.

PUBLIC HEARING OPENED.

Rodrick Jackson, 704 SW 6th Street, stated he is the property owner. He stated he had an accident 18 months ago and they replaced his shoulder and that is why the house looks this way. He is still under his doctors' care and this property would have been finished 15 months ago if he would not have had the accident. He would like to do all the work himself. He stated he keeps the grass mowed and keeps the property boarded up and he does not know why they are messing with it.

McGahee questioned if Mr. Jackson knows how much it will cost to have this repaired.

Mr. Jackson stated it will not cost much because he has the materials, but he just can't lift his shoulder. He and his son keep this property clean. He does not want to have to get a permit

until he can do the work. He is keeping the property cut and he does not know what the problem is because nothing has been done to the properties next door for the past 15 or 16 years.

Phillips questioned what Mr. Jackson wants to do with the house.

Mr. Jackson stated his son is going to live in the house.

Mayor Fitch questioned when Mr. Jackson will be able to start work on the house.

Mr. Jackson stated he goes back to the doctor on the 16th and he is waiting on a release.

Davis stated this property is boarded up and secured and the outside has been kept up. He questioned why this property is being brought to council.

Leach stated it has been boarded and secured for 18 consecutive months.

McGahee questioned if Mr. Jackson can financially handle this project.

Mr. Jackson stated yes. He has the materials and equipment and this is not a hard fix. He is just asking for an extension and he can start working on it after he goes to the doctor on the 16th.

PUBLIC HEARING CLOSED.

MOVED by McGahee SECOND by Davis, to deny.

Morford questioned how long it would be before they could take some sort of action if something doesn't happen in a month or two.

Mayor Fitch stated if he gets a permit he would have six months.

Leach stated if this is denied nothing will happen at this point. He can get a permit when he wants to.

Mr. Jackson questioned if he had to get a permit to put on a roof.

Mayor Fitch stated yes.

Davis stated he is just tearing off the shingles, there is no permit required.

Leach stated they can bring this back anytime.

McGahee stated she is requesting that it be brought back in 30 days.

VOTE ON MOTION: AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells.
NAY: None. MOTION CARRIED.

1604 NW Floyd Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since January 2017. Leach presented photographs of the property.

Burk stated that he would like to see more pictures taken, especially of the inside.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Jackson SECOND by Morford, to adopt **Resolution 17-94** declaring the structure located at 1604 NW Floyd Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1606 NW Floyd Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since September 2016. Leach presented photographs of the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Jackson state he inspected this property and there are four houses that are all dilapidated. They had previously placed 1602 on the D&D list and now these two. It is a really back area and we are just trying to clean it up.

MOVED by Jackson SECOND by Morford, to adopt **Resolution 17-95** declaring the structure located at 1606 NW Floyd Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

12. Hold a public hearing and consider amending Section 18-4-1-404.1 of the Lawton City Code modifying the regulations on carports within the front yard setback of a one or two family dwelling and amending Section 20-1-101 of the Lawton City Code authorizing administrative approval of revocable permits for carports encroaching upon public utility easements or public rights-of-way. Exhibits: Ordinance No. 17-__ and CPC Minutes.

Richard Rogalski, Community Services Director, stated this item was brought to him by Councilmember Davis who noted a discrepancy in our code. This has to do only with carports that are existing beyond the front yard setback of a single family residence. Originally the code in older neighborhoods allowed carports into right-of-way widths in excess of 60 feet and it had a distance of 11 ½ feet from the curb. On the subdivisions that are more recent but still pre 1990, it said that the carports could extend into the front yard setback up to 5 foot from the right of way line. That was about a 5 foot shorter carport than the other ones would have. In this code they try to take that distance apart and separate that and say that as long as you are pre 1990, if your right of way is 60 foot the carports would be 12 ½ feet from the edge of the street which would be a foot off the right of way in a more recent subdivision but it gives you two foot from the sidewalk. They added a provision in chapter 20 to allow for a revocable permit for those carports that the code already allowed to extend in the right of way just to make it more of a

clean situation. The proposed ordinance will continue to allow carports for single-family and two-family dwellings on lots platted after January 1, 1990, to extend into the front yard setback consistent with the same standards now proposed for dwellings platted prior to January 1, 1990, provided a special exception is granted by the Board of Adjustment.

On July 13, 2017, the City Planning Commission held a public hearing on the proposed amendments to Chapter 18, and by a vote of 9 – 0, recommended approval. (The Commission did not make a recommendation on the proposed amendment to Chapter 20 because Chapter 20 is not within its purview.)

Phillips questioned if they approved this tonight then this would be done administratively.

Rogalski stated if a carport is being requested in a neighborhood that was subdivided before 1990, those are already done administratively and they would still be done administratively. If the subdivision is after 1990 it would go to the Board of Adjustment. This just puts the ones before 1990 on an even sitting whether or not their right of way is 100 foot or not.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Davis stated basically this cleans up this carport issue with regard to how big your carport can be. Right now depending on the right of way depends on how far off from the center of the street you have to be and it is confusing and there are a lot of people that can't build a car port big enough. It also extends the 24 foot limit on the length of the carport to 30 feet. This allows everyone to go by the same rule, you are allowed to build either 30 foot long or up to 2 feet from the sidewalk or right of way if there is no sidewalk.

Tanner stated this is a user friendly policy.

MOVED by Davis SECOND by Tanner to adopt **Ordinance 17-24**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-24

An ordinance amending Section 18-4-1-404.1, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2015, by modifying the exceptions which allow a carport to be located within the front yard building setback of a one or two family dwelling; amending Section 20-1-101, Article 20-1, Chapter 20, Lawton City Code, 2015, authorizing administrative approval of revocable permits for carports encroaching upon public utility easements or public rights-of-way; providing for severability and establishing an effective date of 30 days from today.

13. Hold a public hearing and consider an ordinance amending Section 18-9-1-908 of the Lawton City Code adding regulations on the brightness level of electronic message center signs. Exhibits: Ordinance No. 17-__ and CPC Minutes.

Rogalski stated the City has received numerous complaints of the brightness of electronic message center signs. He stated in every case they have had complaints they called the property owner or sign company and they made an adjustment. Now the code has language that says that the brightness cannot interfere with traffic, we never had a measureable limitation put in here. It was always going to be somewhat subjective whether or not the code official thought it was too much glare for traffic. Staff has researched sign industry standards and found recommended brightness levels for electronic message center signs published by the International Sign Association (ISA). These standards have been adopted by several other municipalities throughout the United States. The proposed ordinance uses the ISA's recommendation that electronic message center signs not exceed 0.3 foot candles over ambient lighting conditions when measured at the recommended distance based on the size of the sign. The formula uses the square root of the sign area multiplied by 10. For example, 32 square foot sign would be $\sqrt{32} \times 10 = 57$ feet. The ordinance does include a table of sign sizes and measurement distances using this formula. The proposed ordinance also requires that signs be equipped with a sensor or other device that can either automatically determine the ambient illumination and automatically adjust or can be manually adjusted to comply with the 0.3 foot candle requirement. On July 13, 2017, the City Planning Commission held a public hearing on the proposed amendment, and, by a vote of 9 – 0, recommended approval.

Phillips states she has received several complaints on this and questioned if all of these signs have these adjustments.

Rogalski stated every sign he has had a call on has had the ability to adjust the brightness. He stated we have always had good compliance but now we have a standard by which we can measure.

Davis questioned if the new sign in his ward for Liberty National Bank is set at this level as a reference point.

Rogalski stated the sign company went out and brought it down to where it is now in compliance.

Davis stated he received complaints on that sign and after they adjusted it everyone was happy. He just questioned if that adjustment was according to these measures.

Rogalski stated they worked towards that. That sign was approved by the Board of Adjustment with the condition that was this standard.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Phillips SECOND by McGahee to adopt **Ordinance 17-25**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-25

An ordinance amending Section 18-9-1-908, Division 18-9-1, Article 18-9, Chapter 18, Lawton City Code, 2015, regarding the regulations for electronic message center signs by providing for maximum brightness at measured distances; providing for severability and establishing an effective date of thirty days from today.

14. Hold a public hearing and consider an ordinance amending Section 18-8-1-805 of the Lawton City Code adding motorcycle parking as a reduction to the total number of required parking spaces. Exhibits: Ordinance No. 17-__ and CPC Minutes.

Rogalski stated the proposed ordinance offers motorcycle parking as a reduction to the total number of required parking spaces for uses which would require at least 25 parking spaces (excluding residential uses). Two motorcycle parking spaces may be substituted for one automobile parking space up to a maximum of 2% of the required parking. The minimum size of each motorcycle parking space shall be 4 feet by 8 feet. On July 13, 2017, the City Planning Commission held a public hearing on the proposed amendment, and by a vote of 9 – 0, recommended approval.

Phillips questioned if this would require more motorcycle parking.

Rogalski stated no. If someone wanted to put in two motorcycle spaces, they could actually reduce one of your car spaces.

Davis questioned if you had to have 50 parking spaces for this to be applicable.

Rogalski stated it says you have a minimum of 25 because they will round it up. If you have 25 spaces they will let you substitute one, but you only get one up to beyond 50. You have to go all the way up 75 before you get 2.

Davis stated all you get credit for is one parking space if you put these in, no matter how many motorcycle parking spots you put in, you only are alleviated of putting one regular car parking spot, up to 50.

Rogalski stated if you have a 50 car parking lot, you can put in 25 motorcycle space and you only get to reduce one car parking space.

Davis questioned if local businesses were involved in this process.

Rogalski stated not in writing the code, but businesses have asked for that in the past and we didn't have it in the code.

Davis questioned if they were asking for more than the 2% or were they happy with that.

Rogalski stated they never asked, they just decided to put that motorcycle parking space in there, but the question is how much do you reduce your parking requirement and it is always a critical issue. People already feel that our code does not require enough parking.

Wells stated they are still requiring the same amount of parking spaces, it is just being divided differently. If you need parking spaces for 25 cars, you still will require the same amount of spaces but one of the spaces will be for two motorcycles.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Burk SECOND by Jackson to adopt **Ordinance 17-26**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-26

An ordinance amending Section 18-8-1-805, Division 18-8-1, Article 18-8, Chapter 18, Lawton City Code, 2015, adding motorcycle parking as a reduction to the total number of required parking spaces; providing for severability and establishing an effective date of thirty days from today.

15. Consider discussing City Council Policy 1-6, Council Rules of Procedure, including compliance with the policy and any amendments that may be necessary, and provide direction as deemed appropriate. Exhibits: City Council Policy 1-6.

Davis stated he does not want to get into a situation where he is trying to call anyone out or site examples. All he wants, in his opinion, there have been several missteps in the procedure that they follow in regard to the parliamentary procedure. He would like to see the council do something about that, whether that's having an official parliamentarian talk to the council on the relationship of our charter rules versus the Roberts Rules of Order or having an actual parliamentarian. That is the intent of this item being on the agenda. He believes that everyone is wanting to do their best at following our own rules and a lot of times when the discussion is going on it is hard to remember all of the rules. He would like to see them get counsel from certified parliamentarians that could come and advise them on the steps that they are taking or failing to take in regard to following the proper procedure.

Mayor Fitch suggested that the city manager contact someone who is versed in this issue and have them come and visit with the council. They will need a special council meeting.

Ihler stated they will do some research and contact some certified parliamentarians.

Mayor Fitch stated there is no action to take on this item.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated he attended the purple heart truck run today at the veteran's center. He stated the truck will be presented to a disabled veteran from Arkansas. He stated a month ago he attended an IT committee meeting and they have asked staff to come up with an RFP to see about getting someone to give us a study on our IT and what we need to do in house or contract IT out or how

we can get the most available computer technology services for the staff and the citizens of Lawton.

McGahee stated on August 26th the Galilee Missionary Baptist Church is offering life skills training from 9 a.m. to 3 p.m. The registration deadline is August 18th.

Phillips stated she attended the Breakfast before Business event sponsored by the Chamber. She stated this event was hosted by Crutchers.

Tanner stated the Great Plains Parliamentarian group meets the 3rd or 4th Monday of every month at 5:30 p.m. at the blood bank. He is a member of that group. He agrees that they need to look into this and follow our rules of procedure. He stated the NAACP branch is inviting the public to attend a community trust forum on Saturday, August 12th at 11 a.m. at the Great Plains Technology Center.

Davis thanked the council for passing the carport ordinance.

Ihler stated staff has been meeting with KCA regarding the demolition of Southwestern Hospital. He stated staff continued to work with them and they should see work starting sometime next week.

The Mayor and Council convened in executive session at 7:59 p.m. and reconvened in regular, open session at 8:37 p.m. Roll call reflected all members present excluding Davis.

EXECUTIVE SESSION ITEM:

16. 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 2017-2018 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 #16. No action was taken.

There being no further business to consider, the meeting adjourned at 8:38 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK