

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 17, 2019 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Bob Ross, Interim City Attorney
Traci Hushbeck, City Clerk

Mayor Booker called the meeting to order at 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Terry Marsh, Carriage Hills Christian 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
Randy Warren, Ward Eight

ABSENT: Onreka Johnson, Ward Seven

PRESENTATION OF A PROCLAMATION ACKNOWLEDGING THE LAWTON FORT SILL CHAMBER OF COMMERCE FOR ACHIEVING A FIVE STAR ACCREDITATION FROM THE UNITED STATES CHAMBER OF COMMERCE.

Mayor Booker presented chamber staff with a proclamation acknowledging the achievement of receiving a five star accreditation from the US Chamber of Commerce.

EMPLOYEE SPOTLIGHT PRESENTATION TO ROY MCCARLY – SOLID WASTE DIVISION

The City Manager recognized Roy McCarly, Solid Waste Division, for his outstanding performance.

PRESENTATION FROM THE HEALTHY FOOD RETAIL TASK FORCE

Deborah Johnson, TSET Healthy Living Program Grant Manager from the Comanche County Health Department, presented a power point presentation from the Health Food Retail Task Force. (On file in the City Clerk's office)

Tanner stated he is the chair of this committee and the work the committee members are doing is going to be very good for Lawton.

REPORTS: MAYOR/CITY COUNCIL

Mayor Booker presented plaques to Council Members Tanner and Davis.

Tanner stated he has thoroughly enjoyed his experience on the city council. He is very proud of what the citizens have allowed him to accomplish. He encouraged everyone to support the new CIP package.

Burk congratulated Council Members Davis and Tanner for doing a great job on the council.

Davis thanked the council and staff for being so great to work with. He thanked the citizens for letting him represent them for the past three years. He has enjoyed his time serving the citizens of Lawton.

Hankins stated there is a lot to learn being on the council and she thanked everyone for being so patient with her during her first year.

AUDIENCE PARTICIPATION: None.

Mayor Booker stated items #15, #16, #17, #18, #19 and #20 have been stricken from the agenda.

CONSENT AGENDA:

MOVED by Burk SECOND by Warren to approve the consent agenda. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Freedom and Jessica Koen in the reduced amount of \$3,000.00 (**Res 19-121**), American Electric Power in the amount of \$10,910.00 (**Res 19-122**), ShaKenna Parham in the amount of \$1,044.26 (**Res 19-123**), Sheryl Jennings in the amount of \$1,378.76 (**Res 19-124**) and Donald McDougale in the reduced amount of \$1,973.11 (**Res 19-125**). Exhibits: Legal Opinions/Recommendations and Resolution 19-____, Resolution 19-____, Resolution 19-____, Resolution 19-____ and Resolution 19-____.
2. Consider the following damage claims recommended for denial: Micah C. Payne in the amount of \$1,545.64, and Green Terrace Townhouse Association in the amount of \$1,184.30. Exhibits: Legal Opinions/Recommendations.
3. Consider approving a request by the Lawton Metropolitan Area Airport Authority for funding assistance in an amount not to exceed \$120,000 from the Hotel Tax Economic Development Reserve Fund, for renovations to Lawton Airport Hanger Number 5 needed by the Department of the Army to occupy the hanger under a memorandum of agreement as an Arrival/Departure Airfield Control Group (A/DACG) to process Fort Sill soldiers

arrivals and departures, and authorize the Mayor and City Clerk to execute an agreement with the Authority to account for the funding. Exhibits: Lawton Metropolitan Area Airport Authority Request.

4. Consider awarding a Professional Services Contract for Consultant Brokerage services concerning employee benefits to Higginbotham Insurance Agency. Exhibits: Abstract of Bids. Proposed Contract is on file in the City Clerk's office.
5. Consider approving the third and final option to renew from Steve and Sandra Perry in accordance with the lease and concession agreement for Ralph's Resort between the Lawton Water Authority, and Steve and Sandra Perry. Exhibits: Ralph's Resort Extension Agreement.
6. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures at SW E Avenue at SW 20th Street and SW Texas and SW Tennessee near SW 13th Street and SW 14th Street. Exhibits: **Resolution No. 19-126**, Traffic Commission Minutes & Requests.
7. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 490 linear feet of 8-inch PVC sanitary sewer line, 1,335 linear feet of 12-inch PVC waterline, and all appurtenances to serve Rogers Lane Commercial Development located at the northwest corner of NE Angus Place and NE Rogers Lane. Exhibits: Permits to Construct are on file in the City Clerk's Office.

UNFINISHED BUSINESS:

8. Consider an ordinance pertaining to Refuse Fees and Charges amending Section 22-1-4-144, Division 22-1-4, Article 22-1, Chapter 22, Lawton City Code 2015, by authorizing a portion of funds generated by the landfill gate fee to be used for the abatement of litter at the landfill and along travel routes to the landfill, providing for severability and establishing an effective date. Exhibits: Ordinance 19-__.

Larry Wolcott, Public Works Director, stated these items were tabled at the previous meeting. This ordinance would designate two-thirds (2/3) of the funds generated by the landfill gate fee to be appropriated to Lawton Enhancement Trust Authority (LETA) to provide for the abatement of blowing litter at the landfill and along the travel routes that are used to transport solid waste to the landfill. Pursuant to OAC § 252:515-19-35(b), the Oklahoma Department of Environmental Quality requires the collection and control of blowing litter at landfills, including at least weekly collection. Alternatively, a portion of these funds could be used to hire contract labor by the city as part of the landfill's litter abatement operations. The remaining one-third (1/3) would continue to be used for infrastructure improvements and bulk solid waste collection.

Tanner stated committee member requested staff revise the language so that the trash and debris pickup would be on the outside the landfill, not inside the landfill.

Wolcott stated the revisions were to be part of the discussion tonight. He stated they can remove the part of the ordinance that states “at the landfill”, and just leave it to say “along travel routes”.

Burk stated LETA did not want to be cleaning up at the landfill. He stated they are definitely in favor of taking care of the roadways and they will expect some help from parks and recreation staff in scheduling the litter crews. He stated they do not want to restrict some of the haulers and they do not want to be too restrictive to the citizens coming out there. They do agree that it should be tied down and it should be secure. But to say it all has to be covered becomes a real issue for many citizens because most people do not have big tarps when moving something from their homes. He stated they expect commercial haulers to be covered and they know what their expectation are. He stated currently we do not make people tie anything down. He feels they need to make a huge push through our public relations officer that we make sure that people understand they can get pickups at their personal residences. He stated the landfill needs some work, the drive in and out to the landfill is horrible and he knows that commercial haulers are having the exact same problems. We need to have a better staging way for people to be able to pull in there and dump off of an area that is prepped enough that they are not pulling down into sinking dirt. We need a place where people never have to get off a concreted area. He stated Wichita Falls has a substation and it is very popular and that is something we need to work towards. It is a disservice to the citizens to ask them to go out there and dump.

Davis stated they instituted this \$1 gate fee and it almost cost more to keep track of that \$1 than it brings in. He asked at the last council meeting how many dumps were charged the gate fee.

Wolcott stated around 37,000.

Davis stated they can say that this \$1 gate fee generates \$37,000 a year. He stated the reason they broke this down into council accounts was so that when they received a complaint from a citizen and they have to pay something for the cleanup. He questioned if they could simplify this and all the money go to LETA to handle when a council member reported debris on a vacant lot and they could pay the City \$25 to go pick it up. This would keep this money in one account.

Tanner stated these ward accounts are not necessarily used for bulk trash pickup, they can be used to pick up debris on vacant property, the City cannot just go out and render a free service, they have to go after the owner of the property. What they can do is use these ward accounts to send out the solid waste department to pick up this trash. He stated he also used this account to replace some tennis court nets at a park in his ward, so they can use the money for capital improvement projects. He likes the way it is set up now where the dollar goes to the individual wards and the other 2/3 goes to LETA to help keep things clean to and from the landfill.

Davis clarified they are going to raise this to \$3 and instead of the 90/10 split it will be \$1 to the ward accounts and \$2 to LETA.

Cleghorn stated if a council member wants to have a bulk trash collection, they just need to send him an email and they will charge that against the ward account.

Tanner stated IT came in and they are looking at ways to keep better track of the collection. He believes there will be better accountability in the future.

Cleghorn stated the new software will allow staff to look up a residents account and they will not have to pay the dollar, they can just add it to their utility account. That is the way most transfer stations and landfills work.

Davis stated he has gotten complaints against the commercial haulers and one particular hauler takes 18 or 19 loads a day and it does not matter what the weather is like, they have to get those loads in. He has seen photos of them in the mud being drug by our bulldozers trying to get them in and out. He questioned if there were any plans to do anything about that problem. He stated the complaint is not so much about the gate fee going up, but we are not improving anything for them. Thousands of dollars of damage are being done to their trucks. We are getting ready to raise their rate, be we are providing no further service.

Wolcott stated there is not a perfect solution. You are talking about piling up solid waste, covering it in dirt and compacting it, you are going to have to deal with some of these situations. The best way they deal with it is the application of aggregate. As they apply gravel and track mud across it, the gravel disappears and they have to keep replacing it and it is costly, but it is the best approach to address the issue.

Davis stated that is what he has heard, not so much about going up on the gate fee from the commercial haulers, but we are not improving anything for them. The front end of their trucks are being torn up and thousands of dollars of damage is being done to their trucks. He wants council to realize that we are voting to raise their rate and provide them with no additional service.

Barry Beauchamp, representing Gill's Container Services, Miller Enterprises and Horn Sanitation, stated they are concerned about the rapid rate at which this fee has increased. They do understand there is an ODEQ directive and they understand what has to happen and the City has no options, they have to comply with that order. They are concerned that the fee increase is not being reinvested in the landfill to improve the services or the infrastructure. The new fee does disproportionately hit the commercial carriers. Gill's currently pays just under \$8,000 a year in gate fees and with the increase, it will jump to \$24,000. So far, in 2019, Gill's will exceed \$900,000 in landfill charges. He stated citizens get six free trips to the landfill a year and with 30,000 accounts that would equate to potential revenue of \$540,000. Even if we average it to one trip per citizen, that is \$90,000. If revenue is the issue, we may be leaving more on the table than we will be gaining by increasing the fee. He stated they are concerned that the city is taking revenues from one entity and diverting it for another purpose. Those funds are not being reinvested in this facility. He suggested that they take 1/3 for abatement, 1/3 for infrastructure and facility improvement and 1/3 to be divided between the 8 wards, but not start doing this until the second year. The first year 100% would go into doing what needs to be done at the landfill to address the compliance issue. He stated potentially this could be done on an alternating basis. In even years the facility improvement and abatement could get 100% and in the odd years the 100% could go to the ward accounts.

Tanner stated resident get six free dumps but they are not exempt from that gate fee. They still get charged the gate fee and we have in the past, gone out of our way for the commercial vendors in giving them a slight discount on their by tonnage fees. If this becomes a burden in the future to the commercial accounts a future council will have to look into offsetting some of these costs, possibly a reduction in the tonnage.

Burk stated the compliance issue is huge and they have to address it. At the last meeting he asked that staff look into the possibility of using some of the emergency funds and he was told that they could. He believes that by using some of the emergency funds they can make some immediate repairs where citizens can feel comfortable and they can safety get in and out of there on a solid surface. He questioned how much was in the emergency fund.

Tanner stated there is about \$3 million.

Burk stated this landfill is a real problem and using these emergency funds would help both residents and commercial haulers. This could really help eliminate some of the stress on these companies. He wants us to look fixing the landfill the way it needs to be fixed. We cannot afford to build a substation, but we do have enough funds to build roads and an area where citizens can drop off.

Ross stated that this is clearly a situation where the emergency fund could address. He does need to remind everyone that we just paid a lot of money to have the SEC expert come here and any money taken out of the emergency fund is something that we have to report to all the bond holders and no one knows if that will result in nothing or something severe.

Mayor Booker questioned if that would be an expense.

Ross stated not expense in notification, but it is a variable with our bondholders that needs to be considered.

Burk stated he disagrees. He does not believe there is a bond that is dependent upon our \$3 million reserve fund. They bond us money because we are bondable and we have a great reputation for paying our bills. He feels this is something they have to do here. He does not have a problem with asking our bond counsel if this is something they have concerns about, but he cannot imagine that someone would have loaned us money with a \$3 million reserve being an issue. There were plenty of years that we did not have an emergency reserve fund.

Cleghorn stated he has some ideas on how we can solve the problem, especially with regards to a citizen's drop off area. There are many landfills that have a designated spot where roll off boxes are on an elevated platforms. That eliminates residential traffic from heading up to the landfill and that makes it better for the commercial traffic to get in and out. He will work with the solid waste committee and bring back some ideas to the council.

Davis stated his main issue is for the commercial haulers. He questioned what it would take to come in and have a concrete area large enough to handle commercial haulers and then we could haul it with our equipment. He questioned if we were looking at \$500,000 or \$1 million?

Wolcott stated it would be a wild guess without laying out a design. They would have to look at drainage because when you deposit solid waste in the ground you have to maintain the material itself and the run off as well and that is why they dump inside the cells. When you talk about residential loads in a run off that is one thing, but when you talk about commercial dumping outside the cell it could be expensive.

Davis stated after hearing from these haulers, they are concerned that we are raising their fee and we are not doing anything to improve the facility they use. They all know that the landfill makes money and one of these commercial haulers was talking with the state about buying land and going through the landfill process. If we irritate these people too much they will eventually find another way to dump this stuff without paying the city.

Burk stated he would like to have answers from our bond counsel about how it affects our bond rating and also answers about using the emergency fund. He would also like to have an idea about what kind of dollar amount we are talking about to possibly do some kind of dumping area for residents with roll offs. He feels this will make an instant impact and everyone will win here. He stated the commercial haulers will just raise their rates to offset the increase. He wants this to happen quickly if possible.

Warren stated this has been an issue for years and council continues to just push it down the road. He would like to see staff put together an overall plan that would include a substation for residential drop offs and then some type of dump facility at the landfill that would serve the commercial haulers. He stated if they do not come up with a plan, this would just continue to be pushed down the road.

Tanner stated the upcoming CIP addressed some of the solid waste issues. Tonight they are just addressing the consent order by ODEQ. He feels they need to pass this ordinance.

Davis stated they need to remove the language “at the landfill” in the ordinance and the title.

MOVED by Tanner SECOND by Burk to adopt **Ordinance 19-33** amending to remove the language “at the landfill”, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-33

An ordinance pertaining to refuse fees and charges amending Section 22-1-4-144, Division 22-1-4, Article 22-1, Chapter 22, Lawton City Code 2015, by authorizing a portion of funds generated by the landfill gate fee to be used for the abatement of litter along travel routes to the landfill, providing for severability and establishing an effective date.

Mayor Booker thanked the commercial haulers for bringing some solutions to the council.

9. Consider an ordinance pertaining to Hauling Refuse amending Section 22-4-1-408, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code 2015, by requiring all refuse being transported on streets, alleys, or public places to be completely covered, providing for severability and establishing an effective date. Exhibits: Ordinance 19-__.

Burk stated it becomes very difficult for citizens to have a tarp on their trailer that they bring to the landfill once a year. He knows we want to stop debris from littering the traffic routes to the landfill, but he feels having it tarped is going too far for people who just do not have that. He feels this part of the ordinance needs to be fixed.

Hankins questioned if the tarping was according to state law.

Burk stated he knows that securing is part of the law unless you are a commercial hauler because they follow different regulations.

Wolcott stated across the board there is wording in state statute that dictates if you have material that is susceptible to blowing.

Hankins stated a part of Oklahoma Safety Law states that “no person shall operate on any highway, any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or any matter”. It sounds like it has to be covered.

Burk stated it says secured. He does not see where it has to be covered and this is talking about a highway.

Tanner stated we are dealing with loose blowing debris and you have to secure it whether you cover it, strap it, etc. When you are hauling something on the roadway it needs to be secured to where it will not come off of the vehicle. That language needs to be in the ordinance.

Cleghorn stated the sections that Council Member Hankins is referencing is Department of Public Safety Sections 47-14-105.

Ross stated there is no one answer. What you have to do depends on what you are carrying and that has to be the common sense way of doing it.

Davis stated paragraph A states “No person shall collect, haul or transport any refuse, as defined by this Chapter, along, over and upon any of the streets, alleys or public places in the city in such a manner that any portion of the materials hauled fall, sift, leak, or otherwise escape from the vehicles”. He stated that is way too over regulated. He stated our own trash trucks do not follow that, they leak all over the city and we cannot afford to buy tops for the trash trucks and trash sucks out of them like crazy. Our excuse is that we do not have the money to buy the lids that go over the top but we are going to require citizens or those who haul the trash to make a living, to secure their loads so that it does not sift, leak or otherwise escape. He feels that the state statute makes more common sense. The way it has traditionally been is that the person at the gatehouse determines whether your load is secure or not and if

you are going to get a fine or not. The other part is the amount of the fine. He feels we put too much pressure on the people at the scale house because the fine is defined as twice what their tipping fee is. Last week he went to the landfill three times and it was \$160, \$170 and \$150. If he would have been fined for an unsecured load, his fine would have been \$170. That is over the top. He feels the fine should be the same and he feels \$25 is enough and is fair and then it would not put so much pressure on the people at the scale house. He would like to see the language say secure load and the fine be \$25.

Warren stated they are trying to stop the flying litter and that would be a good job for the public information officer to get the word out. He suggested the LPD occasionally work that rode and write some littering tickets and some people would opt to pick up that litter than pay that fine.

Davis stated he feels the language brought to the council by Council Member Hankins is exactly what we are trying to accomplish.

Ross stated what was read is half the statute. It is illegal under state law to do what is in our ordinance, that is part A. Part B is dealing with fastening the load and the covering.

Davis stated he intentionally left out Part A and C dealing with livestock.

Mayor Booker stated the motion is to adopt the same language as in part b of Oklahoma 47-14-105.

Tanner stated with the fine being \$25 for unsecured load.

Bart Hadley, Deputy City Manager, stated the fine would be addressed in the fees schedule in the next agenda item.

MOVED by Davis SECOND by Tanner to adopt **Ordinance 19-34** amending to adopt the same language as Title 47 of the Oklahoma Statutes, Section 14-105b, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-34

An ordinance pertaining to hauling refuse amending Section 22-4-1-408, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code 2015, by requiring all refuse being transported on streets, alleys, or public places to be covered in accordance with Title 47 of the Oklahoma Statutes, Section 14-105b, providing for severability and establishing an effective date.

10. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, revising the landfill gate fee and the uncovered or unsecured load fees, and establishing an effective date. Exhibits: Resolution 19-____.

Wolcott stated this resolution would set the landfill gate fee from \$1 to \$3, and as written, it revises the unsecured or uncovered fees to be the designated tipping fees multiplied by two. The council can make those a flat rate of \$25

MOVED by Davis SECOND by Tanner to approve **Resolution 19-127** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, revising the landfill gate fee and the unsecured load fee to be \$25, and establishing an effective date. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

NEW BUSINESS:

11. Hold a public hearing and adopt a resolution declaring the structures located at 1516 SW “C” Avenue, 2805 SW “I” Avenue, 303 NW Dearborn Avenue, 1718 NW Smith Avenue to be dilapidated pursuant to Section 6-5-1 Lawton City Code, 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 the property.

1516 SW “C” Avenue

Will Hines, 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 2013. Hines presented photographs of the property

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

MOVED by Tanner SECOND by Fortenbaugh, to adopt **Resolution 19-128** declaring the structure located at 1516 SW “C” Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

2805 SW “I” Avenue

Hines reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated there is an arson report filed January 2018. Hines presented photographs of the property

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

MOVED by Tanner SECOND by Hankins, to adopt **Resolution 19-129** declaring the structure located at 2805 SW “I” Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

303 NW Dearborn Avenue

Hines reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. Hines presented photographs of the property

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

MOVED by Tanner SECOND by Burk, to adopt **Resolution 19-130** declaring the structure located at 303 NW Dearborn Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

1718 NW Smith Avenue

Hines reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property was brought to council on November 12, 2019 but there was an inaccurate address on the resolution. Hines presented photographs of the property

PUBLIC HEARING OPENED.

Sean Owen, Owen Construction, 817 NW 33rd, stated he would like to bring this property up to code for the owner, who lives in Oklahoma City.

Warren stated once the council declares this property as dilapidated, Mr. Owen will have 30 days to either demolish or pull a permit to repair it.

MOVED by Jackson SECOND by Burk, to adopt **Resolution 19-131** declaring the structure located at 1718 NW Smith Avenue to be a dilapidated public nuisance. AYE: Hankins, Jackson, Burk, Tanner, Fortenbaugh, Warren. NAY: Davis. MOTION CARRIED.

12. Hold a public hearing and consider a Use Permitted on Review for the operation of a medical marijuana growing and processing facility associated with the medical marijuana dispensary on property zoned C-5 General Commercial District located at 3140 NW Cache Road. Exhibits: Location Map, Site Plan and Application.

Burk exited the meeting.

Richard Rogalski, Community Services Director, stated this request is for a tract of land which measures approximately 466 feet by 176 feet located at 3140 NW Cache Road. The current use is a medical marijuana dispensary. The applicant, Steve Snell, desires to expand the business to include the growing and processing of medical marijuana. Section 18-6-12-624 lists a medical marijuana growing and/or processing facility associated with a medical marijuana dispensary when located within the same enclosed building as a Use Permitted on Review in the C-5 zoning district. The zoning of the surrounding area is C-5 and R-1 Single-Family Dwelling District to the north, R-1 to the south, C-5 to the east, and C-5 and R-4 High Density Apartment District to the west. The land use of the surrounding area is vacant commercial building and single-family residential (across Cache Road) to the north, single-family residential to the south, hotel to the east, and apartments and vacant land to the west. Notice of public hearing was mailed on November 21, 2019, to 29 property owners within 300 feet of the requested area. The City Planning Commission (CPC) will hold a public hearing on this request on December 12, 2019 and voted unanimously to recommend approval of this request.

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

MOVED by Davis SECOND by Warren, to approve a Use Permitted on Review for the operation of a medical marijuana growing and processing facility associated with the medical marijuana dispensary on property zoned C-5 General Commercial District located at 3140 NW Cache Road. AYE: Hankins, Jackson, Davis, Tanner, Fortenbaugh, Warren. NAY: None. ABSENT: Burk. MOTION CARRIED.

13. Consider approving an ordinance amending Section 2-1-1-103, Division 2-1-1, Article 2-1, Chapter 2 Lawton City Code, 1995, pertaining to the annual salary for the Mayor and the City Council, providing for severability and establishing an effective date. Exhibits: Charter Section C-2-3 and **Ordinance 19-35**.

Tanner stated he did not bring this item to the council to force a vote and he will not put the council in a position to vote themselves a raise, he feels that would be politically unbeneficial. He did want to bring awareness to the issue for future council member on what he considered to be fair compensation to the elected officials. He believes that council members spend every bit of 20 hours in council duties and if you are self-employed, you neglect your business. He stated using a conservative number of 15 hours a week, that is 780 hours a year, and 97 days a year that your council member invests in city business. He stated when you include the overall annual budget of this is close to \$400 million a year that the elected officials manage for the city. He feels these folks should at least get \$10 an hour. If you multiplied 780 hours by \$10 you would come up with \$7,800 a year. Those that do this job do not do it for the money they do it to make Lawton a better place and they can afford to do it. He feels it is unaffordable to the younger generation to seek election. He would like the council to look into appointing a citizen's committee to look into what would be fair compensation for their elected officials. It has been fourteen years since the council compensation has been raised. He stated he will not make a motion to approve this item.

Warren stated this is something to think about. He stated while business owners do lose some income, business owners and retired people are about the only people who can afford to serve on council and that is not a good thing. They need to work something out where a person who works a normal job could give that up and serve on council. He stated it could be maybe \$15,000 for council and \$30,000 for the Mayor. He suggested they look at this and put it to a vote of the people during a presidential election and let the people decide. He stated if the council approves a little bit of a raise it does not allow anyone to run if they cannot already. There are many people out there with some great ideas but they cannot afford to take off work to serve on all of these committees. He feels this is something they should look at in the future but he feels citizens should vote on setting the salary.

Burk stated he did not do this for the money and he spends more in gas running around town. There is a lot of work involved and a lot of committee meetings and council meetings. He stated \$5,000 a year is not normal pay, he talks to people at National League of Cities and they are paid. He has met council members from around the country who get paid \$60,000 and \$80,000 a year. He stated \$5,000 a year is ridiculous. County Commissioners make at least \$50,000 a year. There are so many people out there that would probably consider this, but they cannot for

the amount of money that is paid. If they want to change the face of Lawton, the only way they can do this is to be accountable. They need to do something.

Hankins stated in Tulsa the city council makes \$24,000 and the Mayor makes \$105,000.

Cleghorn stated that is a different form of government. Aldermanic forms of government are completely different from what we have here.

Burk stated he feels they do need to get a committee together to discuss it because for some people it is a hindrance in why they do not run.

Mayor Booker stated he agrees with the idea of a citizen's committee.

Fortenbaugh stated for him, being on the council is a public service. He feels it is strange that they are talking about giving the council a pay raise when every year they look at the police, fire and general employees and can only afford to give them a 2% increase, then we raise their insurance by 10%. He stated that this seems wrong and they should take care of everyone else, not the council.

MOVED by Tanner SECOND by Burk, to table this item indefinitely and appoint a citizens committee to look into what would be fair compensation for elected officials.

Davis stated he received nothing but positive responses on this item for all the reasons that were discussed. The only people who will be able to run for council are business owners and retired citizens. Until there is fair compensation, younger people will not be able to run for council. At some point this city will be aggressive about good ideas and will have a council that can work hard and spend the time to do that.

Mayor Booker clarified that each council member would appoint a committee member from their ward and he would also appoint a member.

VOTE ON MOTION: AYE: Hankins, Jackson, Davis, Burk, Tanner, Warren. NAY: Fortenbaugh. MOTION CARRIED.

14. Consider approving Ordinance No. 2019-_____ relating to Finance and Purchasing Requirements; amending Sections 10-1-101, 10-1-102 and 10-1-113, Article 10-1 (City Contract and Sales) of Chapter 10 of the Lawton City Code, 2015; by increasing the purchasing and contracting authority of the City Manager for the procurement of budgeted supplies, materials, equipment and services, personnel or any personal property, from fifty thousand dollars (\$50,000) to seventy-five thousand dollars (\$75,000) when the purchases and procurement process does not require compliance with the Oklahoma Public Competitive Bidding Act of 1974; providing for severability; providing an effective date; and providing for publication of the Ordinance as required by Section C-2-15 of the Lawton City Charter. Exhibits: Ordinance 19-__.

Cleghorn stated this brings us into line with other portions of the purchasing policy, which allows the manager or staff, if allowed by the manager, to purchase materials, supplies, etc. in the amount of \$75,000. There is already an exception to that for PVC pipe, this would bring other supplies, materials, etc. in line with that. This does not allow the manager to approve any public construction contract above the amount of \$50,000, but it does allow the manager to streamline more of the processes that could flow through the manager's office and that is why this agenda item has been brought before council.

Burk stated he worked with the city manager on this and he feels it is important because sometimes things have to wait until the council approves something that the city manager could have approved instantly. These things were already approved in the budget so this is a way to say go ahead and get the job done. He stated things would move along so much faster with this change.

MOVED by Burk SECOND by Warren to adopt **Ordinance 19-36**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days after passage. AYE: Hankins, Jackson, Davis, Burk, Tanner, Fortenbaugh, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 19-36

An ordinance relating to finance and purchasing requirements; amending Sections 10-1-101, 10-1-102 and 10-1-113, Article 10-1 (city contracts and sales) of Chapter 10 of the Lawton City Code, 2015; by increasing the purchasing and contracting authority of the city manager for the procurement of budgeted supplies, materials, equipment and services, personnel or any personal property, from fifty thousand dollars (\$50,000) to seventy-five thousand dollars (\$75,000) when the purchases and procurement process do not require compliance with the Oklahoma Public Competitive Bidding Act of 1974; further expressing the purchase authority delegated to the city manager; providing for severability; providing an effective date; and providing for publication of the ordinance as required by section C-2-15 of the Lawton City Charter.

15. Consider an ordinance amending Personnel Policies and Procedures Sections 17-1-4-137 and 17-1-1-102, Chapter 17, Lawton City Code, 2015, by allowing up to a three (3) month extension of the introductory period upon approval of the city manager and amending the definition of "introductory period" or "introductory status" to reflect the same. Exhibits: Ordinance 19-___. **STRICKEN FROM AGENDA**
16. Consider an ordinance amending Personnel Policies and Procedures Section 17-1-6-161, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, prohibiting new hires from being credited and/or using vacation leave until after successful completion of the introductory period, to include any extension, and clarifying the years of service associated with vacation accruals for regular full-time and part-time employees; providing for severability, and establishing an effective date. Exhibits: Ordinance 19-___. **STRICKEN FROM AGENDA**

17. Consider an ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-3-124, Division 17-1-3, Article 17-1, Chapter 17, Lawton City Code, 2015, clarifying the City Manager's authority to move and/or transfer personnel for the good of the service without a formal posting in circumstances such as demotions, disciplinary actions, or other personnel moves; providing for severability, and establishing an effective date. Exhibits: Ordinance 19-___. **STRICKEN FROM AGENDA**
18. Consider an ordinance pertaining to Personnel Policies and Procedures creating Section 17-1-6-169, Division 17-1-6, Article 17-1, Chapter 17, Lawton City Code, 2015, titling the section Leave Usage, establishing that vacation, sick, historical sick, flex and compensatory leave time must be taken in not less than quarter hour increments; amending Section 17-1-5-152, Division 17-1-5, Article 17-1, Chapter 17, Lawton City Code, 2015, establishing that time worked in excess of forty (40) hours each established work period is to be computed in quarter hour increments; providing for severability, codification, and establishing an effective date. Exhibits: Ordinance 19-___. **STRICKEN FROM AGENDA**

STAFF REPORTS

Kara Haynes, Finance Director, presented revenue and expenditure highlights for the period ending November 30, 2019. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 8:27 p.m. and reconvened in regular, open session at 9:10 p.m. Roll call reflected all members present.

EXECUTIVE SESSION:

19. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2020-2021 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. **STRICKEN FROM AGENDA**
20. 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. **STRICKEN FROM AGENDA**
21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Notices of Charge of Discrimination the City received from the U.S. Equal Employment Opportunity Commission on behalf of the charging parties Melissa Clements, Denise Ezell, Kelea Fisher, Kristin Huntley, Megan Loftis and Julie Snodgrass, and, if necessary, take appropriate action in open session. Exhibits: None.

Ross read the title of item #21. No action was taken.

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claims of Melissa Clements, Denise Ezell, Kelea Fisher, Kristin Huntley, Megan Loftis and Julie Snodgrass, filed with the City on September 27 and November 12, 2019, and, if necessary, take appropriate action in open session. Exhibits: None.

Ross read the title of item #22. No action was taken.

There being no further business to consider, the meeting adjourned at 9:11 p.m. upon motion, Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK