

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 26, 2016 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Keith Jackson, Mayor Pro Tem
Presiding

Also Present:
Jerry Ihler, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Glen A. Waters, Fort Sill Liaison

Mayor Pro Tem Jackson called the meeting to order at 6:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

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

ABSENT:

None

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO BILL JONES (moved to May 10th meeting)

PROCLAMATION FOR NATIONAL TOURISM WEEK

Mayor Pro Tem Jackson proclaimed the week of May 1 – 7, 2016 as National Travel and Tourism Week. He presented the proclamation to Jacob Russell, Tourism Director for Lawton Fort Sill Chamber of Commerce.

PROCLAMATION FOR AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH

Mayor Pro Tem Jackson proclaimed May 2016 as Amyotrophic Lateral Sclerosis Awareness Month

AUDIENCE PARTICIPATION:

Donna Durbin, 1811 NW Ozmun, stated she has had trouble with the city and state over twenty years trying to get one piece of property mowed. The city mowed it once last year and the state has never showed up even though it is in city limits it is owned by the state. She was told the city cannot mow it because if they were to damage something in that area, the city would be responsible. It is already 3-4 feet tall.

Burk stated the city can mow it and we will.

Ms. Durbin state the property needs to be put on the schedule.

Burk stated he thought we discussed that with the contractor who mows Rogers Lane and that this was going to be part of their mowing responsibility every time they mow.

Jack Hanna, Parks and Recreation Director, stated they are on schedule to mow this property, but they are behind because of staff shortage and excessive rain.

Jackson stated he does believe this because they are just now mowing in town.

Ms. Durbin stated she just does not want this to become a continuous problem.

Jamie Hennessee, 3145 NW Kenyon, stated she is the director for Kirk's Emergency Service who has provided ambulance services for Lawton for over 43 years. She stated their mission is to provide the best pre hospital care for citizens. She would like to have an open dialogue with the city about any problems the city has with their service. They are concerned that the fire department is displeased with their service. They have had fire administration contact them and say that they are going to put them out of business and the fire department was going to take over and this concerns them. They just want to be heard and have an open dialogue so they can do whatever it takes to make things better between the two services.

Jackson requested that Ms. Hennessee call the City Manager so that he can set up a meeting with the fire department to get some discussion underway.

Tanner stated the City's intention is not to run anyone out of business. There has been discussion since our firefighters are trained EMT's or paramedics or certain level that we've had the objective to possibly put in an ambulance service, but that is not to run anyone out of business.

Chief Dewayne Burk, Lawton Fire Department, stated that is not his position. He stated not every member of his department is happy with either ambulance companies, but they do the best they can and he has met personally with Ms. Hennessee and have discussed these issues and he has reassured her that it is not coming from his office. He would be happy to meet with her again and if there is a member of his staff that has said this he will address it.

Jackson suggested they set up a meeting.

Ihler stated he would do that.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 22, 2016.

MOVED by Wells SECOND by Morford to approve minutes of Lawton City Council regular meeting of March 22, 2016. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Tanner requested that item #3 be discussed separately.

MOVED by Wells SECOND by Burk to approve the consent agenda with the exception of item #3. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Clover Realty in the amount of \$630.00. Exhibits: Legal Opinion/Recommendation.
2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Bradley Ash (Deceased). Exhibits: **Resolution 16-28.**
3. Consider approving a professional services agreement with the Retail Coach, LLC for services to include the preparation of a retail plan and recruitment strategy for the purpose of attracting new retail and restaurant brands to our community and expanding our sales tax base. Exhibits: Proposed Agreement with Scope of Services.

Jeremy Ryhmes, 1702 NW Oak Avenue, stated he knows the city is trying to attract as much commercial business as possible to increase sales tax revenues. He stated we have a lot more retail than we did three years ago and he was wondering if the city is still facing revenue shortfalls and is that why the city is looking for additional help.

Wells stated yes. He stated 2nd Street still needs additional businesses to get to where we need to be to make the financial agreements we have made there. We have a sewer line going in on the east side of town that hopefully will open up some of that area for development.

Mr. Ryhmes stated he checked out the company and they seem pretty impressive. He stated we have more than one path to attract business, we can do what we are doing and hire firms that are experts to attract business and we have a chamber of commerce and planning department that play a role in that. What are they not capable of doing that this company can do.

Wells stated the Lawton Economic Development Corporation is really looking for jobs and that is where their effort is spent, not on retail stores. This is a plan to get some additional restaurants and retail stores.

Mr. Ryhmes stated that he wonders if the reason we are struggling on 2nd Street is because the demand is not as great as it is on 82nd Street.

Jackson stated the 2nd Street project was started to clean up a dilapidated area and it is a magnificent turnaround from what that area used to be and now it is a productive tax producing area. He stated this is was set up as a TIF district to help finance the project so taxpayer dollars would not be used to pay off debt. He stated this is a great opportunity to hire a professional company that has access to other businesses and restaurants that they can entice to come to our community. He stated the planning department works full time on building and zoning codes and they are swamped and they don't go out recruiting businesses. Once they get here, they assist them with permits and codes and what they need to build.

Morford stated the fee of \$42,500 is paid out of the hotel/motel tax. So actually if you live here in Lawton you are not paying it anyway. He specifically asked them if they were just drawn to downtown and they told him no, they gather information from all over town and provide that information to companies that may want to come in.

Wells stated they not only look at new businesses they also try to help existing businesses improve their presentation and sales. They will be making the contacts to try to get new businesses to come into this town.

Mr. Ryhmes stated he knows a little bit about economics and sometimes government intervenes and sometimes those results aren't optimal.

Wells stated this company will deal with existing and new businesses.

Tanner stated if this professional firm is not working out we can always give them a 30 day notice and terminate their contract. It is not costing the City of Lawton anything, it comes out of the hotel/motel tax which was specifically passed for economic development and tourism.

MOVED by Wells SECOND by Tanner to approve a professional services agreement with the Retail Coach, LLC. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

4. Consider ratifying the action of the Lawton Water Authority in authorizing the City Manager to advise the Oklahoma Water Resources Board (OWRB) of the City of Lawton's intention to pay off its promissory note to OWRB under the provisions set forth by OWRB's letter dated March 24, 2016 and to approve the loan pay-off. Exhibits: OWRB Letter Dated March 24, 2016 Notifying the City of Lawton of the Potential Series 2010 Bond Refinancing.
5. Consider approving the renewal of the annual lease agreement between the City of Lawton and the Crossroads Youth and Family Services Center, Inc. Exhibits: Lease Agreement.

6. Consider accepting a donation of \$550.00 from the Historical Lawton High Committee and approving the deposit of these funds into the Repair and Maintenance Account of the City of Lawton Building Maintenance Division, Parks & Recreation Department (001-0880-000-00-02110000). Exhibits: None.
7. Consider approving a request from the School House Slough concessionaire, Kent Waller, to replace and construct thirteen proposed boat docks to be built at School House Slough in accordance with the lease agreement at School House Slough approved 1997 between himself and the City of Lawton. Exhibits: Ltr, Kent Waller dtd January 13, 2016. Copy of approved City of Lawton permits with specifications are on file in the City Clerk's office.
8. Consider approving the construction plat for Wyatt Acres Addition, Part 16, subject to conditions. Exhibits: Plat Map.
9. Consider accepting a permanent easement and a temporary easement from Henry T. Vicks, a single person, 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.
10. Consider approving a consent of assignment from Leidos Engineering, LLC to Benham Design, LLC of the Engineering Agreement for Professional Services dated February 26, 2013 related to the 2008-2012 CIP Local Street Reconstruction Projects. Exhibits: Leidos Engineering, LLC letter dated March 30, 2016. Exhibits: Consent to Assignment Project agreements are on file in the City Clerk's office.
11. Consider extending contract (CL14-042) Rock Hauling to Evans Transportation Service of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
12. Consider extending contract (CL15-045) Heavy Wrecker Service to Hat Wrecker Service of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
13. Consider awarding contract (CL16-022) Mowing & Litter Areas B, D, and E to Teen Challenge of Cache, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
14. Consider rejecting all proposals (RFPCL16-020) Installation of Custom Shade Sails. Exhibits: Department Recommendation.
15. Consider cancelling contract (CL14-049) Reinforcing Bar Product. Exhibits: Department Recommendation.
16. Consider approval of payroll for the periods of April 11 - 24, 2016.

NEW BUSINESS ITEMS:

17. Hold a public hearing to receive citizen comments and consider discussing comments and recommendations from the CPC, and approving the Consolidated One-Year Action Plan for FFY 2016 by adopting a resolution, authorizing the Mayor and City Clerk to execute the resolution and documents necessary to implement the plan. Exhibits: Resolution 16-___. Consolidated One-Year Action Plan for FFY 2016 (Draft), Workbook of Applications. (On file in the City Clerk's office)

Anthony Griffith, Assistant Director, Housing and Community Development, presented a series of slides regarding the Consolidated One-Year Action Plan for FFY 2016. (Presentation is on file in the City Clerk's Office)

PUBLIC HEARING OPENED.

Charlie Baer, Executive Director of Christian Family Counseling Center, thanked the Council for their support over the years. This year they are helping 32 families with outpatient mental health counseling services. They use this funding at the rate of \$55 a session and it cost them \$80 to provide that session and they use other donations to supplement those CDBG funds. He stated 57% experience depression, 10% score significant risk for suicide and 30% have considered suicide. He stated 30% of the help they are providing are for children and 20% is for marriage counseling. He stated a significant difference is made in the lives of people that would not get this care otherwise.

Jackson stated this provides a great quality of life item for the citizens of Lawton.

PUBLIC HEARING CLOSED.

MOVED by Wells SECOND by McGahee to approve **Resolution 16-29** approving the Consolidated One-Year Action Plan for FFY 2016, authorizing the Mayor and City Clerk to execute the resolution and documents necessary to implement the plan. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

18. Hold a public hearing to receive citizen comments and consider discussing comments and recommendations from the CPC, and approving the Consolidated Five-Year Action Plan for FFY 2016-2020 by adopting a resolution, authorizing the Mayor and City Clerk to execute the resolution and documents necessary to implement the plan. Exhibits: Resolution 16-___. Consolidated Five-Year Action Plan for FFY 2016-2020 (On file in the City Clerk's office).

Griffith stated he has a correction to the title. He stated it is the Five Year Consolidated Plan and not the action plan. He stated this is a five year plan and it normally takes about 18 months to put together. He stated a needs analysis needs to be done. The last time a needs analysis was done was in 2005, so we need to do another one. In the past the funding was not there and he is

going to search and try to find the funding over the next 18 months. He has discussed this with HUD and we are going to submit this plan because it is a requirement to receive future funding, but we have agreed that this plan would be amended over the next 18 months to more closely reflect the needs of this community. He stated they did this plan with short notice with a staff with less experience. They did hire a consultant, but they came up against a timeline and had to go with what they had.

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

Tanner questioned if they would get a report annually on the plan.

Griffith stated yes, the council will get an update when they approve the one year action plan on an annual basis.

Burk stated it takes a person with a lot backbone to stand up here and say that this is not exactly what I wanted to put before the council but I was stretched for time because I was put into one heck of a mess. He commended staff for working hard to try to get this together. These programs mean a lot to many citizens who have no other options.

MOVED by Wells SECOND by Burk to approve **Resolution 16-30** approving the Five Year Consolidated Plan for FFY 2016-2020, authorizing the Mayor and City Clerk to execute the resolution and documents necessary to implement the plan AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

19. Receive bids for sale of \$2,900,000 General Obligation Bonds, series 2016 and award the sale of the bonds to the lowest bidder. Exhibits: Bid Tabulation Sheet to be Distributed at Meeting.

Rick Smith, Municipal Finance Services, stated the council set today as the date to receive bids on the fire station bonds. There was \$2.9 million sold through a competitive or public sale process. The results of the bids were received at 11 a.m. this morning. There were two bids submitted, one from Hutchinson, Shockey, Erley & Co., and the second bid was from BOSC, Inc. which is an affiliate of Bank of Oklahoma. The lowest bid was from Hutchinson, Shockey, Erley & Co. at a true interest rate of 1.85%. The other bid was a little over 2%. This is an excellent bid and it is his recommendation based on the bids received to award the bonds to Hutchinson, Shockey, Erley & Co.

MOVED by Wells SECOND by Burk to award the sale of the bonds to Hutchinson, Shockey, Erley & Co. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

20. Consideration and approval of an ordinance providing for the issuance of General Obligation Bonds in the sum of \$2,900,000 dollars by the city of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; naming a paying agent and registrar; approving a

continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibits: Ordinance 16-__.

Jensen stated for purposes of this ordinance we need to have a vote on the ordinance itself first and then a separate vote on the declaration of emergency.

MOVED by Wells SECOND by Burk to adopt **Ordinance 16-13**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-13

An ordinance providing for the issuance of general obligation bonds in the sum of \$2,900,000 dollars by the city of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

MOVED by Wells SECOND by Burk to approve an emergency clause. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

21. Consider an ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-4-143, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, by setting a timeframe to have documentation on course completion turned in, adding language requiring employees to maintain employment for a minimum of three years following any education reimbursement, allowing for the program to be frozen once funds are exhausted, specifically excluding graduate classes beyond the masters degree level from reimbursement eligibility, limiting the amount of reimbursement, providing for severability and establishing an effective date. Exhibits: Ordinance 16-__.

Jim Russell, Assistant City Manager, stated there is a small typographical error in the agenda item. The item title is correct in that we are specifically excluding graduate classes above the masters degree, the word excluding is left out of the background. We are trying to tone up the education reimbursement program so we can make it available to all the employees within the City of Lawton and not drain it by specific classes or degrees. Once the funds are extinguished they have the ability to close down that reimbursement process.

MOVED by Burk SECOND by Wells to adopt **Ordinance 16-14**, waive the reading of the ordinance, read the title only and establishing an effective date of thirty days from today. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-14

An ordinance pertaining to personnel policies and procedures amending Section 17-1-4-143, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 2015, by setting a timeframe to have documentation on course completion turned in, adding language requiring employees to maintain employment for a minimum of three years following any education reimbursement, allowing the program to be frozen once funds are exhausted, specifically excluding graduate classes beyond the masters degree level from reimbursement eligibility, limiting the amount of reimbursement, providing for severability and establishing an effective date of thirty days from today.

22. Consider an ordinance pertaining to fire hydrant installation standards, modifying Sections 11-4-401 and 11-4-402, Article 11-4, Chapter 11, Lawton City Code, 2015, by amending the definition of a change of use for an existing structure and modifying the requirements pertaining to the spacing of fire hydrants, and providing for severability. Exhibits: Ordinance 16-__.

Jackson stated this first came to his attention when there was an issue with spacing of fire hydrants when, at some businesses, you could see a fire hydrant within less than 200 feet of the front door, but they were being asked to add an additional fire hydrant within the same spacing. He feels this is unfair and it seems we have had similar instances across the city and he asked staff to look at this issue.

Richard Rogalski, Community Services Director, stated they have been working for months to make our building development process a little more user friendly. (He distributed a revised Table A). He stated this code does two things, it limits the scope of the city with requiring fire hydrants along the public street. The standard requirement is that we require every 300 feet in a developed commercial area. It is important to have the hydrants so the fire department has the ability to put out the fire. This will limit who is required to build those hydrants. It says that if the hydrant is not on your property or on the frontage of your property, then we will not make you build that hydrant. The City will have to find some other way to finance it. This other part is regarding the change of use. If you move into a building with a different use, you have this change of use and some aspects of the current code will apply and you will have to make improvements to you building and fire safety. Fire sprinkler systems are one of those issues that can be that new requirement that is needed because you intensified that use. If the usage is more hazardous, this code says you still have to do that, but it does try to define if it is more or less hazardous. They tried to categorize those occupancies by the highest to lowest hazard category.

Tanner stated this will help the local small business.

Mark Mitchell, Fire Marshall, stated he has an interest in both these code changes. The proposed table is not applicable to what we are talking about. The table is referencing fire suppression system and it comes out of the action fire code. It is problematic from the point that it will restrict or hamper the fire department from being able to ensure that we have reasonable adequate water supply at a site to safely affect fire protection. He stated when they look at the fire hydrant ordinance they look at if there is a hydrant within 300 feet of that structure and is there hydrant spacing of 300 feet or less. It is 300 feet for commercial and 400 feet spacing in

residential. Those are based on long time numbers from the National Fire Protection Association (NFPA) and are based on water flows, ability to get water from point A to B through certain size pipes based on hoses, friction laws and a number of things. With the particular project Mayor Pro Tem Jackson spoke about, they did require an additional hydrant because there was excessive spacing between the hydrant in front and properties east and west on Cache Road. There are ways to determine how much water you need at the site with development and construction. You figure needed fire flow based on NFPA or adopted fire code use a formula to determine height and area, type of construction and type of occupancy. We don't use that method because over the years there are areas of town that would not provide adequate needed fire flow so they use a hydrant spacing method to insure we have adequate hydrants. If we lose a hydrant we don't have to go a great distance to obtain water. He stated he was made aware of this ordinance proposal a week ago yesterday and the fact they are dealing with the fire section of the Lawton City Code, they were not contacted for input. He asked Mr. Rogalski and the City Attorney if they had considered fire ground tactics or fire ground operations and they indicated they had not. Both ordinances are tied together and he would request the council consider tabling this issue. There is a local appeal process if the developer, contractor or business owner is not happy with the requirement. They appeal to the Building Development Appeals Board and if they are not happy with that ruling they can appeal it directly to the City Council. Some of these tables and ordinances are changing the state adopted minimum codes and there is a process for that as well and you can appeal it to the Oklahoma Uniform Building Code Commission and the City Manager has sent a letter requesting an opinion on these code modifications.

Burk stated he appreciates the concerns of the Fire Marshall and he does understand that we want to make the people safe. What we are trying to do is with good intent, we have an internal struggle over who call the shots on where we need hydrants and what code we will address. Most people just get mad and then call the council. Other cities around us don't make citizens do what we make them do and he doesn't know why. He stated we have to come to an agreement on how we are going to handle these things and we can't always be internal adversaries. He stated we are running some small businesses into the ground because they have to do things and sometimes we are so rigid we don't allow any bending room at all. He believes the council wants something done. If they do table this, they demand that staff go back and work together to figure out a solution instead of coming up with more problems that citizens can't understand. We have not done a good job over the years with fire hydrant placement and we are asking businesses to take the hit on putting these in and that is a huge expense. He suggested they table this issue and have staff sit down and figure out a compromise that works for everybody.

Jackson stated he wants the fire department to come back with solutions. This community has been criticized when it comes to opening new and remodeled businesses and the council is the one who hears about the problems. The cost involved in all this is silly. When he looked out the front door of that business at 1300 Cache Road and he saw a fire hydrant 200 feet in front of the business and these people were not able to open a snow cone stand, something is wrong. Come with solutions.

Mitchell stated he has been doing this job for 25 years and he and his staff and the license and

permits staff are pro business, but they are also charged with doing fire inspection and code enforcement within this community for the protection of the citizens. They are also charged with doing fire investigations and they are the one who see firsthand when things go wrong. He would welcome the opportunity to be part of the discussion, but they were not afforded the opportunity.

Jackson stated he pursued this item and Councilmember Tanner pursued the following item and they went to Mr. Rogalski and asked for help so the citizens can develop and have community progress.

Tanner stated this ordinance is to encourage the reuse of existing commercial spaces. He understands that they need the water pressure so that the firefighters have enough water to get back out. He stated all they are doing is cost shifting, we are still going to put the fire hydrants in, and we are not going to force the small business owner to do it. This is about helping the small business and we are going to come up with a different way of paying for the hydrant. He feels they need to go ahead and approve this and strike while the iron is hot. It is the category of hazard use. If you have a business going in and it is the same hazard or less then we are not going to necessarily classify you as a change of use, that existing commercial space is zoned for a certain type of use and it meets these types of uses and it's been used at this hazard level before and we are not increasing the hazard level, we are not going to deem you a change of use because once you get tagged with a change of use then other triggers start being pulled and you get hit with a city facilitated upgrade which means the city makes you pay for these infrastructure upgrades and we need to do away with it. This is a user friendly policy and we are going to put those fire hydrants in, we are just not going to charge the small business person to do it.

Burk questioned who is going pay for the hydrants and how is it going to paid. He agrees that he does not like it being shoved onto the business owner but he does not know how we find the money.

Tanner stated we should cross that bridge when we come to it.

Burk stated you can't just say we will figure it out when we get there.

McGahee stated she was not clear if you have to put the fire hydrant in if it is just a change of use. She feels this needs to be tabled until the Fire Marshall is going to be able to get involved.

Mitchell stated he is not the one who decides who pays for it, but this has been a philosophical debate for the 25 years he has been dealing with it. At one time it was all on the citizen but in 1999 they mapped the city and said that we are going to put hydrants at all these location. In 2007 they reviewed that study. At some point it became so taxing on the city budget. His interest is that we do not lower the standard and take away that level of protection.

MOVED by Tanner to adopt **Ordinance 16-14**, waive the reading of the ordinance, read the title only. MOTION DIED DUE TO LACK OF SECOND.

MOVED by Burk SECOND by McGahee to table for 60 days. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

Jackson request staff schedule a meeting promptly.

23. Consider an ordinance pertaining to existing building code and regulations creating Section 6-5-2-226, Division 6-5-2, Article 6-5, Chapter 6, Lawton City Code, 2015, by providing a definition for what is considered a change of use for an existing structure, and providing for severability. Exhibits: Ordinance 16-__.

Rogalski stated this ordinance does the same thing in Chapter 6.

Burk stated we still don't have a clear cut answer to this and he suggested they table this as well.

Mitchell stated Mr. Rogalski has admitted that he is not an expert in these codes as well as the city attorney that assisted him. He deals with them daily and the language in this Chapter 6 is a gross misinterpretation and improper application of those tables.

Tanner stated he actually watched a two hour seminar on You Tube on the 2009 International Building Codes. These are cookie cutter codes that this business puts together that municipalities adopt. These are model codes and most municipalities and states will amend these to fit their specific needs. He called the Oklahoma Building Code Commission and asked who was in charge of defining the change of use and he was told it was the municipality. Up until now we didn't have any definition of what change of use was. This code defines the level of hazard use and as long as you are not going above that level of hazard of use than we will not hit you with this change of use. If you need to do upgrades you still have to go get your permits. It doesn't mean that the Fire Marshall can't come in and request you fix things. All this is doing is giving the existing commercial space an opportunity to compete in the marketplace.

Mitchell stated there is a clear definition in the building code and in the international building code.

Tanner stated he is talking about an existing commercial space where all they are doing is moving in and painting the walls and they have changed from selling shoes to selling real estate, do we really need to reclassify that as a change of use.

Mitchell stated the requirements would be minimal but 15 years ago we started a process call certificates of occupancy (CO) and once the project is complete they are issued a CO which says you are legally occupying that building for this use. The next time you move out and someone else moves in there is not a question of what it was, we keep track of it. All buildings are not designed for all uses.

Tanner stated we are talking about the same level or hazardous type of use or less.

MOVED by Tanner to adopt **Ordinance 16-14**, waive the reading of the ordinance, read the title only. MOTION DIED DUE TO LACK OF SECOND.

MOVED by Burk SECOND by McGahee to table for 60 days. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Ihler stated he has scheduled a special meeting on Wednesday, May 4th at 1:30 p.m. to review the budget.

There being no further business to consider, the meeting adjourned at 7:37 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK