

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
APRIL 12, 2016 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor  
Presiding

Also Present:  
Jerry Ihler, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Deacon Jim Coe, Holy Family Catholic Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One  
Keith Jackson, Ward Two  
Rosemary Bellino-Hall, Ward Three  
Dwight Tanner, Jr., Ward Five  
Cherry Phillips, Ward Six  
V. Gay McGahee, Ward Seven  
Doug Wells, Ward Eight

ABSENT:

Jay Burk, Ward Four

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO ALECE NEWELL

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Alece Newell.

PROCLAMATION FOR MULTIPLE SCLEROSIS EDUCATION AND AWARENESS MONTH

Mayor Fitch proclaimed April 2016 as Multiple Sclerosis Foundation Awareness Month.

PROCLAMATION FOR SAFE DIGGING MONTH

Mayor Fitch proclaimed April 2016 as Safe Digging Month.

PROCLAMATION FOR AIR QUALITY AWARENESS WEEK

Mayor Fitch proclaimed the week of April 25-29, 2016 as Air Quality Awareness Week.

AUDIENCE PARTICIPATION:

J. R. Aktar, Lawton Courtyard, stated for the past year and a half he has lost 175 signs and a contractor for the City of Lawton is going around and picking up his signs. He stated he is a small business owner and without advertising he cannot run his business. His signs are small yard signs for his apartment complex. He stated the city employee has taken his signs because the employee is in the same business as him and it is causing him loss. He stated candidates put out the same signs during election time. He stated these are temporary signs and he asked that the council give small business owners a little leniency. He is asking that his signs be returned to him.

Morford questioned what kind of signs.

Mr. Aktar stated these are real estate signs for his apartment complex.

Ihler stated that staff is drafting an ordinance with revisions and it should be going to the planning commission the second meeting in May. We are trying to establish some limits in the sign ordinance.

Jim Russell, Assistant City Manager, stated staff has met with Mr. Aktar and it is not a city employee who is picking up his signs.

Tanner stated when he was campaigning, Neighborhood Services would pick up his signs but they do not throw those signs away, he will be able to retrieve those signs. If an individual is taking them, it is a different story.

Mr. Aktar stated it is a city contractor who cuts the grass, not a city employee. He takes only his signs.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 23, 2016.

MOVED by Jackson SECOND by Morford to approve minutes of Lawton City Council regular meeting of February 23, 2016. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #7 will be considered separately.

MOVED by Wells SECOND by McGahee to approve the consent agenda with the exception of item #7. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Bobby Dodd. Exhibits: **Resolution No. 16-27.**
2. Consider approving an encumbrance from the 2015-2016 City At Large Contingency account for Phase One of Revenue Services' Automatic Meter Reading (AMR) System base station upgrade estimated to cost \$49,100. Exhibits: None.
3. Consider ratifying the approval of a third addendum dated March 22, 2016 to the Single Audit Engagement Letter dated June 24, 2013 between the City of Lawton and Arledge & Associates, P.C. for the 2013 annual audit as previously executed by the City Manager and Mayor. Exhibits: March 22, 2016 Addendum #3 to Arledge & Associates Single Audit Engagement Letter and January 29, 2015 BKD Audit Engagement Letter.
4. Consider ratifying the Fire Department's submission of an FY 2015 'Staffing for Adequate Fire and Emergency Response' (SAFER) grant application to FEMA, to potentially assist with staffing needs for the new Fire Station #8. Exhibits: None.
5. Consider authorizing staff to prepare a Request for Proposal (RFP) for the City of Lawton's Employee Assistance Program (EAP) third party administrator. Exhibits: None.
6. Consider accepting a grant awarded to the City in February 2015, in the amount of \$160,000.00 from the Tobacco Settlement Endowment Trust to install solar bollard lighting and signage along bicycle/walking paths within the City of Lawton. Exhibits: TSET Grant Budget.
7. Consider approving an agreement between Muhammad Afzal and the City of Lawton for the cooperative effort to establish the McMahon Cricket Ground for the Lawton Fort Sill community. Exhibits: Agreement between the City and M. Afzal.

Jack Hanna, Parks and Recreation Director, stated there was a version of the agreement in the agenda books that was not the final version. The final version was handed out to the council prior to the meeting. The only change is highlighted under number 6 under maintenance. He stated they mow in that area on a regular basis and it states that Mr. Afzal will assist the City if there is any event he is hosting and they cannot accommodate him with the regular schedule. Mr. Afzal will not be held responsible for the mowing.

Phillips questioned if Mr. Afzal will schedule the games around the mowing schedule.

Hanna stated if his games are in between the mowings, they have a direct line of communication and he will ask for assistance if needed.

MOVED by Wells SECOND by McGahee to approve an agreement between Muhammad Afzal and the City of Lawton for the cooperative effort to establish the McMahon Cricket Ground for

the Lawton Fort Sill community. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

8. Consider allowing the Parks & Recreation Department to Co-sponsor with the Lawton Amateur Softball Association (LASA) a series of softball tournaments for the year 2016. Exhibits: None.
9. Consider allowing the Parks & Recreation Department to Co-sponsor with Classic Lawton Chevrolet to host a basketball tournament to benefit the H.C. King Center. Exhibits: None.
10. Consider entering into an agreement with Securadyne Systems of Oklahoma City, OK, to monitor the intruder alarm system at City Hall. Exhibits: Written agreement is on file in the City Clerk's office.
11. Consider allowing the Parks & Recreation Department to receive the Space Master Portable School Trailer as a donation from Lawton Public Schools to be used at the McMahon Softball Complex. Exhibits: None.
12. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 2,502 linear feet of 8-inch PVC waterline and all appurtenances to serve Great Plains Technology Center located at 1601 SW Park Ridge Boulevard in the NE/4 of Section 3, T1N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
13. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 145 linear feet of 8-inch PVC waterline and all appurtenances to serve McDonald's site #035-0345, to be located at the northwest corner of Interstate 44 and East Gore Boulevard, in the SW/4 of Section 29, T2N, R11W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
14. Consider accepting the traffic signals and intersection improvements located on the new entry drive to the Comanche Nation Visitor Center off SE Lee Boulevard and waive the requirement for the maintenance bond and inspection. Exhibits: Location Map.
15. Consider accepting a professional services agreement with Karol S. Zea of Zea Company, Incorporated for appraisal services, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Professional Services Agreement is on file in the City Clerk's office.
16. Consider accepting a permanent easement and a temporary easement from Craig B. Busch and Ella D. Busch, husband and wife, for right of way needed for the Pat Henry Elementary School, Safe Routes to School Project# 2013-09, authorizing the Mayor and City Clerk to execute the documents. Exhibits: Location map. Documents are on file in the City Clerk's office.

17. Consider extending the terms of the contract for Cationic Polymer to primary vendor Chameleon Industries of Mesquite, TX and secondary vendor Polydyne Inc. of Riceboro, GA for one additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
18. Consider awarding contract (CL16-019) Asphalt Crack Filler to Right Pointe Company of DeKalb, IL. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
19. Consider extending contract (RFPCL15-030) Concession Operation McMahon Park to LaSill Optimist Club of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
20. Consider awarding contract (CL16-017) Precast Concrete Manholes to Primary Structure of Guthrie, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
21. Consider awarding contract (CL16-018) Mowing & Litter Contract, Area One to Lawn Wizards of Lawton, OK and Area Two to Rob's Lawn Care of Cache, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
22. Consider extending contract (CL14-046) Mowing & Litter (Areas M, N, O) to Teen Challenge of Cache, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
23. Consider extending contract (CL15-040) Thermoplastic Material & Epoxy Primer/Sealer to Ennis Paint Inc. of Thomasville, NC for one additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet
24. Consider extending contract for Sludge Dewatering Polymer to Polydyne Inc. of Riceboro, GA for one additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
25. Consider awarding contract (CL16-016) Cement Kiln Dust to Silver Star Construction Inc. of Moore, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
26. Consider approving appointments to boards and commissions. Exhibits: None.
27. Consider approval of payroll for the periods of March 14 – April 10, 2016.

Mayor Fitch stated he would like the council to address the addendum before new business.

**ADDENDUM:**

1. Consider authorizing the Mayor to execute on behalf of the City of Lawton a letter of commitment and support for an initial competitive grant application for the Comanche County RE-LINK Initiative proposed by the Oklahoma Department of Mental Health and

Substance Abuse Services and the Comanche County Dentition Center. Exhibits:  
Proposed letter of commitment. Grant information is on file in the City Clerk’s office.

Tanner stated this is a letter of support for Comanche County RE-LINK, who is seeking a grant from the Oklahoma Department of Mental Health and they needed a letter of commitment to possibly get this grant. It helps to integrate previously incarcerated individuals into the community and helps to maintain a successful life.

MOVED by Tanner SECOND by Phillips to authorize the Mayor to execute on behalf of the City of Lawton a letter of commitment and support for an initial competitive grant application for the Comanche County RE-LINK Initiative proposed by the Oklahoma Department of Mental Health and Substance Abuse Services and the Comanche County Dentition Center. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEM:

28. Consider discussing and evaluating the need for particular changes to the Lawton City Charter and provide direction to City staff on the preparation of proposed Charter changes to be submitted for approval by the registered voters of the City at an election called for such purpose. Exhibits: Proposed charter revisions.

Mayor Fitch stated the council has reviewed the proposed changes and he will just start with the first one.

**Tanner/Wells**

- **Add Section C-8-15 to the Charter stating:**

In addition to the residency requirements established in the Charter for the positions of City Manager and City Attorney, the City Council by duly enacted ordinance is empowered to establish residency requirements for other employees of the City, whether appointed by the Council or the City Manager. Such residency requirements established by ordinance shall have proactive application only, and provide a reasonable period of time as determined by the Council for new employees to meet the residency requirements.

- Note: If this provision passes, the Council would then have the authority to decide, by ordinance, which employees the Charter provision applies to and the details of the residency requirements.

Wells stated this is Mr. Tanner’s proposal and he just made a recommendation to make it easier. His name should not be on this item.

Tanner stated the City of Lawton has two employees that they can set residency requirements on and that is the City Manager and the City Attorney. This is an amended version which he accepted from Councilmember Wells which does not specifically state that the top level city administrators have to live in Lawton, but the council, if they so choose, can set residency requirements and not necessarily to live in Lawton, but we could actually set a response time requirement. This gives the council more leeway because once something gets specifically into the charter, there is no changing, so this way if the council decides to set some residency requirements and they don't work out they can change some things.

Jensen stated he is asking for definite direction on each proposal so that they can prepare final drafting in ballot form to be voted on by the citizens.

Mayor Fitch stated they need to note that this has no impact on current administration. They are talking about the roughly 15 department head positions.

Tanner stated at this point it would not have an impact on anyone because it would have to go before a vote of the people and the council could decide to set residency requirements, not necessarily to live in Lawton, but to live within Comanche County.

Mayor Fitch questioned if this would apply in the future to all new hires in all areas of the City of Lawton employment.

Tanner stated yes, the way this reads.

Jackson stated he has labored over this issue with the charter change on the residency requirements since this was first brought up. He is concerned that we will be limiting our quality of personnel opportunities if we do this. If he wants to hire someone that lives in Marlow, Duncan or Chattanooga, that is 30 minutes away, we have quality employees and administrators that live in all these areas. Lawton is not a large town, we are not an Oklahoma City or Tulsa, and the numbers are just not here in our area and he does not want to limit our quality of personnel to 15 minutes from Lawton.

Bellino-Hall stated she agrees. We are limiting our selection and it is the worse choice we could possibly ever make. In this day and age people live wherever they want to live. They are vested in the job, which the job is vested in the City. In our world today people work by telemedicine, telecommunications and we want the best employees and we don't want to limit them because they have to live within the city of Lawton. You may have someone who may want to take a job but then they look at this and say that they don't want to be forced to live there. We may be turning away our best candidates and we need quality people. She feels this is a bad idea.

Phillips stated the way she understands this is that it only gives the council the option to do this by ordinance, not by the city charter.

Jensen stated this current version does exactly that. It would set out any positions in the charter except the two that already exist. It would empower the council to enact an ordinance in the

future to identify other positions to establish a residency requirement or a response time requirement.

Mayor Fitch stated he thinks the police and fire currently have a response time requirement because they do have people living outside of Lawton and it has worked well for years. He feels this will give this council and future councils more power of trying to tell someone they have to live in the city of Lawton and the council could make that a rule for all employees and he feels that putting this on the books right now would be a grave mistake.

Tanner stated he personally thinks that Lawton is a great place to live and if he is going to have people here governing at the top level, implementing policies, and if they don't want to live in Lawton or think that Lawton is good enough for them, then he does not think they are qualified to be a top level administrator. This is not about choosing the employees just from Lawton, we can still choose folks that live in Oklahoma City, we are just going to take the option away from those folks that once we hire you, you will live here among the people that you are governing. He feels this is a great idea that the people of Lawton would vote for and the majority would agree with it. We have a lot of smart people in our community and a lot of tools to educate the citizens of Lawton and he feels we have the human resources in this town to do these jobs. He stated an administrative job pays from \$50,000 to over \$100,000 a year, plus benefits. If you don't want to relocate to Lawton because it is too ugly or the crime rate is too high, then you can just stay where you are at. That is his personal opinion. If our money is good enough for you, our city is good enough for you.

Bellino-Hall stated if we get four candidates and we have to pick the fourth worst one, what does that do for our city?

Tanner stated how hard is it to go pick up trash, how hard is it to be an administrator in the trash pickup department and schedule these trash pickups. This is not rocket science.

MOVED by Tanner SECOND by Phillips to place a proposal on the ballot stating the City Council, by duly enacted ordinance, is empowered to establish residency requirements for other employees of the City, whether appointed by the Council or the City Manager. Such residency requirements established by ordinance shall have proactive application only, and provide a reasonable period of time as determined by the Council for new employees to meet the residency requirements. AYE: Tanner, Phillips, McGahee. NAY: Morford, Jackson, Bellino-Hall, Wells. MOTION FAILED.

### Wells

- Eliminate primary elections for mayor and councilmembers; candidates to be elected to office by one general election – the candidate that receives the greater number of votes shall be elected
- Remove term limits for mayor and councilmembers



- Amend Section C-2-8 (Mayor and councilmembers—Absences to terminate membership) to state:

If the mayor or any councilmember is absent from more than one-half of all the regular meetings of the council, ~~regular and special~~, held within any period of four consecutive calendar months, he shall thereupon cease to hold office; provided, however, absences due to illness or injury shall not be counted in calculating the number of absences within any such period of four consecutive calendar months, unless absences for any reason exceed more than one-half of all regular and special meetings of the council held within any period of twelve consecutive calendar months. In the latter case, the councilmember shall thereupon cease to hold office regardless of whether any of the absences were due to illness or injury.

Wells stated regarding his first proposal, Councilmember Morford has come up with a better proposal which would bring the elections closer to actually being seated, so he would like to withdraw his proposal.

Mayor Fitch stated the next proposal will be to remove term limits for Mayor and Council.

Wells stated he brought this up again because in the next four to six years the City of Lawton will have very little influence at the state capitol because we are losing most legislators and we will have new people up there. He feels this limits the rights of the citizens to vote for whom they want and if they want to elect someone over and over again it is up to them, not forcing them to vote on someone new. This was just changed at the last election and he feels it is a mistake and he would like to put it back out there. We will find out how much influence we have lost at the state capitol this year.

Bellino-Hall stated she disagrees and feels there should be term limits. She stated they need new vision and new blood and they lose this if they put no limits on terms. She feels it limits the choices in the sense that they want vitality in our legislators and if people are in there 15, 20, 30 years we lose our vision and we become part of the old boy network.

Phillips stated she agrees, but she also feels the voter should have the decision on this.

Wells stated in the 40 years he has been involved with the City, he has only seen two seats that have been held long term. Most people don't want to be up here a long time. It is up to the citizens to vote who they want.

Jackson stated he has served a long time on the council but it has been off and on. You have to do it that way because serving on the city council is tough. He feels the knowledge and experience is important but he feels that term limits are important.

Morford questioned if it is for nine years total.

Jensen stated it reads "three consecutive terms".

Tanner stated we need term limits and he believes if you are going to win an election it needs to be fifty plus one.

Jackson stated he really appreciated the efforts of Councilmember Wells, Phillips and Tanner on this charter review. It is a good thing to review the charter occasionally and have these discussions.

MOVED by Wells SECOND by Morford to place a proposal on the ballot removing term limits for Mayor and Councilmembers.

McGahee suggested they extend the terms and make it a four term limit and that would stretch out to 12 years and still give the people an opportunity to vote for who they want. She feels this might be a good compromise to still have a term limit, but extend it.

Phillips questioned if both proposals could go on the ballot.

Jensen stated no, he cannot draft conflicting provisions. This would confuse the voters.

SUBSTITUTE MOTION by McGahee SECOND by Phillips to place a proposal on the ballot to keep term limits and extend for four, three year consecutive terms. AYE: Phillips, McGahee. NAY: Morford, Jackson, Bellino-Hall, Tanner, Wells. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Morford NAY: Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. MOTION FAILED.

Mayor Fitch stated now they will address an item that amends Section C-2-8 regarding absences to terminate membership.

Wells stated this will take care of major illnesses. Right now if a person missed half the council meetings in a four month period they automatically cease to hold office. If a person were to get sick or have surgery, there is a chance they could miss the time and lose their seat because there are no provisions in the charter for any excused absences.

Mayor Fitch stated this is just making some exceptions to the rules that are in place now.

Jensen stated there are two parts to this proposal. The first part, as far as the amendment, you could miss more than one half of all regular council meetings in a four month period as long as you had some absences that were excused due to injury or illness. The second part is if you miss more than one half of all regular and special meetings during a twelve month period, whether you have excused absences or not would not matter. At some point you have to say that we understand you have excused absences, but your ward is entitled to representation.

MOVED by Wells SECOND by Bellino-Hall to place a proposal on the ballot to amend Section C-2-8 regarding absences to terminate membership. AYE: Morford, Jackson, Bellino-Hall, Phillips, McGahee, Wells. NAY: Tanner. MOTION CARRIED.

**Phillips**

- **Add Section C-6-1(f) (Nomination and election – Terms – Nonpartisan elections etc.) stating:**

A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States or who has entered a plea of guilty or nolo contendere to such misdemeanor involving embezzlement or felony or who has been convicted of a crime in another state which would have been a misdemeanor involving embezzlement or a felony under the laws of this state or has entered a plea of guilty or nolo contendere to such crime shall not be eligible to be a candidate for or to be elected to the offices of mayor or councilmember of this City for a period of fifteen (15) years following completion of his sentence or during the pendency of an appeal of such conviction or plea. The provisions of this section shall not be construed to preclude a person who has received a pardon from being eligible for or from holding the office of mayor or councilmember.

Note: This language mirrors current state law.

Mayor Fitch stated that this language mirrors state law.

Phillips stated right now, by state law, there are three issues that have to be addressed to determine when someone is eligible to run for office. Two of those three eligibility rules were included in our charter, however, the third one required by the state was not in our charter and this is the third one. She feels it should be in our city charter and we should have to abide by these if we are going to run for office in this city.

Mayor Fitch questioned if state statute address it as 15 years after a felony that they could serve.

Jensen stated this language mirrors current state law.

Wells stated once you are convicted of a felony you lose your voting rights in the state.

Jensen stated yes, for some period of time.

Wells stated they would be an eligible voter by this time again.

Jensen stated the period of time for this rule came from the state statute on whether it is a state office or a municipal office. It was 15 years. He is not sure what the length of time is in losing your voting rights.

Tanner stated when you go fill out your declaration of candidacy it asks you if you have been convicted of a felony or a misdemeanor involving an embezzlement. The folks down at the election board do not check this out, so if you were to check no and you were a party to one of those two, then you could actually go all the way through the election process, get elected, and still be able to hold your seat.

Jensen stated there are real problems with the system and we have the county conducting our elections. What they are willing to do and not willing to do is still under consideration.

Tanner stated if your candidacy was not contested within a certain amount of time then you could actually be elected. This is just mirroring state law so it is enforceable by the state. He does not see anything wrong with putting it in the charter because it is already law.

Mayor Fitch stated there have been some problems as far as what the county will do as far as researching candidates. He questioned if this was something we are going to have to start doing within the city.

Wells stated even if we do the research, we can't do anything about it. It has to be contested from a person filing against them.

Phillips stated this comes from the state level because they operate the election board in each county. At the state level they are trying to go through with a bill in order to make the election boards check into these requirements since it is in state law.

Jensen stated the first thing we are trying to do is to expand the protest period, because it is now limited to two days after the three day filing period. Then we are trying to address the criminal history issue and the issue of whether you have a voter who is registered to vote in the ward in which they are running for the past six months and we have had some issues with that being checked or not checked.

Tanner stated he does not like this state law because once a person has served their time, they tack on an additional 15 years to that. Even after you have served your time, you don't qualify to be a candidate for any position. If you have served your time you should be eligible to run for office.

MOVED by Phillips SECOND by McGahee to place a proposal on the ballot to add Section C-6-1(f) regarding Nomination and election – Terms – Nonpartisan elections etc. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED

Jensen stated that at the request of Councilmember Phillips, they added an item yesterday to be considered. This proposal was not included in the agenda packet.

Mayor Fitch stated this item would be adding language to the charter for council review every five years.

Jensen stated the council needs to give direction to staff on whether or not to place this proposal on the ballot.

Phillips stated she feels that the charter needs to be reviewed routinely. The discussions they have had over the past few weeks helps the citizens understand the charter better and it brings to the forefront some of the issues that they might have run into four or five years ago. It needs to state in the charter a certain period of time to be reviewed by the council.

Tanner stated this just says that you need to review it every five years, but it does not exempt reviewing it before the five year threshold.

Jensen stated you could review it at any point in time you want.

**MOVED** by Phillips **SECOND** by Tanner to place a proposal on the ballot adding language that the council will review the charter every five years. AYE: Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: Morford. **MOTION CARRIED**

**Dr. Morford**

- **Amend Section C-6-4 (Primary election—Time, etc.) to state:**

A primary election shall be held every year on the ~~same~~ date and in the ~~same~~ month as ~~the primary election held by the State of Oklahoma in even numbered years,~~ as set forth in Chapter 2 of Lawton City Code, for mayor and councilmembers to succeed those whose terms are expiring in the following year, as the case may be. If only one (1) person is a candidate for an office to be filled, he shall be elected to that office; and his name shall not appear on the primary or general election ballot. Every qualified elector of the city shall be entitled to vote for one (1) candidate for mayor and one (1) candidate for councilmember from his ward.

- **Amend Section C-6-6 (General election—Time, who elected) to state:**

A general election shall be held every year as needed in the city on the ~~same~~ date and in the ~~same~~ month as ~~the general election held by the State of Oklahoma in even numbered years,~~ as set forth in Chapter 2 of Lawton City Code, to elect the mayor and councilmembers to succeed those whose terms are expiring in the following year, as the case may be. An elector may vote for one (1) of the two (2) candidates for an office to be filled, but may not vote for any other person. Every qualified elector of the city shall be entitled to vote for one (1) of the two (2) candidates for mayor. Every qualified elector of a ward shall be entitled to vote for one (1) of the two (2) candidates for councilmember from his ward. The candidate for each office receiving the greater number of votes shall be elected. In case of failure to elect because of a tie, the election shall be determined from among those tying, fairly by lot, by the county election board in a public meeting.

Note: Deletion of the language from the above sections of the Charter will allow the Council more flexibility in adapting (by an amending ordinance) to the ongoing changes being made to the State election calendar in even and odd numbered years. Under the current State election calendar, Dr. Morford proposes the City's Primary Election occur in August in even numbered years and in September in odd numbered years, with General Elections to occur in all years in November. An ordinance amending Chapter 2 of the Lawton City Code will be necessary to incorporate the months being proposed by

Dr. Morford or others to the extent permitted by the State election calendar from year to year.

Mayor Fitch stated with regards to the next item, right now we are told by the state the month and date the primary elections will be handled in even number years and basically what they want to do here is to strike the words “same” with reference to the date and month the primary election is held by the State of Oklahoma in even numbered years. This will allow us to set a primary election in August for even number years.

Jensen stated this would set the primary in August in even number years and September in odd number years. When the charter was amended we tied our primary and general election to the same dates as the state so that we know the polls will already be open and we could save money. But in the past few years the state keeps changing the months in which we can have elections and now you have a filing period in April, primary election in June and a general election in November. He has heard complaints that this is way too long. If you take out the language where we don’t tie our primary and general election days to the state and instead set those out in the city code section, then we can adjust to the election calendar every year.

Morford stated it is just too long of a period.

Mayor Fitch stated we can move the filing period from April to later in the year and the primary will be held in either August or September and the general election will be held in November and take office in January.

Phillips questioned if the primary for the state is always in June.

Jensen stated it depends on the year. The state primary election for 2016 is in June and that is why we are currently tied to that month. That could change in an odd number of year or it could change if they decided to change that date themselves four or five years from now. We moved up the date we take our seat from March to January, but he couldn’t move the filing period or the primary date. This is the only way he has to make these dates closer together.

Phillips questioned if this election would be only for councilmembers and would it cost us more money.

Mayor Fitch stated it will cost us money regardless.

Wells stated that had always been the case until two years ago. We always had council elections by themselves except if there was a run off in November.

Phillips stated she is concerned about spending the extra dollars.

Tanner stated right now we are tagging along with the state and federal election process when we can and by doing so it costs us less money. He questioned how much money we actually save.

Hushbeck stated some years we don't save any money if federal, state and county election don't happen but when they do we may save approximately \$10,000.

Tanner stated \$10,000 every other year sounds like pretty good savings.

MOVED by Morford SECOND by Wells to place a proposal on the ballot amending Section C-6-4 and Section C-6-6. AYE: Morford, Jackson, McGahee, Wells. NAY: Bellino-Hall, Tanner, Phillips. MOTION CARRIED

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

McGahee stated she is proud to be able to sit here as the newly elected Ward 7 councilperson and she looks forward to serving with the council and she appreciates the citizens of Lawton and looks forward to serving in Ward 7.

Phillips encouraged citizens to sign up for the recycling program. We need to 5,000 citizens to sign up to get this going.

Tanner stated the recycling is \$7 per month and the recycling company will come by your house once a week to pick up these recyclables. He congratulated Eagle Scout Marcos Bernier who received his Eagle Badge.

Jackson stated the committee is working on the annual 4<sup>th</sup> of July celebration which will be held on July 2<sup>nd</sup>. They have been told by the pyrotechnics company that we will be the largest fireworks display in the entire state of Oklahoma and North Texas. There will be a lot of activities for the family.

Ihler stated at the last council meeting there was a request to create a couple of council committees. One committee was to look at our main operating system that addresses our accounting, procurements, payroll and operations. The system is outdated and needs to be updated. He suggested that instead of creating a new committee, we just use the Engineering Selection Committee because we will be going out with RFP's sometime in the future and will need a consultant to help with that process. The second committee was to look at permits and the events that we co-sponsor and sponsor in our parks and our facilities. Through the year we have spent approximately \$164,000 to help sponsor some of these events and we have only collected approximately \$4,000 through permits. He feels it would be good to look at the general permit events with regards to a revenue and expenditure standpoint.

Phillips questioned if the committee changes would then come to council.

Ihler stated yes. They would provide the committee with information and if they recommend any changes they would put in an ordinance.

Phillips, McGahee and Morford volunteered to sit on the committee.

Bellino-Hall questioned if we are doing trash off this year.

Ihler stated yes, it is the end of April.

Jim Russell, Assistant City Manager, updated the council on the Summer Youth Jobs Program.

There being no further business to consider, the meeting adjourned at 7:48 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK