

three parts; 1) review the current tourism and marketing efforts and make recommendation for future development; 2) develop a public awareness campaign for the chamber to tell all of the good things Lawton-Fort Sill has to offer its visitors; and 3) review and make recommendations on the Fly Lawton Campaign. Endres spoke on highlights from the report that was previously distributed saying that an inventory was taken on the area to determine what topics to promote and how to promote them. A visitor survey was launched in October and results have been received and highlights are included in the report. This survey will continue through October 2003 and results will be compiled in the next report as it is a work in progress. Visitors commented on the friendly people they encountered, wildlife and the Wichita Mountains, and the area's rich history and historical places. Endres suggested a slogan to promote Lawton-Fort Sill and a loop be created to tie together all of the attractions and entities in the form of a map and suggested a VIP, Visitor Information Personnel program, a training tool for front line employees at restaurants, hotels, and various businesses with knowledge in providing enthusiastic responses to visitor questions.

Endres made reference to the Twentieth National Tourism Week, May 10 through May 18, 2003, providing a great opportunity for Lawton-Fort Sill to be included in the state and national roundups of national tourism week activities. Endres commends the local radio stations and Lawton Constitution in their commitment to LCCI and Lawton-Fort Sill in the public spot announcements and articles saying that some things are in place and will continue and others as determined by the Tourism Committee and Tourism Director for LCCI will be included in next year's program of work as the budget allows.

Ewing-Holmstrom said she was surprised to see the low number of military and said she wanted to publicly make the citizens aware that Fort Sill has five training battalions which does not include the 2nd of the 80th, AIT, and there are five batteries in each battalion and in every cycle of approximately nine weeks, there are from seventy-five to two hundred graduates. These numbers should be huge and she asked why these people were not coming to spend money in Lawton-Fort Sill and asked if there was a way to determine the answer to this question. Endres said she noticed in the survey if they were visiting family they would indicate that but not that they were in Lawton attending a specific function and she said the packets would need to be updated to include more specific information. Ewing-Holmstrom said this is a built in audience that Lawton-Fort Sill needs to be drawing in. Endres stated that information is just not out there at this time and we all should work more closely together at these check in points to provide better information.

Shanklin asked if this is the first time the Chamber has put out this survey and if they were going to continue for the full year and asked if the numbers were available for the percentage of surveys that were returned based on the number of visitors to this area. Endres said yes but did not have information pertaining to the total number of visitors to this area during the time of the survey.

Mayor commended Endres & Associates on a job well done saying he was pleased with the information and ideas provided to make this an even better place to live.

Col. Steuber emphasized that on any graduation ceremony during the summer up to 1,200 family members attend and there are three and four graduations per week. Steuber said the budget cuts have caused Fort Sill to begin correspondence through the email process and suggested that to be the direction of LCCI saying he would be happy to include in the Army's website, information provided by LCCI to promote the Lawton-Fort Sill community saying this information would be of great help to family members planning to come to the Lawton-Fort Sill area.

AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda, please come forward at this time.

John Walkos, 3703 NW Lincoln Avenue, expressed his concern on the 38th Street Reconstruction Project saying that as the stakes and markings are laid out at this time, he will possibly lose his house. Jerry Ihler, Public Works Director, explained the markings as a right-of-way boundary and said that no citizen will be losing their house during this project. Mr. Walkos asked the Council to consider moving the utilities so that his property would not be affected.

Shanklin asked Ihler to address these questions as has been done in the past. Baxter asked Ihler to remark on the placement of the stakes and markings as have been completed on this project. Ihler said the pink marking indicates the right of way line and is not actually where the sidewalk will be placed; the sidewalk was moved further west about five feet as the design was prepared. The work is being done in the City's right of way and no additional property is being taken, the fifty foot existing right of way is being utilized that the City already owns. The reason the sidewalk/bicycle path is on the east side from Lincoln toward Rogers Lane is because of the apartment complex and convenience store that had to have access.

Shanklin asked Ihler what utilities would have to be moved. Ihler said there are numerous utilities that will need to be relocated for the entire project, PSO, SWB, City, which will all be done within the existing easement. The width of the right of way at this particular location is the existing fifty feet on the east side of the section line and on the west side thirty-three feet but are acquiring an additional seventeen feet so there will be a total of one hundred feet, fifty on each side of the section line; however, on the east side of this particular location the City is not acquiring any additional right of way. Shanklin asked if this could be moved west any at all and Ihler said if it was

moved further west, additional right of way would have to be purchased. Ihler said there would be no houses moved during this reconstruction project and this road will be centered on the section line.

Mike Walkos, 2204 NW 37th Street, John's son, said he disagreed with Mr. Ihler's comments because they had pulled the abstract on the property and as the project is laid out, the road will be in his father's front door. Ihler said the right-of-way on 38th Street Project would consist of 100 feet, 50 feet on each side of the section line. Ihler asked Mike and John Walkos to visit his office for further discussion and review of the current plans.

CONSENT AGENDA : Separate consideration was requested for Items 1, 14, and 15.

MOVED by Shanklin, SECOND by Baxter, to approve the Consent Agenda items as recommended with the exception of Items 1, 14, and 15. AYE: Baxter, Hanna, Devine, Shanklin, Moeller, Haywood. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Jimmy Haymes; Lee N. Jones; Pat and Lore Fowler, Jr.; David Nottingham; and Jeff and Gaye Lynn Reinke. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

Moeller asked to pull the damage claim of Jeff and Gaye Lynn Reinke.

Jeff Reinke, 3303 NW Baltimore, said this claim pertained to his rental property at 2604 NW 77th. Reinke referred to several statements made in the damage claim opinion saying the tenants were not home during this sewer backup including that Emily was about eight months pregnant at the time of incident and expeditious repair was necessary. The backup caused damage to two bathroom floors, carpet in hallway, three bedrooms and closets. Reinke said the City should claim responsibility for the damages due to previous problems and asked that the claim in the amount of \$2,708.89 be paid.

MOVED by Moeller, SECOND by Shanklin, to approve this claim in the reduced amount of \$2,708.89 and approve Resolution No. 03-42 authorizing payment. AYE: Hanna, Devine, Shanklin, Moeller, Haywood, Baxter. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

MOVED by Moeller, SECOND by Baxter, to deny the remainder of the claims as listed. AYE: Hanna, Devine, Moeller, Haywood, Baxter. NAY: None. OUT: Ewing-Holmstrom, Shanklin. MOTION CARRIED.

Vincent said court documents would be prepared and returned to the City Clerk's office for execution and payment of Resolution No. 03-42.

2. Consider the following damage claim recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00; Homer L. and Doris Matney. Exhibits: Legal Opinion/Recommendation. Action: Approval of claim in the amount of \$393.89.

3. Consider adopting a resolution approving the settlement by a joint petition settlement and making payment in the Workers' Compensation case of Gerald P. Abbott in the Workers' Compensation Court, Case no. 2001-5444H. Exhibits: Resolution No. 2003-28. Action: Approval.

4. Consider adopting a resolution approving settlement by a joint petition and making payment in the Workers' Compensation case of Robert Puccino. Exhibits: Resolution No. 2003-29. Action: Approval

5. Consider ratifying the actions of the Lawton Water Authority approving grazing, tillage and baling leases to the highest bidder and authorize the Mayor and City Clerk to execute the leases. Exhibits: Spreadsheet of tracts and bid amounts and location maps can be found attached to the Lawton Water Authority Agenda Item. Notice of public auction, lease agreements between Lawton Water Authority and highest bidders are on file in the City Clerks office. Action: Approval.

6. Consider acknowledging receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of sanitary sewer lines with appurtenances to serve Billingsley/Sutton/Rumbaugh, NW 82nd and Quannah Parker Trailway. Exhibits: None. Action: Approve receipt of permits to serve Billingsley/Sutton/Rumbaugh, NW 82nd and Quannah Parker Trailway.

7. Consider acknowledging receipt of a permits from the Oklahoma State Department of Environmental Quality for the construction of sanitary sewer and water lines with appurtenances to serve The Enclave, Lawton, Comanche County, Oklahoma. Exhibits: None. Action: Approve receipt of permits to serve The Enclave..

8. Consider Amendment #1 to Retainer Agreement for Professional Services with Howard Kuchta to assist with administration of Hazard Mitigation Grant Program. Exhibits: Proposed Amendment to Retainer Agreement. Action: Approved.

9. Consider approving the plans and specifications for waterline improvements to serve Bible Baptist Church at 7501 SW Lee Boulevard. Exhibits: Location Map. Action: Approved.
10. Consider approving the construction plat for Brentwood Addition, Part 3, subject to conditions. Exhibits: Plat Map. Action: Approved.
11. Consider approving plans and specifications for the Wolf Creek Bridge Painting/Repair Project #2002-15 and authorizing staff to advertise for bids. Exhibits: None. Action: Approved.
12. Consider amending Resolution 02-205 requesting the Oklahoma Department of Transportation to upgrade traffic signalization with turn lanes on State Highway 7 at SE 45th Street. Exhibits: Proposed Resolution 03-30 and letter from ODOT. Action: Approved.
13. Consider Joining Grassroots Coalition "Oklahomans for Safe Highways" and passing Resolution No. 2003 -31 Opposing Bigger and Heavier Trucks on our State Highways. Exhibits. Resolution No. 2003-31. Letter from Kelly Lundgren Vincent, Oklahomans for Safe Highways. Action: Approved.
14. Consider a request from Housing Authority of the City of Lawton (LHA) to authorize the Mayor to sign the Certification by Local Official of Public Housing Authority (PHA) Plans Consistency with the Consolidated Plan for the Annual Plan for Fiscal Year 2003-2004 application to the U. S. Department of Housing and Urban Development (HUD). Exhibits: PHA Plans with Certification Form on file in the City Clerks office.

Vincent said he pulled this item as it needed a public vote.

MOVED by Baxter, SECOND by Hanna, to approve item 14. AYE: Hanna, Devine, Moeller, Baxter. NAY: None. OUT: Ewing-Holmstrom, Shanklin. ABSTAIN: Haywood. MOTION CARRIED.

15. Consider approving the release of Mortgage between the City of Lawton (Lender) and a participant of the CDBG &/or HOME program (Borrower) listed below and authorize the Mayor and City Clerk to execute the document. Exhibits: Copy of the Mortgage is available in the City Clerks office.

Vincent said he pulled this item as it needed a public vote.

MOVED by Baxter, SECOND by Hanna, to approve item 15. AYE: Hanna, Devine, Moeller, Baxter. NAY: None. OUT: Ewing-Holmstrom, Shanklin. ABSTAIN: Haywood. MOTION CARRIED.

16. Consider approving the following contract extension: A) Jail Beverage Products (CL02-047) with Farmer Bros Coffee Company. Exhibits: None. Action: Extend contract.
17. Consider awarding contract for Truck Mounted Jet Rodder (CL03-040) to Underground, Inc. in the amount of \$74,200 for the reasons specified in the attached recommendations. Exhibits: Recommendations; Bid Abstract. Action: Award contract to Underground Inc., of Pearland, TX.

Memo for the record. Low bid from Midwestern Equipment was not selected for this item as they bid a 2001 demo unit. Low responsive bidder from US Jetting LLC bid their own brand of pump that can only be serviced by their company in Georgia or their mobile service center in Dallas. Having only two dealers for their pump would leave the City with few resources for parts.

It is the department's recommendation that this item be awarded to the second responsible bidder, Underground Inc., at a price of \$74,200, which is \$715 higher than the lowest responsive bidder. This recommendation is based on parts and repair availability. The department currently stocks parts for this jet rodder as the same unit in use at this time. City employees have been trained in the maintenance and repair of this unit and a local authorized repair facility is Webber Diesel at 2405 SW Flower Mound Road which performs warranty work, as well as parts and service as needed.

