

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 28, 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

Mayor Fitch called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Brandon Dollarhite, Centenary United Methodist Church, followed by the Pledge of Allegiance.

The Pledge of Allegiance was presented by the Cub Scout Pack #4001 of the First Christian Church.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Caleb Davis, Ward Three (Arrived @ 6:10 p.m.)
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven

ABSENT:

Doug Wells, Ward Eight

AUDIENCE PARTICIPATION:

Cindy Evans, 906 NW Beacon Tree Drive, stated she is the founder of the Red Cord, which is an organization to bring awareness to human trafficking. They raise awareness by speaking to the community. January is Human Trafficking Awareness Month and they plan to raise awareness and educate people. They will hold the first annual Freedom Gala on January 27, 2018 at 6 p.m. at the Hilton Garden Inn.

Ray Quiroga, 414 NW Ferris, stated he retired from the City of Lawton after 28 years. He is concerned about the bulk pick up program. There are 97,000 living in Lawton and if you multiply that by 2 that is 168,000 pickups a year and there is no way city staff can manage that. All over town there is nothing but bulk trash everywhere and it makes Lawton look bad. He stated for years we managed to do the bulk clean up in three weeks. They need to come up with a better idea than what we have now. There are other options like contracting it out.

Tanner stated the twice a year bulk trash used to be in the spring and fall and the reason it went to the citizen choosing two dates a year is because a lot of folks were not ready during the spring

or fall so it was supposed to be a more user friendly policy. He stated it actually takes less work for the solid waste staff to go out and pick up the twice a year you choose bulk trash pickup because in order to qualify you have to have a water account. Under the old system many did not have an active water account but the City just went ahead and picked that bulk trash up. If it was up to him we would send the grabber truck out every time we see some bulk trash, but that is not the policy. The policy says you have to have a residential water account, but commercial accounts and apartment complexes do not qualify. He stated they could go in and amend the current policy to include apartment complexes or come up with some more funding to go around whenever these vacant houses have trash. Currently they have to be turned in to the neighborhood services division where we have to send the owners of the property a letter and they may end up on the dilapidated list. He gets tired of looking at those bulky items that are left out and he receives many calls from citizens and he agrees that we need to clean this stuff up.

Davis questioned how far behind staff is running right now.

Ihler stated on average they pick up about 20 a day and he stated they are about 2-3 weeks behind. One of the reasons they went from the spring/fall cleanup to the call in pickups is because the bulk clean ups became so big and it became more than a three week process and it was running about 2 – 2 ½ months and costing approximately \$20,000 per pick up and they thought it would be a little more organized and they wouldn't have to spend so much overtime if they could just call in.

Mayor Fitch suggested a council committee look at this issue.

Davis, Tanner and Burk volunteered to sit on the committee.

Mayor Fitch appointed Tanner as chair.

Tanner stated a lot of folks that get letters from neighbor services saying they need to clean things up don't have a car or truck and can't figure out what to do with this bulk trash. This new policy is beneficial to the lower income folks in our community who have a water account because the City will come pick it up. He stated we just need to tweak the policy, maybe get another grabber truck in the next budget cycle to get more folks out there to do this bulk trash pickup.

Jackson stated when the council voted to go to the cart service citizens were concerned because they used to throw out a lot of bags on the curb. He stated they tried to accommodate them by scheduling four pickups a year. Because staff was inundated, they scaled it back to just two pickups. They need to continually tweak this thing because it is a problem. There is not enough manpower or trucks and it is all about the money.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETING OF OCTOBER 24, 2017.

MOVED by Jackson SECOND by Burk to approve the minutes of the Lawton City Council regular meeting of October 24, 2017. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.
CONSENT AGENDA:

Mayor Fitch stated the Gillespie and Larson claim on item #1 will be discussed separately. McGahee requested the Daisylnn Wright claim on item #2 be discussed separately.

MOVED by McGahee SECOND by Jackson to approve the consent agenda with the exception of Gillespie and Larson claim on item #1 and the Daisylnn Wright claim on item #2. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Greg and Young Fumbanks approval in the amount of \$150.00, and Cindy Gillespie and Doug Larson approval in the reduced amount of \$850.00. Exhibits: Legal Opinions/Recommendations and Resolution No. 17-____.

W. R. Moon, Assistant City Attorney, stated the claimants have decided to relinquish their vehicle and the amount of the damage claim would be increased to \$1,000.

MOVED by Jackson SECOND by Tanner to approve **Resolution 17-127** approving the claim of Cindy Gillespie and Doug Larson in the amount of \$1,000.00. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

2. Consider the following damage claims recommended for denial: Amber Jolly in the amount of \$23,855.00, Frank and Veronica Petty in the amount of \$17,000.00, Daisylnn Wright in the amount of \$25,249.52 and Donald and Sonya Parsons in the amount of \$447.97. Exhibits: Legal Opinions/Recommendations

McGahee stated Daisylnn Wright actually lives in Iowa and she believes she has some information that might make some changes in this particular claim. She is not able to be here tonight and she would like to table this claim for sixty days to give her the opportunity to travel to Lawton to attend the second council meeting in January 2018.

MOVED by McGahee SECOND by Burk to table the Daisylynn Wright claim to January 23, 2018. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee. NAY: None. MOTION CARRIED.

3. Consider authorizing the City Attorney to accept the sum of Eight Thousand and 00/100 Dollars (\$8,000.00) as settlement of the City's subrogation interest in the personal injury case of Gregory Manson. Exhibits: None.
4. Consider approving the record plat for Texhoma Addition, a replat of a portion of Block 2, Erwin Acres Addition. Exhibits: Plat Map.

5. Consider awarding a requirements contract for the Sanitary Sewer Emergency Line Replacement Requirement Contract 17-4 SSES Contract to Evans & Associates Utility Services, Inc. to be utilized for emergency repair and replacement of sewer lines. Exhibits: The Construction Contract and Bid Tabulations are on file in the Sewer System Technical Division's Office.
6. Consider accepting the sanitary sewer line, easement and maintenance bond to serve Murphy's Oil located on the southwest corner of SW Sheridan Road and W Gore Boulevard. Exhibits: Location Map. Maintenance Bond and Easement are on file in the City Clerk's office.
7. Consider awarding contract (18-007) Heavy Equipment Service and Parts to C. L. Boyd Co. Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
8. Consider extending contract (CL16-007) Electro Fusion Polyethylene Pipe Fittings to Core & Main LP (previously known as HD Supply Waterworks, LTD.), of Owasso, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
9. Consider extending contract (RFPCL16-012) Fire Service Cost Recovery Billing and Collection Services to Fire Recovery USA of Roseville, CA for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
10. Consider approval of payroll for the period of November 6 – 19, 2017.

OLD BUSINESS ITEMS:

11. Hold a public hearing and consider an ordinance amending Sections 18-4-1-411, 18-9-1-902, 18-9-1-905, 18-9-1-906, 18-9-1-907, 18-9-1-908, 18-9-1-909, 18-9-1-921, 18-9-1-928, and 18-8-1-934 and creating Section 18-9-1-910, Chapter 18, Lawton City Code, 2015, amending the definitions, exceptions, and regulations for signs. Exhibits: Ordinance 17-__.

Mayor Fitch stated they are going to extend the public hearing on this item.

Richard Rogalski, Community Services Director, stated they have discussed this item before and the basic premise is that they cannot regulate signs based on their content. Our original code called out types of signs like political signs, church signs or an institution sign. We really cannot have regulations based on the type or content of a sign so staff had to do a lot of work on this. Permanent signs are usually just called a pole sign or monument sign, so even though he is going through the whole code to take out the content issues, they didn't apply very often to permanent signs because permanent signs were based on the physical sign. We specifically called out types of temporary signs and we have to get rid of all that type of thing. They created two sections of code, only one is before the council tonight. This section of code they edited in Chapter 18 deal with the signs that are placed on private property. Our current code was fairly prohibitive on

signs being in the right of way although they were placed there anyway and it was difficult to enforce. This code says that signs on private property will be covered in Chapter 18 and signs placed in the right of way will be covered by a revocable permit in Chapter 20. This is only signs that are placed on private property and they cover the different types of signs that are placed on residential and commercial property. They cover how close it can be to the street or sidewalk and that is usually not an issue with on premise signs. They cover the site triangle issue as well because sometimes the private property goes into the site triangle. They try to talk about materials a little bit. Currently temporary signs are supposed to be in a rigid frame and the code was difficult to enforce and difficult to comply with. Those feather signs did not comply with the current code so he wrote this code to match what is standard practice. On R-1 and R-2 you are allowed to have three temporary signs, you are allowed 9 square feet with 54 inches in height. Those are numbers that will fit with real estate signs. Temporary signs are generally tied to an event and on residential property the sign cannot be placed more than 14 calendar days before the event and have to be picked up three days after the event. If it is a political event, the event occurs from when the candidate applies for office to when the election occurs, so the duration of the event is the duration of the election. In R-1 and R-2 there is no permit required and if you do have a sign that does not apply to an event, then there is a limitation of no more than four periods of 30 days per year. With signs on commercial property they broke it down to cover by square footage. You are allowed two square foot a sign for every lineal foot of street frontage. You can have a maximum height of 15 square feet. They do have an annual permit in this code and they are limited to 120 days out of the 365 per year. There is an enforcement clause in each one of these sections of code and it calls for a \$50 fine for the three offenses and beyond that it could go up to \$100 and we could even revoke your permit. The current code there is no section like this and without it the fine could be up to \$750. This new section will actually limit the amount of fines. Home occupation and yard sales signs are covered separately.

Morford questioned if a commercial property for lease or sale has to get a permit.

Rogalski stated to put any temporary sign on a property, you need a temporary sign permit. If the realtor has a sign permit then he would be covered.

Phillips stated this is complex and will be very complex for citizens. She questioned if this particular part of the code covers off premise temporary signs that want to be put up, for instance for the philharmonic orchestra who is announcing a concert, or for an event like the International Festival.

Rogalski stated it does not, those signs are typically placed in the right of way and they would be covered by Chapter 20. Those are covered by a temporary revocable permit unless they are a City sponsored event. It almost mirrors what we have been enforcing.

Phillips questioned if political signs are covered by another part of the code.

Rogalski stated political signs are never called out in either of the codes. But a political sign is a common type of temporary sign.

Phillips questioned what type of signs this code would cover.

Rogalski stated it covers any type of sign that is located on private property, both permanent and temporary.

Tanner stated if he had a building for rent, under this provision he will need to come to city hall to get a permit to set a sign in his window.

Rogalski stated that is correct.

Tanner stated this does not seem to be very user friendly. He does not want to come down to city hall and get a permit to put a for rent sign in his window.

Rogalski stated this is an attempt to have the opportunity and have that one on one conversation to explain the rules.

Tanner stated he likes what staff has come up with as far as the regulation and making sure things are neat and orderly, but the part he does not like is having to come down to city hall to get a permit to put a for rent sign in his window at his building. He questioned where they came up with 120 calendar days to put in place a temporary sign.

Rogalski stated that number was just a policy decision.

Tanner stated they have touched on the disciplinary action and it looks like we could give someone a citation every 24 hours. If we write you a ticket today and in 24 hours from now you haven't got that taken care of we can come right back and write you another ticket. Where did we come up with that, it seems a little heavy handed and not very user friendly.

Rogalski stated there is a whole lot more code in there than temporary signs.

Tanner stated he is for this, but he is against coming down to city hall and getting these permits to put a for rent sign in his window.

Morford questioned how Mr. Tanner would feel if they exempted the for sale or for rent signs.

Tanner stated if he is selling potatoes and he wants to put a sign up in his window, he does not want to come down to city hall and get a permit and that is what staff has put into this code.

Davis stated he thought the need for a permit was in Chapter 20, not Chapter 18.

Morford stated Councilmember Tanner is saying that if a grocery store wants to put a sign out for potatoes they would need a sign permit. He questioned if one sign permit would take care of all their outdoor signs.

Rogalski stated yes, there would be one sign permit for the entire year.

Tanner stated he likes the regulation that you have to have a nice, neat orderly sign, but he does not like the idea of having to come down to city hall and getting a permit to put this up. That is not user friendly.

Rogalski stated temporary window signs actually do not require a permit. If you put a for rent sign in your window you would not need a permit. It is the free standing signs that you put out front that would need a permit.

Tanner stated he read somewhere that window signs were regulated.

Rogalski stated they are limited to 25% of your window, but do not require a permit.

Tanner stated if he puts a for rent sign out in front of my business then he would have to come down to city hall. He is opposed to that too. You would need a permit for these A-frame signs.

Jackson stated several years ago there was a council member who was big into cleaning up the community and he determined you could not drive around town without seeing a huge amount of clutter with regards to signs. He is the one who originally created this sign ordinance because he was concerned about the clutter going on in our community. There has to be some rules and regulations in order to keep the community clean and nice.

Tanner stated that a small business owner should not be forced to come down to city hall and get a permit every time they want to put up a temporary sign. He is for regulating how signs look and appear, but he is against imposing this on citizens. We can do without that.

Rogalski stated it is a one-time annual permit and you can put up signs all year long.

Tanner stated that is for a certain amount of space. If you increase the amount of space for your temporary sign then you have to come down and then you are only limited to 120 days. He does not know where we came up with that.

Rogalski stated the question is how long is something before it is not temporary. There are signs out there that are temporary that have been there two years. If you call something a temporary sign then it needs to be temporary.

Tanner stated he might not be so opposed if there was a system in place that we could go on line and hit the button without having to come down to city hall.

Rogalski stated he received a request to add the word tribes under the exemption for flags.

Burk stated he does not see an issue with that. He stated the council has been working on this issue for ten years and they have gotten nowhere and they have given up and it is now a free for all. You start seeing people taking advantage and putting signs right up next to the road. We have a code but we don't enforce it and we don't have the people to enforce this. It is great to make codes if they make sense and we can enforce them. There has to be something to keep the city clean.

Jensen stated what the original committee developed was legally unenforceable and that was brought to his attention a couple years ago and he has been fighting to get this changed for three years. We were regulating based upon the message or content of a what the sign said and you

can't do that in a constitutional sense. You can't regulate a sign because of what it says. All we can regulate is location and characteristics of signs.

Burk stated they need to change but why do they have to reinvent the wheel.

Jensen stated they changed a lot but what was put in was staff's good faith and honest attempt to try to protect property values, avoid clutter, avoid safety issues and whether it has gone too far are all policy issues.

Burk stated he appreciated Rogalski's hard work, but we really don't do a huge amount of enforcement of signs. We don't have the manpower. We have taken out what is illegal and now we need to look at what part of the sign ordinance we do not like.

Rogalski stated some of it was unenforceable because it was hard to figure out what we wanted or the language was not clear. This code will not be perfect but it is the best they could do.

Burk questioned if there were great concerns from the real estate people regarding the changes.

Rogalski stated they are probably the group that livelihood is most directly changed with these code changes and they worked with them extensively.

Burk questioned if they were happy with this version.

Rogalski stated they were satisfied that we did everything we could.

Mayor Fitch stated they will open the floor back up to public comment.

PUBLIC HEARING OPENED.

Tom Leon, 2307 NW Redwood Lane, stated on Quanah Parker Trailway there is a guy that sets a sign out to sell pecans and honey. He questioned if he has to have a permit to set that sign out.

Rogalski stated yes.

Mr. Leon stated people are not going to be going out and checking all this stuff just because of these regulations. Most people won't know the regulations. He should be able to sell things on his private property and put a sign out. We put a lot of regulations out and it would drive staff nuts trying to enforce this.

Ray Karroga, 414 NW Ferris, questioned if this was all about revenue for the City. He stated city staff has a lot on their plates now and now they are asking them to stay up with all those signs in yards. It is just too much for neighborhood services to stay up with especially during elections.

PUBLIC HEARING CLOSED.

Mayor Fitch questioned if the council wants this to go back to staff to be rewritten.

Jackson stated they could continue to beat this thing up and not get anywhere. He is going to recommend that this issue be tabled and a committee be formed to work on this ordinance. They cannot answer all these questions tonight.

Tanner stated what Mr. Rogalski has put together actually has broadened what legally can be put out as a temporary sign so in that fashion it is more user friendly so he is not opposed to that. The only thing he is opposed to is having the small business owner burdened with the task of coming down to city hall to get a permit. He would recommend that they approve the ordinance as stands because we need that content neutral language changed and we spent a lot of time on this and we strike the provision that we have to have the small business get an annual on premises temporary sign permit. He feels they should keep the part where if you have a temporary inflatable balloon sign or search light sign, you definitely ought to get a permit for a search light. This might affect Fort Sill.

MOVED by Tanner to adopt **Ordinance 17-32**, and strike having to come down to city hall to get this annual on premises temporary sign permit and leave the temporary inflatable sign permit in place.

Jensen stated the council can make modifications on the floor, but if they are not crystal clear what they are going to be for the record, then he wouldn't want to go there from an enforcement standpoint. Councilmember Tanner is referring to the resolution that accompanies this ordinance.

Tanner stated it says in the ordinance that an annual temporary sign permit is required.

Jensen stated it really needs to be done carefully.

Tanner stated if we just strike that one provision you are not eating away at anything else.

Jensen stated they just can't focus on small businesses, what other provisions for a permit could we clearly strike tonight without a lot of confusion.

Burk questioned what is a small business.

Rogalski stated on page 18 it says an annual temporary sign permit is required.

Tanner stated if they strike that part all the hard work has been done. We have worked on this for ten years and it is a more user friendly. He does disagree with some things, but nothing is going to be perfect.

Jensen stated they are talking about taking out the small paragraph a on page 18. He questioned what other provisions for sign permits needs to be addressed tonight if we are going to take any action on this tonight.

Rogalski stated that paragraph on page 18 is the only place that permits are required for temporary signs.

Jensen stated this is clear enough and easy enough to do if that is what the council is inclined to do.

MOVED by Jackson SECOND by Davis to table this item and form a committee.

Mayor Fitch asked for three volunteers for the committee.

Burk, Davis and Tanner agreed to sit on the committee.

Mayor Fitch appointed Burk as the chairman.

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

12. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, to amend the fees associated with on-premise temporary signs.
Exhibits: Resolution 17-__.

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

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Ihler stated the new Human Resources director will start on December 4th.

There being no further business to consider, the meeting adjourned at 7:26 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK