

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 10, 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 Allan Hampton, The Christian Center, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three (Arrived @ 6:15 p.m.)
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT: Jay Burk, Ward Four

PROCLAMATION FOR WHITE CANE SAFETY DAY

Mayor Fitch proclaimed October 15, 2017 as White Cane Safety Day

REPORT ON FIT KIDS OPEN STREETS EVENT SURVEY

Richard Rogalski, Community Services Director, Dr. Ben Cooper, Fit Kids Coalition and Brenda Spencer-Ragland, Fort Sill Family & MWR Director, presented information to the council.

AUDIENCE PARTICIPATION:

Ted Symuleski, 2509 SW Cornell, stated he read about the death of a young man involved in the hit and run on 38th Street and we need to figure out how to put sidewalks in. He suggested they look into grant money or asking for donations from the community.

Mayor Fitch stated the council realizes this is a problem in this community. He stated all residential areas and commercial construction built today require sidewalks. He stated money is set aside for ADA and this is something that is important to council and staff. He stated 52nd

Street will have sidewalks on both sides when the project is completed. He stated we have a very limited amount of money and we need to make sure we are making the most impact.

Mr. Symuleski stated there are people who will come out and help with this need.

Evie Davenport, 1425 NW Hoover, stated her brother was the one who was killed on 38th Street. She is appalled at the lack of pedestrian safety in this town. Every city she has lived in has had sidewalks and crosswalks in all the major thoroughfares and intersections. She stated her brother was hit about 50 yards from where the sidewalk ends. She questioned how this town cannot care enough about the safety of its pedestrians to put in sidewalks on major roads. This needs to be a priority.

Jerry Wertz, 36th & Ferris, questioned the status of the computer issues and how soon the City of Lawton website will be fixed.

Bart Hadley, Assistant City Manager, stated they met this afternoon and the website should be operational within the next week or two through a hosted organization.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF SEPTEMBER 26, 2017.

MOVED by Wells SECOND by McGahee to approve the minutes of the Lawton City Council regular meeting of September 26, 2017. AYE: Jackson, Davis, Tanner, Phillips, McGahee, Wells, Morford. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Mayor Fitch stated item #2 will be discussed separately. Davis requested item #9 be considered separately.

MOVED by Wells SECOND by Burk to approve the consent agenda with the exception of items #2 (Chamberlain claim) and #9. AYE: Davis, Tanner, Phillips, McGahee, Wells, Morford, Jackson. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Sondra Faulkner, obo Robert Faulkner in the amount of \$2,900.00 (**Res. 17-105**), and Samuel and Beverly Hedge in the reduced amount of \$25,000.00 (**Res. 17-106**). Exhibits: Legal Opinions/Recommendations, Res. 17-__ and Res. 17- __.
2. Consider the following damage claims recommended for denial: Stephanie Chamberlain in the amount of \$1,509.12, Reginald Dozier in the amount of \$1,113.00 and Donnie and Joanna Lawson in the amount of \$400.00. Exhibits: Legal Opinions/Recommendations.

Kelea Fisher, Deputy City Attorney, stated Ms. Chamberlain is requesting that the council reimburse her for flood damage that occurred to her vehicle on June 2, 2017. She has recommended denial because on that day, records indicate that there was flash flooding

throughout the city. Some areas received 4-6 inches of rain. Records from the drainage maintenance division indicate that the drainage catch basins are checked on a monthly basis. Her recommendation for denial is based on what is legally recognized as an act of God defense. The flash flooding is what caused the damage to her vehicle, not any negligent maintenance on our part as far as our drainage systems are concerned. She has also cited an exemption that is found in the Oklahoma Governmental Tort Claims Act that exempts us from liability for natural conditions in the roadway that are due to weather conditions.

Stephanie Chamberlain, claimant, stated the issue with 26th Street is that they are a flood zone and there is no indicator that they have severe flooding in this area. She has signatures and statements from nine other neighbors willing to attest that they have inadequate drains on their road. Water floods in from Rogers Lane and 35th and Lincoln. Everything floods right in front of her house. She stated this has happened for over 20 years and nothing has been done to help the drainage problem. She stated whether or not she gets reimbursed for her car, this is still an issue on 26th street. The city recently removed the bars from the drain and installed a grate which has improved the water flow, but it still backs up. There is only one drain on that street and it overflows constantly.

Judy Pilkington, 601 NE Flowermound Road, stated she previously owned the home at 2208 NW 26th Street and when they lived there they were constantly calling the City to clear the drains. She stated she submitted numerous photos of her car with her claim and she feels this would not have happened if the City has put in proper drainage. If this was a rich neighborhood it would have property drainage. The City has not done anything in twenty years except to replace a grate. She has called in numerous times and it is an ongoing situation.

Ms. Chamberlain stated this happens even when they have mild to moderate rain.

Tanner questioned if Ms. Chamberlain had insurance.

Ms. Chamberlain stated not at the time. She did not think it would have been necessary to have flood insurance because she has never had issues until she moved into this neighborhood.

Fisher stated on the date in question over 24 areas throughout the city were flooded, it was not just this neighborhood. Emergency personnel had to rescue people that were stranded due to the flooding.

McGahee questioned if we were looking at the drainage in this area because this has been a long term issue.

Ihler stated we have many areas with flooding problems, especially in older areas of town when development occurred prior to any storm detention ordinances where the rainfall was allowed to run off without detaining the amount that comes off the development. He stated the FEMA and floodplain maps were not in effect until after a lot of these areas were developed. He stated we do have a master drainage plan study that was done in the 90's timeframe and he has asked the public works director to review that plan. The plan prioritizes areas that have a cost benefit ratio. He cannot say where this particular area is in the plan. When the plan is updated he will

schedule a council meeting to go through that study. He stated much like our roadway system, there are a half a billion dollars worth of improvements that need to be made.

McGahee requested that staff let Ms. Chamberlain know where her neighborhood sits on that priority list.

Ihler stated he will have staff contact Ms. Chamberlain.

Ms. Chamberlain requested that the City put up a sign saying this is a flood zone. She stated there is no warning system for anyone going down that road.

Jackson stated that we should have a maintenance program that cleans the drains in these flood areas.

Ihler stated that the drainage maintenance division cleans the grates about every month and after every storm.

Davis questioned if the drains were clogged or were they clear.

Ms. Pinkerton stated she is not sure because there was debris everywhere.

Davis questioned if drainage maintenance keeps a log of when they go out and clear the drain.

Ihler stated yes.

Davis questioned if it was cleared within the last 30 days.

Ihler stated all that information was provided to the attorney.

Fisher stated staff provided records that showed that this area was cleared on March 29, April 18 and on May 19.

MOVED by Morford SECOND by Jackson to deny the claim of Stephanie Chamberlain in the amount of \$1,509.12. AYE: Tanner, Phillips, McGahee, Wells, Morford, Jackson, Davis.
NAY: None. MOTION CARRIED.

3. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Brandon Hughes. Exhibits: **Res. 17-107.**
4. Consider adopting a resolution approving the joint petition settlement and making payment in the workers' compensation claim of Jace Bennett. Exhibits: **Res. 17-108**
5. Consider authorizing staff to prepare and submit a Request for Proposals (RFP) for a vehicle lease/purchase program, including financing, for city capital rolling stock and additional 2015 Public Safety Sales Tax Vehicles. Exhibits: None.

6. Consider authorizing staff to declare one (1) 2002 GMC Isuzu Power Flush Truck as surplus equipment and approve the sale of the unit to the Town of Medicine Park for \$1,200.00. Exhibits: Letter from the Town of Medicine Park Mayor.
7. Consider accepting the donation of three (3) training collars, specifically Sport Dog Prohunter 2525-E Collars, from Dr. Robert Bower, dba Oak Ridge Animal Center, which would be an important training tool to assist officers during K-9 training. Exhibits: None.
8. Consider accepting a permanent sanitary sewer easement and a temporary construction easement from the Lawton Country Club, LLC for right of way needed for the North Wolf Creek Sanitary Sewer Upgrade Project Part 4 (Emergency) Project# SSES 17-1, and authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map - Attached as Exhibit A. Document is on file in the City Clerk's office.
9. Consider approving appointments to boards and commissions. Exhibits: None.

Davis questioned if any of these appointments were ward appointments and is there a way the council can be notified of vacancies when there is a resignation in their ward.

Mayor Fitch stated certain committees are ward appointed and some are mayoral appointments. He is advised when there is a vacancy with the mayoral appointees and the council members are advised when there is one within their ward and they make a recommendation. Usually you speak with the chairman about an appointee and then the name is given to the City Clerk who will place the appointment on the agenda.

Davis stated there was a ward appointment that he was not notified of in his ward and he has not been notified of any ward appointments to this point and he knows of two so far. He questioned if there were any ward 3 appointments on this agenda item.

Mayor Fitch stated he is not sure.

Hushbeck stated they can note that on the commentaries.

Davis stated he is not for voting for something if he does not know if these are appointments in his ward. He would like to know that before voting on appointments.

Mayor Fitch suggested they table these appointments until the next council meeting and have the wards designated on the different appointees.

MOVED by Davis SECOND by Tanner to table to the October 24th meeting. AYE: Tanner, Phillips, McGahee, Wells, Morford, Jackson, Davis. NAY: None. MOTION CARRIED.

10. Consider approval of payroll for the period of September 25 – October 8, 2017.

NEW BUSINESS ITEMS:

11. Hold a public hearing and adopt a resolution declaring the structures located at 520 SW Sheridan Road, 1114 SW G Avenue, 1406 SW 8th Street, 1526 SW Pennsylvania Avenue and 4014 SW Mesquite Drive 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.

520 SW Sheridan Road

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 May 2017. Leach presented photographs of the property. He stated this property has come to council, it has been a five year process. This property was brought to council on November 10, 2014 and the property owner requested a stay to get permits, which were pulled but the work was not completed. The property was brought back to council again on March 25, 2017 and council allowed the homeowner more time to get permits, which were pulled, but were never completed to code standard and no inspections were completed, other than a gas inspection.

PUBLIC HEARING OPENED.

Ellen Davis, property owner, stated at the March 25th council meeting she was given permission to keep her garage to store her horse equipment. She has worked diligently to get this taken care of but she has reached difficulties with the neighbor as far as fencing is concerned. She had fencing, but the neighbor, Mr. Cooper, took it down. She just found out about this notification and she goes to the property at least every other day. She is attempting to beautify this area with plants. She has had difficulty in people knocking down the blocks and she has found a new cement compound she can use, but because the property is it is a state of dilapidation she cannot get the water turned on. If she could get the water turned on she could have had a stone mason come in and cut those down and reuse the bricks. She requested this be tabled because it will be inspected on October 20th. She found that since her permit had expired she was not able to get an inspection. On October 16th she will be going back to the office to get another construction permit. She will run fencing and she will make sure she is compliant. She stated this has been a green demo and everything has been recycled. She was told by staff that she could not keep the garage, but she was told by the council on March 25th that she could keep the garage to store her horse equipment. It is her intent to beautify the area, not to just have another parking lot. She has gone through several extensions but it is just God and herself that have been taking this down.

Tanner stated Ms. Davis is making some progress and she has been before the council several times and each time he has gone to bat for her and approved an extension. He questioned why she is not able to turn her water on. He has issues with this because Lawton has lost 1,650 water accounts since 2009. If someone wants to turn their water on he wants to make that as easy as possible. The City of Lawton needs the revenue.

Ihler stated he is guessing that it is in the code that if they do not have an active permit on a demolition that they have not met the requirements and they are not allowed to get the water turned on. He stated he will look into this issue because he is not sure.

Tanner stated that needs to be changed because water sales are the number two revenue source. He wants to make this as user friendly as possible.

Ms. Davis stated she has been denied twice trying to get the water turned back on.

Tanner questioned who she spoke to and what was she told.

Ms. Davis stated she went to the water department and they told her it was because it was under a demo property even though she told him she needed water to run equipment.

Tanner stated Ms. Davis has had four years to become compliant with this property. The council is requiring she tear down the south half of that building which is basically caving in. He questioned what it is going to take to get into compliance with at least tearing down the south half of that building. The council agreed to let her keep the garage portion to store her horse equipment.

Anthony Griffith, Administrative Services Director, stated this is a blight and hazard to the community. The walls are falling down and someone is eventually going to get injured. The structure does not meet city code and it is dangerous for anyone in the vicinity of that building. It has been three years and this is the fourth time this property has come to council. In November 2014 Ms. Davis was given time to demolish this structure and it didn't happen. He stated this building is dangerous and a hazard to this community.

Mayor Fitch questioned if Ms. Davis has an up to date demo permit when she applied for the water to be turned on.

Ms. Davis stated yes and the licensing looked it over and told her exactly what she had to do, but they didn't mention the fencing.

Tanner questioned the condition of the roof.

Ms. Davis stated it was fine. She stated she will have the gutters replaced in the back. The roof does not leak.

Wells questioned if staff is talking about the main structure or just the wall that is left.

Ms. Davis stated the garage structure is sound. She will have it inspected on October 20th.

Griffith stated half the building is missing and the walls are caving in. There is structural failure on that building, the same way the other walls came down there is potential for the other walls to come down. He stated their number one job is to protect the community. He stated the remaining part of the structure is dangerous and it should be demolished.

Davis stated he is gravely concerned if the policy is that we can't turn the water on, especially if this was a partial demo. He would like to look at that policy to see if it needs to be changed. He stated at first they were talking about the south structure, but now they are saying the north structure is a nuisance and dangerous.

Leach stated the building is not sound, but they have never been inside the building because in the past four years they have never had an inspection scheduled with our inspection services crew to inspect the whole property. Permits have been pulled, but there has never been a scheduled inspection, so they have no idea what the inside looks like.

Tanner stated before the council actually condemns the building he would like Ms. Davis to allow staff to go in and inspect the inside of that building.

Wells stated Ms. Davis is asking for two weeks.

Ms. Davis stated she would like to get the inspection done on the October 20th and she will pay the \$155 to the City.

Tanner suggested they postpone this until the next regular council meeting which would be after the 20th and give staff the opportunity to go inside the building, take some pictures and inspect the building and really validate if it is structurally unsound. At that time the council can make an informed decision.

Jackson stated numerous surveys have been done in this community and number one is usually our streets and roads and number two usually is our sidewalks. Number three every time is our dilapidated structures and the sad appearance of our community and this is one of those. There is no excuse for this. He drives by this two or three times a day and he is appalled by the continued lack of movement on it and he feels the City should have done something about it years ago and now we have a dangerous structure. He feels this should come down.

Tanner stated there have been several properties in his ward that have been placed on the dilapidated list and they still have not been demolished. He really does not see the urgency at this point in time to not allow neighborhood services to go into the property and take some pictures and validate that the building is actually structurally unsound.

Morford stated no matter what they do, the rest of the wall and the floors still have to come down.

Tanner stated yes, she got the demolition permit to take down the south half and not to leave cinder blocks standing.

Phillips questioned where Ms. Davis currently stores her horse equipment.

Ms. Davis stated she has a horse trailer that is exposed to the elements over by Bishop and she has a barn that needs to be fixed that stores a trailer. She really needs this structure to store it all in one place.

Phillips questioned why this was taking so long.

Ms. Davis stated she is doing all this by herself. She stated she has had other people contracted to come out but Mr. Cooper has had cars there and they refused to bring the wall down. She has spent over \$2,000 in contracting people to come out to knock those walls down but the vehicles were in the way.

Phillips questioned how much longer it will take.

Ms. Davis stated it is just going to be the weekend. She will gladly meet with staff for a tour and they can see that it is safe. She does not know if she will be able to get the gutters installed.

Phillips questioned if it has ever been inspected.

Ms. Davis stated yes, she had her cousins look at it and have told her what to do.

PUBLIC HEARING CLOSED.

MOVED by Tanner SECOND by Davis, to table to October 24th City Council meeting and to allow neighbor services staff to go into the building on October 20th and inspect it from the inside and validate that it is truly structurally unsound. AYE: Phillips, McGahee, Wells, Morford, Davis, Tanner. NAY: Jackson. MOTION CARRIED.

1114 SW G 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 July 3, 2017. Leach presented photographs of the property

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

MOVED by Tanner SECOND by Morford, to adopt **Resolution 17-109** declaring the structure located at 1114 SW G Avenue to be a dilapidated public nuisance. AYE: McGahee, Wells, Morford, Jackson, Davis, Tanner, Phillips. NAY: None. MOTION CARRIED.

1406 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 never had utilities. Leach presented photographs of the property.

Phillips questioned how far back we go to look at utilities.

Leach stated 1990. They cannot find any record of us servicing this property.

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

MOVED by McGahee SECOND by Phillips, to adopt **Resolution 17-110** declaring the structure located at 1406 SW 8th Street to be a dilapidated public nuisance. AYE: Wells, Morford, Jackson, Davis, Phillips, McGahee, NAY: None. ABSENT: Tanner. MOTION CARRIED.

1526 SW Pennsylvania 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 2014. Leach presented photographs of the property

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

MOVED by McGahee SECOND by Wells, to adopt **Resolution 17-111** declaring the structure located at 1526 SW Pennsylvania Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

McGahee requested that staff secure the door to this property.

4014 SW Mesquite Drive

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 2007. Leach presented photographs of the property

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

MOVED by McGahee SECOND by Wells, to adopt **Resolution 17-112** declaring the structure located at 4014 SW Mesquite Drive to be a dilapidated public nuisance. AYE: Jackson, Davis, Tanner, Phillips, McGahee, Wells, Morford. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells reminded citizens of the school bond election to be held November 14th.

McGahee invited everyone to a free community dinner on Saturday at Galilee Missionary Baptist Church.

Phillips stated she attended the groundbreaking for the public safety center last week. She also attended a meeting with a group who would like to save the Dunbar School and she hopes we can be successful in saving this historical structure in our community.

Tanner commended parks and recreation staff in keeping the parks mowed and they have gone beyond the call of duty at Lake Ellsworth in trying to get the restrooms operational until we get our grant money to build a new facility. He stated the AMBUCS Pancake Days will be held on November 6th.

Ihler stated there will be a special council meeting on October 18th at 1:30 p.m.
The Mayor and Council convened in executive session at 7:33 p.m. and reconvened in regular, open session at 7:41 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

12. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a FY 2017-2018 Collective Bargaining Agreement between the International Union of Police Associations, (IUPA), Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session.
Exhibits: None.

Jensen read the title of item #12. No action was taken.

There being no further business to consider, the meeting adjourned at 7:42 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK