

Meeting of 2001-4-3 Special Meeting

MINUTES
SPECIAL CALLED MEETING
LAWTON CITY COUNCIL
APRIL 3, 2001 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 LTC Puckett, Fort Sill Liaison

The meeting was called to order at 6:00 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

BUSINESS ITEMS:

Vincent introduced Tim Wilson who joined the City Attorney's staff yesterday as an Assistant City Attorney. He will be working in the areas of labor, tort claims and other items of that nature.

1. Hold a public hearing and adopt resolutions declaring the structures at:

703 NW Bell Avenue 101 NE Bell Avenue 1206 SW 3rd Street
1403 NW Dearborn Avenue 1405 NW Dearborn Avenue 20 SW B Avenue
626 SW H Avenue 912 SW D Avenue 914 SW D Avenue
1912 NW Irwin Avenue 2401 SW 11th Street 1825-1/2 SW Monroe Ave.

to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize Neighborhood Services to solicit bids to demolish structures, if appropriate. Exhibits: Resolutions.

Baker said Neighborhood Services spent a good part of the winter inspecting dilapidated structures and 40 plus structures were identified that staff would consider dilapidated according to statute and code. He said the ones being considered tonight are 12 of the worst and more can be brought at future meetings.

703 NW BELL AVENUE:

Angie Alltizer, Neighborhood Services Director, said the packet contains a color picture of 703 NW Bell, as well as history of the structure. Video of the structure was presented. She said the structure has been in this state since 1997 and has been vacant for over 13 years; there were good intentions to have the structure remodeled at some point in the past but it does not appear that any work has actually been accomplished.

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

MOVED by Shanklin. SECOND by Smith, to approve Resolution No. 01-43.

Shanklin said by putting these on demolition it allows the owners to use the landfill at 50% of the usual cost. Alltizer said if Council takes action to condemn the structures, they will get reduced tipping fees at the landfill for disposal of the structure and associated materials. Shanklin said many of the owners may have waited for this to receive that 50% reduction.

Purcell said the recommended action states that the property owner will have 15 days to obtain a permit to demolish or repair, and he thought we were well beyond the repair. He asked if the owner could request a permit to repair the structure under the proposed resolution. Alltizer said the resolution gives the owner the option to obtain a permit to demolish the structure, and the other wording on the commentary may have been an oversight.

Mayor Powell asked if the motion was for demolition. Shanklin said yes, there are no repairs to be considered. Purcell said he was reading the bottom of the item and wanted to be sure they would not be granted a repair permit and then go through that again.

VOTE ON MOTION: AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None.
MOTION CARRIED.

(Title only) RESOLUTION NO. 01-43
A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.
Location: 703 NW Bell, North Addition, Block 37, Lot 15, Comanche County, Lawton, Oklahoma
Title Holders: David & Laura Jung, 704 NW Bell, Lawton, OK 73507-6835
Mortgage Holders: United Companies, 1908 A Cache Road, Lawton, OK 73507; Bank of Elgin National Association, P. O. Box 30, Elgin, OK 73538-0030

101 NE BELL AVENUE:

Alltizer said the structure has been vacant for approximately six years and detailed information is in the agenda packet. She said she spoke with Councilman Haywood earlier today and this structure may be donated to Housing & Community Development or Habitat for Humanity. Video of the structure was presented.

Haywood said it was possible the house could be donated to the City of Lawton, Great Plains Improvement Foundation or Habitat for Humanity for \$1. He asked the City Attorney for advice. Vincent suggested the item be tabled for two weeks to allow those persons to obtain the property from the owner; the donation will have to be in the form of a letter but they have to have ownership at the time they make the donation. Smith suggested tabling it for 30 days since the owner is in California. Vincent said he did not notice that so it might be better to table it for 30 or 45 days.

MOVED by Haywood, to table this for 45 days.

Shanklin said before a second was received he would like to know what action was anticipated. Haywood said he anticipated that instead of tearing the house down that it could be repaired. Shanklin asked if the owner was around and Haywood said she was in California. Haywood said this is the Wallace family and the gentleman was a great football player and they may want to give the house to someone. Shanklin said if they give it to someone they would have to bring it to code and there is not that much money. Haywood said if they could not make arrangements in 45 days the City could tear it down for them.

Shanklin offered a Second to the Motion to table. Mayor Powell said there is a motion on the floor and a second for a table for 45 days, or that Council meeting nearest to 45 days. Shanklin said he thought Haywood said 30 days. Haywood said the City Attorney said 45 days. Shanklin withdrew the second to the motion to table.

Vincent said one of those three organizations will contact the owner and have them give them the property and then that organization will donate the property to the City; he asked if that was the plan. Haywood said it would either be donated to the City of Lawton, to GPIF or to Habitat for Humanity by the owner. Shanklin asked if the owner wanted to give the property to the City. Baxter said the City does not want it and should be left out of the loop.

Shanklin said if you tear something down that has not been brought to Council, you will pay 100% of the landfill fee, and we will get more people who will want to come to Council to get that 50% discount. He asked if they give the property to someone, will the Council then be asked to give them six months to allow for repairs, then six months later we would be right where we are tonight, and he did not believe he could do that. Haywood said the entity that would take it over would get the money to demolish this particular house.

Purcell said these are the houses that we have agreed are the worst in Lawton; this house has been vacant for six years, it has not had utilities since 1995, and it is the same problem we have had with almost every structure that gets brought up. He said this happens repeatedly and everyone means well but after 30 days someone will want a

building permit and it takes about six months, and no work will be done during that time because the people will find it will cost too much, and a year from now, this house will be brought back to Council to tear down because it is dilapidated.

Haywood said they just fixed a house that had been vacant for ten years down the street, it had been given to Great Plains Improvement Foundation and they sold the house for about \$42,000 or \$45,000 and that house was in worse shape than this one.

Mayor Powell said there is a motion on the floor to table this for 45 days to give those people a chance to give this to someone for them to rehabilitate.

Shanklin offered a second to the motion on the floor.

VOTE ON MOTION: AYE: Haywood, Baxter, Smith, Hanna. NAY: Devine, Purcell, Shanklin, Moeller. TIE VOTE, MAYOR VOTED YES, MOTION CARRIED.

1206 SW THIRD STREET:

Alltizer said this structure has been vacant for around nine years and it was mainly used for storage during that time. She said the son of the owner came in on March 22 and he would like to remodel the structure or move it, and wanted it removed from the list, but she did not have the authority to do so. Video of the structure was presented.

Alltizer said Mr. Hampton submitted an application for a remodel permit to Building Development; any applications on these structures are being held pending Council action.

Mayor Powell asked when they asked for a remodel permit. Alltizer said March 22, and he submitted it that afternoon but Building Development took no action pending this hearing.

Shanklin said they had a permit in 1997 or 1998, and if they are sincere, they can take this to District Court if Council approves the condemnation. He said he wanted to turn down this request for remodeling because they were wasting everyone's time; if someone does not like the Council's actions, there is redress in District Court and those judges will listen to a good argument but we have been rained on and do not need any more of it.

Alltizer said on this particular structure there was a resolution passed saying it was dilapidated, dangerous and needed to be demolished, and then the owner came in and got a remodel permit and no work was ever actually completed.

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

MOVED by Haywood, SECOND by Smith, to approve Resolution No. 01-44. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

(Title only)

RESOLUTION NO. 01-44

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 1206 SW 3rd Street, Airport Addition, Block 27, Lot 1-2, Comanche County, Lawton, OK

Title Holders: Adam C. & Edward E. Hampton, Jr. c/o Kum Sun Ham, 5001 SE Avalon, Lawton, OK

Mortgage Holders: None. (See additional discussion below.)

1403 NW DEARBORN:

Alltizer said 1403 and 1405 NW Dearborn are owned by the same entity at this time. She said there are two structures at 1403, a small apartment complex in the back. Alltizer said it has been vacant for almost 20 years, a resolution was passed to condemn it and bids were accepted for demolition, then ownership changed, they were going to remodel and no further action was taken. Council agreed it was not necessary for the video to be presented.

PUBLIC HEARING OPENED.

Sergeant Major Alvin Stokes, 404 SW 68th Street, said he just became the owner of 1403 NW Dearborn not long ago, and it needs to be demolished but he needed some time to get the quit claim deed done and to get the permit to demolish it. He said he planned to demolish both properties and open an outreach center there and a recreation center across the street.

Mayor Powell asked if Stokes intended to demolish the structures himself. Stokes said yes. Mayor Powell asked

when he planned to finalize the deed. Stokes said he had to get with the New Rock Church that he got the property from; there was a mistake on the deed and they had to adjust it so as soon as he could get the corrected deed, he would demolish the property. Mayor Powell asked if Alltizer had seen the deed and Alltizer said no.

Devine asked if it would be cheaper for Stokes if the City condemned the property. Stokes asked that the City condemn the property, then he would demolish it and it would be a little cheaper for him to get it into the landfill.

Hanna asked if Stokes had permission from the Planning Commission to rebuild on the property. Stokes said not yet, he just got the property, but it could stay demolished for a while but his intent for the property was to open an outreach/recreation center and offer available parking for the Ron Stephens Stadium.

Purcell said the resolution normally gives 15 days to get a permit to demolish and 30 days to complete the demolition. He asked if Stokes would have enough time if the resolution were changed to allow 30 days to get the permit and 30 days to complete demolition. Stokes said he was thinking he would be able to get it demolished in 60 to 90 days.

Shanklin suggested going ahead with the resolution as it is written, and if he is not finished, he should come back to Council if he is making an honest effort. Shanklin said it should not take that long to get a quit claim deed squared away. Stokes said he started on it the beginning of March and had not yet been able to get the quit claim deed. Shanklin said there were some taxes involved. Stokes said he was not going to pay the taxes until he had the deed.

Purcell said he did not object to Shanklin's suggestion to allow him to come back if he was not finished. Vincent said if Stokes does not get it within 15 days, the City would go out and do it. Purcell said that was the reason for his suggestion previously.

Shanklin said this is the first thing people see when they go to Ron Stephens Stadium and it is his ward, it is where Mr. Hanna works, and he was sick of it. He said the residents were wanting to throw rocks at him for not having it taken care of. Stokes said he had been in Lawton for nine months and just got the property around about March 3 and tried to get a quit claim deed so he could do something with it, however, that has not happened so he did not think it was germane not to give him this extension.

Shanklin said the area is zoned R-4 and he did not know that Stokes would be able to do what he was saying under that criteria. He said he did not want Stokes to go to a lot of work and find out he could not put in what he wanted. Mayor Powell asked Stokes if he was prepared to deal with this if he could not do what he said. Stokes said yes. Hanna asked Stokes what he would do if he got the deed, demolished the structures and was told he could not put in the centers he was talking about; Stokes will have been out a lot of money for vacant property. Stokes said he guessed he would make it into a parking lot for Ron Stephens Stadium so he did not have to park in the mud to go to the soccer games.

Vincent said the City's notice was to New Rock Church, which owns the property, and he suggested the resolution be passed as presented. He said if the property changes hands within the next 15 days, Stokes can apply to Council at the April 10 meeting for other relief and bring it back to Council to modify the resolution.

MOVED by Devine, SECOND by Shanklin, to approve Resolution No. 01-45.

Stokes asked for clarification. Vincent said the notice was legally required to go to New Rock Church who is the registered owner of this property, which we did; if this resolution is approved, then the New Rock Church will have 15 days to apply for a demolition permit but if in the mean time Mr. Stokes gets title to the property, he should contact Ms. Alltizer immediately and we can reschedule this to clear up any problems. Vincent said otherwise if Stokes does not get title within that 15 days, the City is empowered to go ahead and demolish the structure. Stokes said he thought he did have title to 1403 that is being discussed now, but the problem was with 1405 NW Dearborn, and he needed to find out where the deed was at.

Purcell said the regular meeting on April 10 is a week from today, so that is seven days. He asked what you would do when the 15 days runs out and Council does not meet until April 24.

Devine said he would change the motion to bring it back on April 24. Shanklin agreed as the second. Vincent asked if the motion was to have the permit obtained by April 24 and response was yes. Smith asked if the motion included adopting the resolution. Mayor Powell said yes, it will be Resolution No. 01-45.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None.
MOTION CARRIED.

(Title only)

RESOLUTION NO. 01-45

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of

the community, and ordering that the buildings be demolished and removed.

Location: 1403 NW Dearborn Avenue, Mountain View Addition, Block 23, Mid 40' of Lots 1-5, Comanche County, Lawton, Oklahoma

Title Holders: The New Rock Church, A 501 (C) (3) Non-profit, 6905 SW Drakestone Blvd., Lawton, Ok 73505-7412; Mortgage Holders: None.

1405 NW DEARBORN AVENUE:

Council requested the video not be shown. Alltizer said this is owned by the same owner as 1403 NW Dearborn. Inspection done last week revealed it was unsecured again. There are two smaller structures in the back, a storm cellar which was also unsecured, and a small fish pond type area so there is also a standing water issue. Alltizer said the property needs immediate attention and securing orders were sent out; it has a long history.

Devine said since this is the same property owner and same situation, he would like to make the same motion.

PUBLIC HEARING OPENED.

Sergeant Major Stokes said this is the same issue as he had stated on 1403 NW Dearborn.

PUBLIC HEARING CLOSED.

MOVED by Devine, SECOND by Smith, to approve the same motion as was approved on the last one. (Approve Resolution No. 01-46, bring it back on April 24 and have the permit obtained by April 24) AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 01-46

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 1405 NW Dearborn Avenue, Mountain View Addition, Block 23, W 50' of Lots 1-5, Comanche County, Lawton, Oklahoma

Title Holders: The New Rock Church, A 501 (C) (3) Non-profit, 6905 SW Drakestone Blvd., Lawton, OK 73505-7412; Mortgage Holders: None.

20 SW B AVENUE:

Alltizer said this is located next to a structure that was remodeled and you can definitely tell which one is a blight on the community and which one is not. The owner of the property came in on March 26 and provided a copy of a demolition bid he had obtained, and prefers to demolish it but would like to have the reduced tipping fees at the landfill. The application for a demolition permit has not been submitted but the owner will likely do so.

Shanklin asked if the lien would be placed on the property or on the ad valorem. The Clerk said a lien would be placed on the property immediately after this action, and once the costs are determined, those would be placed on the tax rolls, so it is on both the property and the tax rolls. Shanklin said the City does not want these properties but he did not want to spend all the money on someone's property who does not care what is done with it to begin with.

Alltizer said the owner would like for the Council to condemn it so he can get reduced tipping fees. Mayor Powell said that may be why he has not picked up the demolition permit. Alltizer agreed, and said if the owner does not follow through, the City can receive demolition bids and take care of it.

Gary Jackson, Assistant City Manager, said even though a permit has not been issued, this property may have been demolished by the owner or someone today. He said a photographer went by and saw it, staff has not verified that but it is a possibility.

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

Baxter asked what happens if the demolition took place without the proper permit. Vincent said if the appropriate department filed a complaint for failure to get a demolition permit then he could be fined and Alltizer will follow up. Mayor Powell said that should be thought out a little bit.

MOVED by Smith, SECOND by Devine, to approve Resolution No. 01-47. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 01-47

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.

Location: #20 SW B Avenue, Lawton Original Addition, Block 23, Lot 9, Comanche County, Lawton, Oklahoma
Title Holders: Iris J. Wright, 906 SW Garfield Avenue, Lawton, OK 73501-7455
Mortgage Holders: None

626 SW H AVENUE:

Alltizer said the structure has been vacant for over five years and it is a fire damaged structure where the roof was completely caved in. She said she has not had contact with the owner but believed Baxter had spoken with him. Council did not desire to see the video.

Baxter said the owner is Louie Summrrall and he contacted him about the procedures. He said Summrrall is planning on demolishing the property but he is very busy at this time with his job of umpire for the school system and does not feel he can get it demolished within the next 30 days due to all of the sports activities. Baxter said Summrrall wants Council to condemn it and have the 15 days to file for the permit but would want some additional time after that, more than 30 days to finish the demolition. Baxter suggested the property be condemned but if Summrrall comes back for an extension on that 30 days if he is showing some progress then Council would please grant that extension for him to finish.

Mayor Powell said he would verify that Summrrall is a very busy umpire in the State, not only locally but also in the State.

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

MOVED by Baxter, SECOND by Hanna, to approve Resolution No. 01-48.

Baker asked how much additional time was granted. Baxter said the standard time is 30 days and he told Summrrall that if he would politely come back to Council and request an extension he would probably get it if he was showing some progress.

VOTE ON MOTION: AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None.
MOTION CARRIED.

(Title only) RESOLUTION NO. 01-48

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 626 SW H Avenue, Woods Addition, Block 29, W of Lot 12 and Lots 13, Comanche County, Lawton, Oklahoma

Title Holders: Leonelle & Louie V. Summrrall, Jr., 13 NW 35th Street, Lawton, OK 73505

Mortgage Holders: None.

912 SW D AVENUE:

Alltizer said the structure has been vacant for nine or ten years and they were unable to determine when utilities were disconnected. This case has been in existence since 1997 and Herzig is present to speak on behalf of this structure and he owns 914 SW D Avenue as well.

PUBLIC HEARING OPENED.

Henry Herzig said he would like the City Council to condemn the property at 912 SW D Avenue, that he would obtain the demolition permit and get a half price deal on it for the dumping. He said he also owns the other property and Mayor Powell said they would work on each one independently.

PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Baxter, to approve Resolution No. 01-49. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 01-49

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 912 SW D Avenue, Lawton Original Addition, Block 54, Lot 6, Comanche County, Lawton, Oklahoma

Title Holders: Geldina R. Lazarte, P. O. Box 1046, Lawton, OK 73502-1046

Mortgage Holders: Jason & Margo Lubbers, #202 SW 24th Street, Lawton, OK 73501, and Security Banks & Trust Co., P. O. Box 489, Lawton, Ok 73502

914 SW D AVENUE:

Alltizer said this is basically the same situation as with 912 D, and it is located right next door. Mayor Powell said it did not appear that everything needed to be said again.

PUBLIC HEARING OPENED.

Henry Herzig said with this property it was not the same desire. He said he has been using this property in conjunction with his sewing machine shop and they use it for storage of sewing machines and vacuum cleaners that they remodel and rebuild. Herzig said the structure is sound and there are no leaks, and he would like to remodel it for the same use but he did not know what would be required to do that. Shanklin said if it has to be brought to code, Herzig would run into the same thing he did on his two story apartment. Herzig said he would bring it to code and did not think he could build a warehouse for less than that, and the building is structurally sound. Shanklin said if Council approved, Herzig would have two weeks to get a remodeling permit and then it would be a 30 day deal. Herzig said he needed to demolish one and did not think he could get it all done and needed more time.

Vincent asked the zoning on the property and Herzig said C-5. Vincent said to answer Shanklin's question, under the notice given on this property it is demolish only and they do not have the option to repair unless Council tables this for a period of time and gives them the option to come in to get a remodeling permit. Vincent said if the resolution is passed, it is demolish only.

Baxter said staff report shows the roof needs repair but Herzig said it did not leak. Alltizer said staff was not able to inspect the interior and made their observations from outside. Herzig said at the front of the property the roof needs repair but it is not leaking inside the building, only on the porch, and that part definitely needs to be repaired. Herzig said he was willing to make the necessary repairs to keep the building.

Mayor Powell said it was his understanding that both properties were going to have the same requests so he closed the public hearing and asked that the video be shown.

Vincent said it was his understanding that since this is a commercial property that it will need to be brought up to those standards, and that Herzig would need to speak with Tucker in that regard. Herzig said he talked with Tucker about it already and said the downtown properties like that have a variance and that he would have to bring it to code but not necessarily the new structure code, and that he did not know what he would have to do. Vincent said he was just warning Herzig that he should be careful because it could be very expensive.

Video of the property was shown at this time. During the video, Herzig said the daylight that was showing through the roof was from the porch and not inside the house, and that the porch could be torn down. Shanklin asked if there was not a problem with the rest of it also. Herzig said the rest is OK. Shanklin said it would cost more to repair that structure than it would to put in a metal building.

PUBLIC HEARING OPENED.

Herzig said he wanted to have time to explore his options. Shanklin said Council did that on Herzig's two story apartment and he stalled Council for six more months before it was finally torn down. Shanklin said this is on D Street, everyone drives by it, and we are trying to clean up the central corridor and this is not cleaning it up. Herzig said it could be fixed up for less than he could build a building for.

Purcell said it seemed Herzig could put in a metal building for less than it would cost to bring this up to code because it is a real mess. He said it would seem it should be brought up to commercial code since it is a commercial property. Vincent said it would be an accessory building for a commercial structure. Purcell said he did not want to be back here in six or eight months in the same predicament.

Herzig said he has had this property for ten years and all of a sudden it has become such a bad deal, and he had talked to the City about it before and they said it was OK as long as he kept the windows shut. He said he has always kept it secure and kept his vacuum cleaners and sewing machines in there. Herzig said he would like to explore the ideas of putting up a metal building or remodeling this one, whichever is more feasible. He said he agreed it did not look good and that it did not help his business any from looking so badly so he would have a motivation to fix it up. Herzig said he was finishing remodeling of the building at 910. He asked for time to look into options on this building and that he would demolish the other building.

Shanklin asked how much time Herzig wanted because he knew this was a game we are playing. Herzig said it is not a game but he would like another extra 30 days. Devine said the problem he had with it was that Herzig has had nine years. Herzig said no one had ever bothered him about this, no one ever told him he needed to correct it, and a couple of weeks ago was the first time he had been told. Manny Cruz, Inspector, said this was addressed in 1997. Herzig said he did not think it was on this particular property in 1997 and surely it would have been condemned by now if that was the case. Cruz said staff checks the building from time to time and calls Herzig

when it is unsecured, but it needs watching. Herzig said it had never been brought forward for a condemnation hearing, although he secured it then it became unsecured and he had to secure it again.

PUBLIC HEARING CLOSED.

Shanklin asked Herzig what time he had in mind to find out if he could repair it. Herzig said he needed to get some estimates and that he needed storage for his business. Shanklin asked if it would be satisfactory to postpone it for 30 days and Herzig said yes.

MOVED by Shanklin, SECOND by Haywood, to postpone this and bring it back in 30 days which would be the first meeting in May. AYE: Hanna, Shanklin, Moeller, Haywood, Smith. NAY: Devine, Purcell, Baxter. MOTION CARRIED.

Alltizer said individuals representing 1206 SW 3rd Street are now present and would like to speak although Council has already acted on that property.

MOVED by Haywood, SECOND by Devine, to reconsider 1206 SW 3rd Street and Resolution No. 01-44. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

PUBLIC HEARING OPENED REGARDING 1206 SW 3RD STREET:

Allen Hampton, 5001 Avalon, said there is no argument that action needs to be taken on the property. He said he and his mother have other pieces of property in town that have been in worse condition, and some were in the flood plain, and they brought them back up to code, which Manny can vouch for. Hampton said they had let everything go down and had all been out of town, and decided the best policy was to come back to town. He said he does construction, and his two brothers are contractors, and they had five or six properties they wanted to bring back up to code and knew what was involved in the work.

Hampton said you have to budget to do work such as this when you have so many projects to do. He said it was their fault to let it get so far behind but it is difficult to go to the bank and get in debt rather than trying to do it by cash. Hampton said his mother was from the first generation of natural citizens and did not think the way some others did, that her thought was waste not, want not.

Mayor Powell asked how long they had owned this property. Mrs. Hampton said she had owned it for over ten years. Mayor Powell said in 1997, 1998 there were remodeling permits issued. Mrs. Hampton asked that they have some patience, and she has lived in Lawton about 12 years and the City has been riding them and they had paid a lot of money. She spoke about property she owned on I Avenue and her need for room for storage. Mrs. Hampton said on everything she wanted to do with her properties she was told no by the City. Further comments were not understandable.

Allen Hampton said his mother was trying to communicate that they had lived in Lawton since 1963 and that she had ran businesses here. He said when the Waurika water line came through, she gave five acres of property to the City so the water line could go through their property and said the line has had holes in it that they have had to maintain. Hampton said they were not trying to scam the City and they run on a tight budget and do the work themselves and pay with cash. He said some of the City's inspectors could vouch that they had done some pretty good work on the properties they had brought up to code.

Haywood asked if Mrs. Hampton was asking that she be allowed to use this as a storage house. Allen Hampton said they have 2-1/2 acres and were going to petition to put a storage building on that property so they could have a shop to work out of and store furniture and tools.

Purcell asked if it was correct this particular house had been vacant for nine years and that no one was living there now. Allen Hampton said yes. Purcell said in 1997 and early 1998, the City condemned it then came back and issued a remodeling permit but nothing was done; so where are we now three years later. Allen Hampton said they have been saving their money. He said his van had been broken into, the windows were busted out, and before he had a chance to insure it, the police department red tagged it in front of his house like it was an abandoned vehicle, and he told the police he had \$2,500 of tools in it and needed time to deal with it but when he came home the next day, the van had been hauled off. He said when he got the earlier remodeling permit there were other properties they had to deal with so they had to pull off their equipment and move because the City decided the other property was more of a priority than this one. Hampton said that was part of his mother's frustration, when you have a lot of stuff and get behind you have to play catch up.

Shanklin asked how much money Hampton thought it would cost him to bring this up to code. Hampton said they were planning on moving the house. Shanklin said it has to be brought up to code before it can be moved. Hampton said he applied for a building permit again and this time he was working, his mom was working, and he had talked to a buddy who was a contractor and they were going to have him come out and they were going to redo the roof and try to bring the thing up to be structurally sound and then move it; the roof is really the only thing that is not

sound. Hampton said they want to move it to the 2-1/2 acres, and they would have to obtain another permit to go ahead and bring it up to code on the 2-1/2 acres.

Haywood asked how much time. Mrs. Hampton's response was not understandable. Allen Hampton said she said she wanted to have a storage building out there.

Shanklin asked that Manny Cruz provide his input. Cruz said this is a dilapidated house and three years ago the Hamptons obtained a remodeling permit and apparently he ran into some personal and financial problems and they were not able to, so right now, the house is dilapidated and needs a lot of work so it is up to Council to decide whether to issue a remodel permit or issue a demolition permit. Shanklin asked if Hampton had remodeled other properties. Cruz said he has through the years remodeled houses and they have been good customers and good people.

Baxter asked if within the 15 days in the resolution can Hampton apply for a permit, fix the roof and have it moved within 30 days. Cruz said it would be taken within the City limits to another property and we would be moving a dilapidated house from one area to another; if that was allowed, another permit will be required for the footing where he will move it to and then continue remodeling for the next six months. Cruz said it might be possible to do that with one permit.

Vincent said under this resolution, the only thing he has an option to do is demolish it himself or allow the City to demolish it.

PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Devine, to approve Resolution No. 01-44. AYE: Purcell, Shanklin, Baxter, Smith, Hanna, Devine. NAY: Haywood. ABSTAIN: Moeller. MOTION CARRIED. (Title and all other information is shown above during previous action.)

1912 NW IRWIN AVENUE:

Alltizer said the structure has been vacant for around a decade and the pictures show it has been overtaken by ivy and is suffering some fairly severe structural damage. She said there have been numerous code violations. Alltizer said she spoke with the owner's son this afternoon and they were interested in donating the property to either Habitat for Humanity or to Great Plains Improvement Foundation and that he had spoken with several Councilmembers about that also.

Smith said he had spoken with Jeff Henderson, the grandson, and that Habitat for Humanity was interested in the property. He said he told Henderson he would offer a motion to table this until the last meeting in April and if no action was taken by then that he would move to demolish it at that time.

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

MOVED by Smith, SECOND by Hanna, to table this item to the April 24 Council meeting. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: Purcell. MOTION CARRIED.

2401 SW 11TH STREET:

Haywood said he would move to table this because the property owner was not given proper notice and to bring it back on April 24. Alltizer said there were two different street addresses and they did have the correct legal description but tabling it was acceptable. Haywood said they had 2401 SW 11th Street and the correct address was 2305. Shanklin said we know what we are talking about and we have pictures. Vincent said the resolution only says 2401 SW 11th and to see the attached legal description but he did not see that. The Clerk said the legal description had been filed with her office. Vincent suggested this be tabled so we could re-notify the owner.

Devine asked if a permit was ever issued for this building to be constructed on this property to begin with. Vincent said correct. Alltizer said she believed it had a permit at some point and that there was some confusion about a detention pond, and then work was done after the permit had expired. Baker said it was his understanding that a permit was issued, no work was done, the permit expired, and then there was some work done after that time without a permit. Vincent said because we are affecting a property interest and must be very careful about the notices, he recommended it be tabled and that we re-notify the property owner, and if we have to, we can use both street addresses.

MOVED by Devine, SECOND by Purcell, to table this until April 24. (Purcell withdrew his second so there could be questions.)

Baxter asked if Haywood knew the owner and why insulation was hanging from this structure and that it had been

for years. Haywood said he talked with Mr. Gaskins and he wants to fix it; Gaskins has \$32,000 in it and people in Ward 7 have been complaining as well as those going to the Airport. Haywood said he wanted something done but wanted it done properly so he could not come back on the City and that was the reason for tabling it.

Purcell seconded the motion to table.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

Alltizer said the property owner has applied for a building permit to skin the building but it was held pending the outcome of tonight's action.

1825-1/2 SW MONROE:

Alltizer said the structure had a fire on August 2, 2000, and it is not occupied. She said this was the only structure on the list tonight that had not made the rounds in some form or another. Alltizer said Mrs. Tisdale is present and would like Council to condemn the structure so she can receive reduced tipping fees at the landfill. She said Bernard Tate with Housing and Community Development met with her to see if she might be eligible under the Community Development Block Grant and she was not sure of the result of that.

Moeller said the resolution states 1825-1/2 and the other shows 1825, and asked if the house was on the back of the lot. Alltizer said yes.

PUBLIC HEARING OPENED.

Lena Tisdale, 1825 Monroe, said she would like for the structure to be torn down because she did not want to be caught up with that and it really is her daughter's house and she lives in Dallas. She said she would like for it to be torn down if someone could give her some input on it on how to do it.

Devine asked who owns the property. Vincent said according to the information provided it is Laverne Beaty. Mrs. Tisdale said that is her daughter. Smith said if Council approves the resolution, Ms. Tisdale's daughter would be responsible for obtaining the permit and demolishing the structure. Vincent said the daughter would be responsible for demolition and if she did not handle it then under the City Code, the City would demolish it but would place liens against the property and the ad valorem taxes owed on the property; we would not demolish it for free.

Haywood said he talked with Ms. Tisdale who thought she was getting help from the City to tear it down through block grant money, and neither she nor her daughter may qualify. He said he would try to help her resolve this problem.

PUBLIC HEARING CLOSED.

MOVED by Haywood. SECOND by Smith, to approve Resolution No. 01-50. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 01-50

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the buildings be demolished and removed.

Location: 1825-1/2 SW Monroe, Lawton View Addition, Block 30, Lot 21, Comanche County, Lawton, Oklahoma

Title Holders: Laverne Beaty % Lena Johnson (Tisdale), 1825 SW Monroe, Lawton, OK 73501-7021

Mortgage Holders: None.

ADDENDUM:

1. Consider approving use of the Council Contingency Fund for additional air quality testing in City Hall and to clean all air flow ducts and designated office space. Exhibits: Executive Summary of report from Stanley Engineering.

Baker said he had been sending information to Council reference this subject; for about the last five years the employees in the Planning Department have complained about the air quality and apparently over the years nothing has ever been done to address the problem. He said it had been brought to his attention, it cannot be ignored and an analysis was done which showed presence of calcium in the duct system. Baker said calcium is not toxic but it is an irritant and the employees have complained of various respiratory problems, sinus headaches and that type of thing. Parks & Recreation has been looking into the problem to determine what we can do, and basically where we are at is that we need to clean the ducts, clean up the area, and he thought it would be wise to assess the rest of the duct work in City Hall and they have only tested one zone so far but there are five zones in City Hall. Baker said they were requesting authorization to get this work done and to provide funding for it.

Devine asked why this was not taken care of through preventive maintenance, each year or monthly. Gary Salva, Parks & Recreation, said we have money budgeted for all the buildings and that money is exhausted right now. Salva said the lowest of the three estimates to clean the ducts was \$6,650; the cleaning of the office \$700; further air quality testing after the cleaning was completed to see the effectiveness of the cleaning and if the calcium is still there, so the total is \$10,350 that is being requested from the Council Contingency fund. Salva said these are recommendations made by the consultant that found the calcium, the cleaning of the ducts and cleaning of the offices to see if that solves the problem, but they also want us to find the source of the calcium which we are doing with the Carrier Heating & Air Conditioning Company that we have a contract with to try to find the actual source of the calcium.

Mayor Powell asked the amount of the charge for finding the calcium. Salva said that is not identified and hopefully with the assistance of Carrier there will be no charge, but we are still investigating that. Salva said there is some point in the duct work where there is some damaged duct work that is causing the calcium. Mayor Powell asked if the total amount requested at this time is \$10,350 and Salva said correct.

Purcell asked if this is just to do the portion where Planning is located or is it to do the whole building. Salva said it is to clean all City Hall duct work, air returns, and grills.

Smith said every time he comes to this building and the heat or air is on, his allergies shut down and his sinuses close, and by the time he leaves, he has a blinding headache. He said it is a real problem in this building and we need to take care of it and he had complained about it since he started coming here.

Baxter asked if this much is remaining in Council Contingency and Baker said yes.

MOVED by Smith, SECOND by Baxter, to approve cleaning of the air flow ducts and designated office space in the amount of \$10,350 to be taken from the Council Contingency fund.

Shanklin asked how many bids we had. Salva said three bids were received for each of the items. Shanklin asked if they were all local people. Salva said yes.

VOTE ON MOTION: AYE: Baxter, Smith, Hanna, Devine Purcell, Shanklin, Moeller. NAY: None. OUT: Haywood.
MOTION CARRIED.

Devine said this goes back to preventive maintenance; if this had been taken care of and maintained like it should have been done on a 30 days basis or even six months we would not be in this problem. He said someone is falling down somewhere by not doing this preventive maintenance. Devine said the Mayor put him on a committee that would be for saving money and it sure looks like we need to do this because we are not doing our preventive maintenance and if we would have, we would not be having to spend this \$10,000.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Baker said the City will be receiving FEMA funds due to road damage over the last winter and he had signed some paperwork. It appears the City will receive in excess of \$800,000 and approximately \$90,000 of that should be coming in a week, then there are seven projects identified as about \$50,000 and we will get that money up front. Baker said he would propose that the funding be put in the Street Department's budget and let them spend it on the roads; then there will be large, reimbursement projects. He said a full report will be provided at the April 10 meeting as to the exact projects and what streets were identified. Shanklin asked if Baker was anticipating using the money for anything other than the streets. Baker said no, and we may have to set up a separate account that would not be in the budget itself, and it would be working out the mechanics to put the money into the 211 account for Streets. Shanklin said it would be monitored by FEMA and we cannot choose streets other than the ones designated. Baker agreed it had to be spent on the streets that were identified and that we have to keep records, and they will check back to make sure we did the work.

Jackson said \$214,000 of this amount is for alleys alone, and there is one big project for alleys because there was a lot of damage to them and a lot of people have been calling about that. Mayor Powell expressed appreciation to staff for working on this.

Vincent said the OML Task Force on Rural Water legislation will meet Monday in Oklahoma City.

Smith said his final blood drive will be April 13 and asked that everyone donate.

Devine said regarding the fuel pumps at Robinson's Landing, it took him five minutes to pick up a phone and call a gentleman and got a bid back to put the tanks in, an 8,000 gallon tank, for \$8,600. He said we have spent \$3,500 for a consultant to tell us it is going to cost \$74,000. Devine said the payment to the consultant was about half of what the project could have cost itself but we still do not have anything.

Purcell said the City will miss Woody Woodall and his retirement was shown in a television news story. He said he had done an outstanding job on the streets and he will be missed.

Shanklin asked when we would hear from the water rate consultant. Baker will check with the Finance Director.

Shanklin said he read in the paper that the City Manager said he was going to hire only essential employees. He asked if we are hiring people that are non-essential. Baker said we do not hire anyone that is not essential but when you get into a budget crunch there are certain positions that are not as critical as others and you can hold up on replacing those positions. Baker said he had asked the directors to look at the positions very carefully and if they can do without it for the next 30, 60 or 90 days, then we need to try to do that. Baker said any positions approved in the budget were essential, they are necessary or they would not be in there, but you can do without some for a period of time if you have to.

Shanklin said we will miss Woody Woodall, he has been here 42 years and he gets 92% of his pay and that is a pretty good reward.

Baker thanked Council for support on the demolitions and the action was very supportive of the efforts Neighborhood Services has been working on and this was a real stride. He said he would ask at some point when Council wanted to see the next group. Shanklin said he wanted to see them in 30 days and did not want to put it off. Baxter said they could do two or three at each meeting. Hanna asked if businesses are included or just residences. Altizer said they look at all categories. Cruz suggested Council members look at properties in groups of two or three. Mayor Powell said the information is provided to Council before the meeting and they do go and look at the properties. Vincent said the videos are very important.

Mayor Powell asked that members look at the construction that is going on in the City of Lawton. He said he saw at least six local contractors with 100 people working on roads, electricians, concrete workers, sheet metal workers, and this is something to be excited about. Mayor Powell said the workers like to see people and they are proud of their work.

There was no further business to consider and the meeting adjourned at 7:40 p.m. upon motion, second and roll call vote.