18. Consider awarding contract for Ground Aluminum Sulfate (CL03-050). Exhibits: Recommendations; Bid Abstract. Action: Award contract to General Chemical Corporation of Parsippany, NJ.
19. Approve payroll for the period of March 3 to March 16, 2003.
20. Approve Minutes of February 24, 2003, Special Council Meeting; and February 25, 2003, Council meeting.

UNFINISHED BUSINESS:

21. Consider an ordinance authorizing collective bargaining and representation of the general employees of the

City of Lawton, creating Section 17-1-1-108, Article 1, Chapter 17, Lawton City Code, 1995, and if approved, set a date for an election for the general employee group as defined in the approved ordinance. Exhibits: A proposed Ordinance No. 03-_____ allowing for the collective bargaining of certain general employees, creating Section 17-1-1-108, of Article 1, Chapter 17, Lawton City Code, 1995.

Vincent said he, Tim Golden, and Larry Mitchell met with a representative from American Federation of State, County, and Municipal Employees (AFSCME) following the February 25, 2003, Council Meeting and developed a suggested ordinance if the Council desires to consider an ordinance that would call for a secret ballot election of the affected employees, those who could be a member of the bargaining unit. Vincent said staff had no position on the approval or denial of this ordinance and in the background of the item a March 25, 2003, election date had been indicated but due to the fact this ordinance was not presented as an emergency, this ordinance, if approved, could not go into effect for thirty days after its approval.

Vincent said Mr. McMichael presented him with a requested change to the proposed ordinance in paragraph A by inserting **confidential** employees of the various offices as well as adding the word **confidential** in other places. On the development of this ordinance the group determined, then what was considered SB 648, which has now been pulled from the Senate agenda, that these would be confidential employees of the City. Staff feels it to be redundant to insert a word that had been defined.

Vincent said Council should give direction on this matter realizing the March 25, vote cannot be held on that day.

MOVED by Hanna, SECOND by Haywood, to approve this ordinance.

McMichael commented that SB 648 has been pulled until the next session; secondly he is concerned with the word confidential and has agreed to discuss it later regarding those positions in each of the indicated departments saying there appears to be an unfair treatment particularly to the female employees in that the majority of employees, as exempted, happen to be female. McMichael explained by specifically stating confidential would narrow the concept down under the National Labor Relations Act were the specific definition as to what is considered to be a confidential employee. McMichael said SB 648 would not have been that broadly determined to exempt one-third of a city's departments out but hoped Council would vote an affirmative to pass this ordinance allowing general employees the right to vote for collective bargaining.

Moeller expressed concern regarding the last meeting on this subject and asked the validity of the discussion of the last meeting. McMichael clarified by saying Vincent, and other staff, said they could do nothing until given direction by the City Manager, not Council, during which time we were talking with former City Manager, Bill Baker. In the process following the appointment of the new City Manager AFSCME tried to reach out and was denied a formal meeting while being told by administration and staff that it was not Council, but the City Manager to give direction before a document could be reviewed.

Ewing-Holmstrom asked how much money AFSCME spent on its members last year and how much money went back to the Oklahoma membership. McMichael said there has been no cost to the city employees in Oklahoma saying there are no dues charged until a contract has been granted and all expenses for this campaign have been born on behalf of the national union. McMichael estimated receiving \$600,000 from the Oklahoma City Union and spending that same amount on that local union.

Ewing-Holmstrom referred to a report dated March 2001 to February 2002, Form LM2, Labor Organization Annual Report, Item 72, on behalf of the individual members zero dollars was spent on the greater Oklahoma City public employees. McMichael explained the LM2 form as a political expenses form, expenses which are born on behalf of the national union and that all dues taken in by the local are used for the expense of the local union, officers, staff, and business expenses saying the local could not exist if zero dollars were spent.

Ewing-Holmstrom said it appears they are not talking about the same type of expenditures. McMichael said that seventy percent of all dues taken in are retained by the local which can be expended in the democratic process as it so chooses.

Ewing-Holmstrom asked McMichael his definition of "per capita tax". McMichael said this is the singular cost per member used for servicing politics and organizing. Ewing-Holmstrom stated, according to the report, Line Item 8-per capita tax, would be \$62,689. Baxter said the total taken in by the union in the report was \$220,317.

McMichael said per capita also includes funds expended to the national AFL-CIO.

Ewing-Holmstrom said that she is pro-union but said she does not think AFSCME is the appropriate union for City of Lawton employees saying there is information not being provided to the majority of the employees. She said she had no control over the receipts and expenditures of other unions, but she does have a hand in controlling the protection of the City of Lawton general employees. McMichael said it was his impression that a vote might be taken among the general employees so they could make the determination as what is the best union or no union. McMichael said he was certain AFSCME is the correct union for these employees saying their national membership

is 1.3 million and that grew last year by a total of 250,000 members, being some indication this is the best union, but the proposed ordinance would allow the employees the opportunity to make that decision, saying that he did not think Council should make the decision over who represents this body.

Ewing-Holmstrom said that if a general employee's union was ever to come to be, it would be decided upon by this group, whether it be these people or another group. McMichael said Proposition 695 clearly states that employees do not have to join a union if one is in place, one does not have to pay a fee because a union is in place, anybody that joins AFSCME makes a decision on their own to pay dues and have voting privileges saying that Proposition 695, as duty of fair representation, should a non-union member have a grievance, the union in place is obligated to represent that member.

Ewing-Holmstrom asked McMichael how much money AFSCME had in gains and losses for the year 2002. McMichael was unable to provide that figure at this time.

Moeller asked what the process was in voting this particular representation out. McMichael said through a contractual negotiation process a decertification process could be considered and a union could be voted out. In SB 648 this process was outlined and during AFSCME negotiation process with the City a decertification process could be included, which is the same process used to bring in a union and that if thirty percent of the employees sign a petition calling for an election saying they no longer desire representation from AFSCME and if a majority of those who vote opt out for no union, the union is gone. However, under the AFL-CIO constitution no other union could represent these employees for a period of three years.

Moeller said the employee's pay comes from the citizens of Lawton. McMichael said this is not a process of dues it is a process by which the general employees will have a voice and that is what the union is about; saying in the times of deficit other issues and concerns would be negotiated such as a reduction in force and that the reduction be a fair process. McMichael understands that nobody is paid well, but it is the desire of AFSCME to bring this group in line with police and fire but through the democratic process adding that AFSCME will be elected by the majority of those who chose to exercise their voice. McMichael said this is an effort for the general employees to be able to exercise their voice equitably and for fairness.

Jim Maroon, 507 NW Bell, commented on the issue of which union the general employees wanted saying this process was started by inviting several unions to talk with general employees and that AFSCME showed up adding it was by an informal vote on the green card, this was the representing body the employees wanted as their representation. Maroon said the general employees desired the opportunity to decide which union would best represent them.

Larry Mitchell, Acting City Manager, made clarification on an earlier statement and said that he was not asked one time in the last month to meet with any representatives from AFSCME.

(Title read aloud) Ordinance No. 03-_____

An Ordinance pertaining to a Collective Bargaining Unit for General Employees creating Section 17-1-1-108, Article 1, Chapter 17, Lawton City Code, 1995, providing for codification, severability, and an effective date.

VOTE ON MOTION: AYE: Haywood, Hanna. NAY: Devine, Ewing-Holmstrom, Shanklin, Moeller, Baxter. MOTION FAILED.

22. Consider approving Council Policy No. 4-2, which would establish and maintain a Reserve Fund of 5% of general fund operating expenditures. The Reserve Fund will be segregated into two categories: 1) Grant/Disaster, and ; 2) General Fund Reserve. Exhibits: Draft Council Policy No. 4-2.

Rick Endicott, Finance Director, explained the proposed Council Policy which will establish a reserve fund having primarily two purposes; 1) grant/disaster, and 2) general fund reserve. Endicott clarified this is not an additional fifty cents, rather it is fifty cents of the \$1.50 that was previously approved in the past budget of which fifty cents will go into this reserve fund as requested saying it then becomes incumbent on the City Manager to include in the budget a certain amount of funds to reach the anticipated five percent reserve by July 1, 2006. Endicott said it would take six affirmative votes of the Council before any funds could be expended out of this reserve fund.

MOVED by Devine, SECOND by Hanna, to approve Council Policy No. 4-2. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Hanna, Devine. NAY: None. OUT: Baxter. MOTION CARRIED.

MOVED by Ewing-Holmstrom, SECOND by Hanna, for a five minute recess. Recess was held from 7:45 p.m. to 7:50 p.m. All members except Bass were present upon roll call to reconvene.

BUSINESS ITEMS:

Mayor Powell gave direction to strike items 27 and 30 on the regular business session.

23. Hold public hearings and adopt resolutions declaring the structures at 1213 SW Summit Avenue; 1215 SW Summit Avenue; 1007 NW Dearborn Avenue; 1207 NW Taylor Avenue; 1907 SW E Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolutions No. 03-____; No. 03-____; No. 03-____; No. 03-____; No. 03-____; Summary documents with supporting photos and video. Reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Angie Alltizer, Neighborhood Services, said that each of these structures have previously been condemned by Council but they were being brought back for clarification on filing at the County to enhance the filing process to specify the condemned structures on each of the properties.

1213 & 1215 Summit Avenue

1213 SW Summit Avenue is two residential structures that have been vacant approximately five years. It needs significant exterior maintenance and currently has City utility service, but is unsecured at present and has been more than three times in the past year.

1215 SW Summit Avenue is a single residential two-story structure and is unsecured at the present time and has been unsecured more than three times in the past year. This property has been vacant approximately five years and it needs significant exterior maintenance and roof repairs. The City utility service was terminated in November 1999.

Rayl Finance is the new title holder on these properties and is here to address questions.

Public Hearing Open. Lewis Rayl, Rayl Finance, said his company just received title to these properties and is currently in negotiation with Goodwill Industries which will be voted on by their board on April 4. Goodwill Industries intend to raze the structure and build a parking lot.

Baxter said condemnation will help Goodwill Industries with tipping fees.

Public Hearing Closed.

Vincent said amendments would have to be made to the Resolutions to present the proper title holders on each of these properties.

MOVED by Shanklin, SECOND by Haywood to adopt Resolutions 03-32 and 03-33 declaring these structures to be dilapidated. AYE: Haywood, Baxter, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

1007 NW Dearborn Avenue

Alltizer said there are two residential structures joined by a carport. This property is presently unsecured and Neighborhood Services has expended \$503.01 for mowing and securing of this property. This structure has been unsecured more than three times in the past year and the City utility service was terminated in April 2000.

Shanklin said this house is too good to tear down and asked Alltizer if contact had been made with the property owner. Alltizer said the property owner has not made contact with the Neighborhood Services division.

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

MOVED by Shanklin, SECOND by Baxter to adopt Resolution 03-34 declaring this structure to be dilapidated. AYE: Baxter, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

1207 NW Taylor Avenue

Alltizer said this is one of the most deceiving from viewing it from the street which looks nice from the front view, but once the full unsecured property is viewed you can see it is gutted through the entire interior down to the floor joists. This is a single residential structure and a cellar. Both were unsecured at present and the City utilities were terminated in January 1999. Neighborhood Services has expended \$165.80 for abatement of tall grass and weeds.

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

MOVED by Hanna, SECOND by Baxter to adopt Resolution 03-35 declaring this structure to be dilapidated. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

1907 SW E Avenue

Alltizer said this is a single residential structure and nine mobile homes. The pictures indicate one mobile home being burned to the ground and several of the mobile homes are presently unsecured. The City utility services were terminated in January 2003. This is an effort to amend the resolution and specify the number of mobile homes and type of structure on this property to be included in the D and D process.

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

MOVED by Shanklin, SECOND by Haywood to adopt Resolution 03-36 declaring this structure to be dilapidated. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

24. Hold public hearings and adopt resolutions declaring the structures at 1623 SW Garfield Avenue; 1603 SW Georgia Avenue; 905 & 905 1/2 SW 12th Street; 2010 SW Douglas Avenue; and 1214 NW Taft Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolutions No. 03-____; No. 03-____; No. 03-____; No. 03-____; No. 03-____; Summary documents with supporting photos and video. Reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Alltizer said this group of structures is a continuance of the ongoing program to address the dangerous and dilapidated structures within the community.

1623 SW Garfield Avenue

Alltizer said this is a single residential structure that has been vacant for numerous years, it is presently unsecured and definite vagrant activity is present. This structure needs significant exterior maintenance to include roof repair, the porch area is collapsing and there is no record of City utility service.

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

MOVED by Haywood, SECOND by Hanna to adopt Resolution 03-37 declaring this structure to be dilapidated. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Hanna. NAY: None. MOTION CARRIED.

1603 SW Georgia Avenue

Alltizer said this is a single residential structure and accessory structure in the rear yard that has been vacant for a number of years. These structures need significant exterior maintenance to include roof repairs which are collapsing in some areas. No City utility records were located and Neighborhood Services has expended \$137.80 for the abatement of tall grass and weeds during the last growing season.

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

MOVED by Haywood, SECOND by Shanklin to adopt Resolution 03-38 declaring this structure to be dilapidated. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter Hanna, Devine. NAY: None. MOTION CARRIED.

905 & 905 1/2 SW 12th Avenue

Alltizer said this site has two residential structures and no record of past City utility service was located which generally indicates no service for more than ten years. Property at 905 is unsecured at the present time and both structures have been unsecured three times in the past year.

PUBLIC HEARING OPENED. Victor Long, 1111 NW Cherry, spoke on behalf of his mother, Hazel Long, 1305 NW Cherry, and requested that he have the opportunity to abate this nuisance.

Alltizer said once Council passes the resolution of condemnation the property owner has fifteen days to obtain a demolition/remodel permit and the permit is good for thirty days and that property owner would receive half off of the tipping fees at the Landfill in razing this property.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Hanna to adopt Resolution 03-39 declaring this structure to be dilapidated. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Hanna. NAY: None. OUT: Baxter. MOTION CARRIED.

2010 SW Douglas Avenue

Alltizer said this is a single residential structure and the City utility service was terminated in July 1995. This property has not been unsecured. Alltizer said this property has recently changed hands and the new owner has intentions of rehabilitating this structure.

Haywood said the new owner requested time to begin his remodeling process on this property.

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

Ewing-Holmstrom asked if the interior of the structure had been inspected. Alltizer said her office has not been inside this property and a lot of the damage appears to be exterior.

MOVED by Haywood, SECOND by Devine to adopt Resolution 03-40 declaring this structure to be dilapidated. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Hanna, Devine. NAY: None. OUT: Baxter. MOTION CARRIED

1214 NW Taft Avenue

Alltizer said this would be a more difficult structure to address as it is a single residential structure with a detached garage. The City utility service has been terminated since March 1999 and the new owner of last week has put on a new roof and has cleaned and cleared the yard of debris and low hanging and dead limbs.

PUBLIC HEARING OPENED. Joe Hanna, 415 East Texas, Walters, OK, said he purchased the property about eight days ago and since has put on a new roof and has made a noticeable change to the property. Hanna requested more time to make the necessary repairs to the inside of the structure.

Shanklin asked Joe Hanna if he had obtained a building permit. Hanna said that he was told he would not need a building permit to make the improvements as he had described them.

Vincent discussed Item 25 on the current agenda which deals with permits regarding renovation of dilapidated buildings saying if this building does become condemned tonight a building permit and certificate of occupancy would be required to continue the renovation process.

Shanklin said this man should be rewarded for his efforts and asked if the electrical service was updated. Hanna said there is a new updated electrical service on the back of the house but he was not sure when it had been updated. Shanklin said this item should be tabled for ninety days and allow this owner that time to complete more renovations.

James Hanna, Councilman Ward Two, said he had visited this property on numerous occasions. It is in his ward and he drives by it regularly to check the progress of the work. Hanna has talked with the new owner and has told him if he can't meet the requirements as allowed by time, this structure will be brought back before Council for D and D.

PUBLIC HEARING CLOSED.

MOVED by Hanna, SECOND by Ewing-Holmstrom to table this structure for ninety days allowing the property owner time for renovation. AYE: Shanklin, Moeller, Haywood, Hanna, Devine, Ewing-Holmstrom. NAY: None. OUT: Baxter. MOTION CARRIED

Shanklin said during previous discussion on nuisance and abatement refunds paid to the City from the County would be deposited back into the Neighborhood Services account and desired direction of the proper procedure to get these funds back in the proper account.

Mitchell suggested money transfers be made from existing accounts for the remainder of this budget year and address this question during the budget process for FY 03-04 and said that funds returned from the County were now being deposited into the general fund. Mitchell said the general discussion was to look at a process whereby money returned could be deposited into the Neighborhood Services budget, but a final decision was not implemented at that time. Shanklin said it was his effort to keep the momentum going and funds were needed to proceed. Mitchell said a recommendation would be provided at the next meeting.

25. Consider an ordinance amending Section 6-1-1-108, Article 1, Chapter 6, Lawton City Code, 1995, as it relates to reconstruction, remodeling and repair permits issued for dilapidated structures, providing for codification, severability and declaring an emergency. Exhibits: Ordinance No. 03-13.

Vincent said after discussion with Council they determined the 75% completion recommendation to be too strict and lowered to 50% and clarification was made in other areas. The recommended addition to the code is the creation of the certificate of occupancy and the certificate of compliance for different types of structures. Vincent

said the certificate of compliance was created to deal with the requirements of commercial property and the certificate of compliance was created to be sure the property owner who pulls the permit completes the code requirements on the exterior portion of the commercial to meet code within the prescribed time or the property stays on the D and D. Residential structures will be required a certificate of occupancy, when the owner pulls a permit, a certificate of occupancy must be obtained or the property stays on as D and D.

MOVED by Shanklin, SECOND by Baxter to approve Ordinance No. 03-13 and declare an emergency.

(Title read aloud) Ordinance No. 03-13

An Ordinance pertaining to Expiration of Building Permits, amending Section 6-1-1-108, Article 1, Chapter 6, Lawton City Code, 1995, providing for severability, and declaring an emergency.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Devine, Ewing-Holmstrom, Shanklin. NAY: None. OUT: Hanna. MOTION CARRIED.

26. Consider approving joint Resolution No. 2003-41 with the Board of Comanche County Commissioners requesting that the Governor of the State of Oklahoma redesignate the City Planning Commission of the City of Lawton as the Metropolitan Planning Organization (MPO) to administer transportation, air quality and transit planning activities. Exhibit: Resolution No. 2003-41.

Deborah Jones, Planning Division, said the City had been a recipient of numerous planning and transportation grants which enables the City to receive construction funds from the State and Federal Highways Administration adding that in 1973 the Governor designated the Lawton Metropolitan Area Planning Commission as the Metropolitan Planning Organization (MPO) acting as a conduit to the grants for the City to cover salaries of employees and the City would be reimbursed on a monthly basis those expenditures. In 2000 the City formed their specific planning commission solely for the City of Lawton. This item is requesting the planning commission be designated as the MPO. This change will not affect the grants but would cost less to administer and the LMAPC's role has been diminished greatly when it ceased to be the hearing officer and make recommendations for zoning cases and the County has very little planning business so often the case is the LMAPC is called to meetings solely for the planning grants.

Jones said over the years the role of the LMAPC has changed to administration of the subdivision regulations for Comanche County and MPO responsibilities. The City Planning Commission oversees all land use regulation (zoning) and land subdivision administration within the municipal jurisdiction. With its diminished duties often LMAPC considered only business items related to the grants. The LMAPC has already decreased the number of meetings per month. Thus it has been recommended that the County and City jointly petition the Governor to move the MPO duties to the City Planning Commission (CPC) because this body meets twice a month. The movement of the MPO duties to the CPC would simply be less expensive and more practical. The movement of the MPO responsibilities would not affect Comanche County in any way. The County will begin overall administration of the LMAPC's land subdivision responsibilities in July so the transition of MPO duties to the CPC could be transferred in the same timeframe.

Jones said the CPC meets twice a month to hear zoning cases and makes recommendation so it is more convenient and less costly to put air quality, transit, or transportation items on that agenda and have them act as MPO for reimbursement each month.

On March 4, 2003 the Board of Commissioners for Comanche County approved the enclosed resolution recommending that the Governor transfer the MPO duties to the CPC.

Shanklin asked what would happen to LMAPC if this change was implemented. Jones said it would stay the way it is and would be administered by the County on or approximately July 1, 2003, and the meetings would be held in the County facilities with the same membership and the same powers under the statute and the MPO would be the City Planning Commission saying the City would get the money, the County would just act as the conduit. Jones said this aspect had no concern on properties outside the city limits saying it is solely related to planning and transportation grants that the City funds that the County puts no money into this.

Shanklin asked Vincent how the procedure was coming on the outside water sales item. Vincent said the item should be ready for review at the first meeting in April

MOVED by Shanklin, SECOND by Haywood to approve Resolution No. 03-41. AYE: Haywood, Baxter, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. OUT: Hanna. MOTION CARRIED.

27. Consider request for Energetix to extend the Treated Effluent Option Agreement for the Lawton Energy Facility and provide direction. Exhibits: Letter of request to extend option, Second Amendment. Agreement on file in City Clerk's office.

Mayor Powell pulled this item at the beginning of the business portion of the meeting.

28. Consider the acquisition of an addition of three (3) non dedicated streets to the Report on Private Streets approved and accepted by the City Council on March 9, 1999. Exhibits: Index of Report on Private Streets, Excerpt of City Council minutes of March 9, 1999. Full report on file in Planning Division.

Robert Bigham, Assistant Director Planning Division, said Council approved and accepted a report prepared by the Planning Division in cooperation with the Public Works/Engineering Division on March 9, 1999, on public and non-dedicated streets within the City. The Council established which streets should be acquired and which streets should remain private. Bigham said over the years roads have developed, some thought to be public and maintained by the City and the reason for the report was to determine which roads should be public and which should not be public.

Since the approval of this report, three additional streets need to be included. The streets are: 1) A portion of SW 27th Street adjacent to the new Comanche Funeral Home. 2) SW 24th Street from Lee Boulevard to Jefferson Avenue, and 3) The South one half (2) mile of SE Tower Road, and another that has come up since this agenda item is G Avenue, the City received FEMA funding for this street and planning is in the process of working with the County Commissioners in an effort to get this reviewed during the next meeting to obtain an easement for G Avenue between 17th Street and Sheridan Road in an effort to utilize the FEMA funding.

Staff requests approval of these three additional streets to the acquisition list and update the report for the Council's consideration within the next 90 days. The staff will also be recommending other modifications to the report and will bring it back for review and approval. However, it is urgent, that SE Tower Road be added to the acquisition list due to pending FEMA funding to rebuild the road due to damage incurred by the recent ice storm. This available funding may expire in May 2003.

Ewing-Holmstrom asked clarification on how a street can be located within the city that doesn't belong to the City. Bigham explained that streets are developed through improper subdivision platting, selling of land, somebody just builds a road on the good ole boy system, put in just to serve one residence, they just happen over time and once the path is created, somebody paves it and the process continues while everyone is thinking the path is a public street.

MOVED by Shanklin, SECOND by Baxter to acquired these as public streets and add them to the Report on Private Street. AYE: Baxter, Hanna, Devine, Shanklin, Moeller, Haywood. NAY: Ewing-Holmstrom. MOTION CARRIED.

29. Consider awarding contract to Wicker Construction Co., Inc. for the Fire Station #5 Relocation Project #2000-17 and authorizing additional funding for this project. Exhibits: None.

Jerry Ihler, Public Works Director, said on December 17, 2002, Council approved plans and authorized staff to advertise for bids for the Fire Station #5 Relocation Project #2000-17 and on February 24, 2003, bids were received and opened. Nine bids were received and staff is recommending to award the contract to the low bidder, Wicker Construction Company Inc., Lawton, Oklahoma, and by referring to the hand out, (page 2) there are several alternatives and our recommendation is the base bid in the amount of (\$1,045,900) with bid alternate #6 (fire hydrant for the north side of the Fire Station add \$3,100) and alternate #8 (grassing deduct \$10,000) which equals \$1,039,000.

Ihler said there are some additional things that need to happen with this project that are not related to the actual bid. The total cost of the base bid and alternates #6 and #8 along with allowances for the kitchen appliances (\$10,200) equals \$1,049,200. The kitchen appliances will not be awarded on this bid as these items can be purchased on an individual basis at a lower cost. Testing and contingency in the amount of \$26,800 and this contract does not include the future cost of the demolition of the existing fire station building estimated at approximately \$25,000 brings the remaining project costs to \$1,101,000.

Ihler said a consideration not addressed in this agenda item was the previous agreement with SWB to relocate their utilities and it was thought as a part of the contract was to pay them up front before they begin the process of moving the telephone lines. They started this process about nine months ago and it was determined the funds had not been encumbered for that relocation so therefore that additional \$42,000 has to come from the project to be able to pay for those utility relocations. The remaining project costs less available funding of \$996,000 from the 2000 CIP leaves additional funding of \$104,000 to complete the project which brings the total project amount to \$1,143,000. Funds available in the 2000 CIP originally approved by the voters was \$1.3 million dollars approved. Available in that fund for this project is \$996,000 so that leaves us with a total of \$147,000 that is needed to complete this project as a whole.

The funding sources for the additional funds necessary to complete is \$30,000 in 95 CIP funds from recently completed projects, remaining funds from the Geronimo water line and \$75,000 in 95 CIP funds remaining in the Middle Branch Wolf Creek Project account not required for the project based upon current Corps of Engineer s

estimates and from Endicott's most recent budget update, he indicated \$52,000 in fund 35. It is our recommendation that all of these funds be utilized which would provide the total funding to complete the project and there would be a remainder of \$6,000 to add to contingency in case of need.

An alternative to providing additional funds would be to consider reducing the number of equipment bays from the planned four bays to a three bay facility. It is estimated that this change could save in the \$80,000 to \$90,000 range if a change order were implemented.

Wicker Construction Co., Inc. has not had a contract with the City in the past 24 months.

It is the Public Works recommendation to award the project in the amount of \$1,039,000 to Wicker Construction and approve the additional funding that has been identified and discussed.

Ewing-Holmstrom questioned the hand out where no bid is indicated. Ihler said this particular contractor did not provide a dollar amount for that item and as an alternate he did not have a bid for that item; however, that is not the reason we are not recommending that contractor. Ihler said in the review of this project it became too expensive to award all of the alternates and other measures will be taken by utilizing existing equipment. It was understood that these alternates would only be looked at if the money was available in this project.

Baxter said he fought to keep this fire station under budget but Council voted to expend more funds to purchase property and tear down four houses, to find funds for this project not available.

MOVED by Devine SECOND by Baxter to award construction contract to Wicker Construction Co., Inc. for Fire Station #5 Relocation Project #2000-17 and provide additional funding as requested. AYE: Shanklin, Moeller, Baxter, Hanna, Devine, Ewing-Holmstrom. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

30. Consider a resolution amending permit and inspection fees in Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995. Exhibits: Resolution No. 03-____. Memo on file at License and Permit Center.

Mayor Powell pulled this item at the beginning of the business portion of the meeting.

ADDENDUM:

1. Consider entering into a cooperative agreement with the Oklahoma Department of Wildlife Conservation state office for a grant to expand and restore the boat ramp at Colliers Landing on Lake Ellsworth.

Kim Shahan, Parks & Recreation Director, said that as the water levels are down at the lakes, his department is making every attempt to improve on situations needing action, one project is to expand and restore the existing boat ramp and stabilize the shoreline at Colliers Landing on Lake Ellsworth. The Oklahoma Department of Wildlife has funds available for a grant to reconstruct this boat ramp and the possibility of receiving that grant is in the City's favor in the amount of \$15,000 for the construction with the Parks and Lakes Division would provide in-kind labor services to construct the project.

MOVED by Baxter SECOND by Moeller to authorize the Mayor to execute the cooperative agreement and application for the ODWC grant and commended Shahan on his fine work. AYE: Moeller, Haywood, Baxter, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

2. Consider approving the acquisition of parcels of land as indicated below for the NW 38th Street Reconstruction Project, and authorize the Mayor and City Clerk to execute the Temporary Easement, Permanent Easements, and Warranty Deeds and authorize payments for the same.

Vincent said negotiations have been ongoing to meet the State's deadline for acquiring the properties for the 38th Street expansion saying that five of those properties are listed and owners have agreed to the appraised amounts of 1001 NW Parkview Blvd, Parcel 17, \$9,200; 1001 NW Parkview Blvd, Parcel 18, \$1,100; 1001 NW Parkview Blvd, Parcel 18.1, \$150; 1001 NW Parkview Blvd, Parcel 18.2, \$350; and 1456 NW 40th Street, Parcel 21.1, \$650; and my office recommends approval.

MOVED by Baxter SECOND by Devine to approve the acquisition of parcels of land as recommended by staff. AYE: Haywood, Baxter, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

3. Consider denying the counter offer for the construction of a wall at Woodland Arms Apartments located at 2107 NW 38th Street for the 38th Street Reconstruction (Cache Rd - Rogers Lane) Project.

Vincent said the owners of the Woodland Arms Apartments, they have agreed to the appraised amount of \$3,832 for the acquisition of the temporary easement which does cover the relocation of a curb and the removal of trees. In addition they request a four foot or comparable wall for noise and safety factors. The estimated cost of this wall

is \$15,000 . Staff recommends denial of the counter offer.

Ewing-Holmstrom asked Vincent to provide her the name of the property owner.

MOVED by Baxter SECOND by Devine to uphold staff's recommendation and deny the counter offer for the construction of a 4-foot retaining wall. AYE: Baxter, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: Haywood. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Colonel Steuber expressed his thanks and commendation to LCCI for its most recent farewells for the outgoing Commanders and Sergeant Majors at Fort Sill just one more way of showing that the Lawton-Fort Sill community is truly one community and we recognize the leaders that have given so much in helping this community become what it has over the years.

Steuber said at the recent Lawton-Fort Sill Co-op Breakfast where three new members of the civilian organizations entering partnership with a military organization at Fort Sill and even though a large number of deployments have been taking place the Co-op is still alive and well and at an executive council meeting the civilian side of the Co-op members came to us and asked specifically what could be done to better serve the families of soldiers who are staying behind. This effort is so appreciated by the military and said there is no other cooperative between an installation and its neighboring city that is as strong as the Lawton-Fort Sill Co-op and it is one of the reasons why Lawton and Fort Sill is such a great community for soldiers and that point is made to us every single day. Steuber said the Co-op was formed over twenty years ago to do community service activities and right now our Co-op Liaison is putting together the military's contribution for the trash off taking place on Earth Day 2003 and it is because of the great cooperation received that Lawton-Fort Sill leads Oklahoma year after year winning the Hubcap Award for the best participation in the entire State of Oklahoma, saying even though we are fourth in population we are first in the heart's of Oklahomans as we build for the environment. Steuber offered a plug for a great organization that helps support the other organizations here in the City, our officer's and civilian spouses club is putting on a services auction, Friday night, at the Senior Officers Club, doors open at 6:00 p.m. to view all of the items for auction. Auctions will include a live and silent auction, and all the money raised in the auction goes toward other agencies like Marie Detty, Armed Services YMCA, Red Cross, organizations which help all of our citizens not just military. Steuber said all are welcome to attend and this is just something more that is done to bring the communities together.

Haywood said on March 13, a guest speaker will be at the Museum of the Great Plains. This gentleman was a 1955 Douglas High Graduate and he was one of the first African-Americans to teach at OU. Haywood commended his youngest son on his participation as team captain of the Southwestern Christian College basketball team which won the National Christian College Basketball Championship.

Baxter said the voters of Ward 8 have spoken and he has not been re-elected as he has been told but he is glad people turned out and voted but was surprised by the low voter turn out and offered his congratulations to his opponent.

Moeller said she has been told she has not been re-elected in Ward 6, the new Councilman is Jeff Patton and offers her congratulations to him and thanks all of the voters who got out in her support.

Ewing-Holmstrom made a comment about the "Trash-Off" saying that every City employee is co-op partners with PSB and last year her team only had four people picking up trash from 38th and Lee to 67th and Lee. She said her team was working on one side of Lee and the Fort Sill team was working on the other side. She is hoping the City employees will turn out this year saying that Fort Sill is the ones that clean Lawton, it is not the citizens. Ewing-Holmstrom said the co-op breakfast was great and it had a good turnout and she challenges all to get involved with a co-op partner.

Mitchell said a special council meeting has been scheduled for April 1 to begin the budget process. This meeting will be a workshop as a general introduction into the budget process and that a memo will be sent out asking for suggestions on the upcoming budget saying the first thirty to forty five minutes of this workshop will be spent on an introduction on the budget process, no numbers will be discussed but questions will be addressed as this is his and Rick's first experience with the full budget and all input would be greatly appreciated. Mitchell said he will be in OKC tomorrow for an OML legislative forum and will be spending the afternoon with our legislators. Ewing-Holmstrom reminded Council of the Legislative Day on March 18, 2003.

Mayor Powell said trash is continuously being released from receptacles when being picked up by trash trucks; part of the trash goes into the truck hopper while a lot of it is being released in the wind to blow about the town.

Mayor asked Ihler to check into this to insure all trash being picked up is properly released into the hopper of the compactor truck.

BUSINESS ITEMS:

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending EEOC claim of Linda G. Hargrove vs. City of Lawton, and if necessary, take appropriate action in open session.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Case, First Union Home Equity Bank v. Aaron B. Green et al. Case No. CJ-02-1200 in Comanche County District Court and if necessary, take appropriate action in open session. Exhibits: None.

33. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the employment of a new City Manager and/or discuss the appointment/employment of the Acting City Manager and in open session take any action necessary. Exhibits: Proposed agreement for Acting City Manager.

MOVED by Haywood, SECOND by Baxter, to convene in executive session as shown on the agenda and as recommended by the legal staff. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:53 p.m. and reconvened in regular, open session at approximately 9:37 p.m. with roll call reflecting all members present.

Vincent reported on Item 31 that Council convened in executive session to discuss the pending EEOC claim of Linda G. Hargrove vs. City of Lawton, and the case was discussed, including the proposed settlement offer by Ms. Hargrove. Vincent recommended a motion to approve settlement with appropriate Resolution authorizing the Mayor and City Clerk to sign Resolution and the amended conciliation agreement with the EEOC in the amount of \$15,000. Vincent said resolution and conciliation agreement will be distributed for execution upon completion.

MOVED by Shanklin, SECOND by Baxter, to approve as stated by the City Attorney. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

Vincent reported on Item 32 that Council convened in executive session to discuss the pending case, First Union Home Equity Bank v. Aaron B. Green et al. Case No. CJ-02-1200. Vincent recommended no action at this time.

Mayor Powell read the title of Item 33 and said the hiring of Mr. Larry Mitchell was recommended as the new City Manager for a two year term, at the salary of \$104,000 per year.

MOVED by Devine, SECOND by Baxter, to approve as stated by the Mayor and prepared an appropriate contract and authorize the Mayor and City Clerk to execute the contract. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Hanna. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:46 p.m. upon motion, second and roll call vote.