

Meeting of 2003-4-22 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 22, 2003 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Colonel George Steuber, Fort Sill Liaison
 Kathy Fanning, Deputy City Clerk

The meeting was called to order at 6:35 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: Randy Bass, Ward One
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: James Hanna, Ward Two

AUDIENCE PARTICIPATION: None _____

CONSENT AGENDA: Separate consideration was requested for Items 1, 3, 4, 5, 17, 18, and 19.

MOVED by Shanklin, SECOND by Baxter, to approve the Consent Agenda items as recommended with the exception of Items 1, 3, 4, 5, 17, 18, and 19. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None.
MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Southwestern Bell; Joseph Cooler and Dana Alexander-Wollett. Exhibits: Legal Opinion/Recommendation.

Vincent said Ms. Wollett, whose claim is being recommended for denial, had to be out of town for a funeral and asked her item to be pulled and tabled so she could be here to discuss it. He recommended the other two items be denied.

MOTION by Bass, SECOND by Baxter, to table Alexander-Wollett and deny Southwestern Bell and Joseph Cooler damage claims. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass. NAY: None. MOTION CARRIED.

2. Consider the following damage claims 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: Rose M. Moore; Southwestern Bell Telephone; Randy Barton. Exhibits: Legal Opinions/Recommendations; Resolution 03- 68 ; and Resolution 03- 69. Action: Approval

3. Consider approving a resolution prohibiting the parking of commercial vehicles in excess of two (2) tons gross vehicle weight in Elmer Thomas Park at any time and authorizing installation of the appropriate signage. Exhibit: Resolution No. 03- 70.

Shanklin said those people want no 18 wheelers parking here; no 18 wheelers parking in front of McMahon Auditorium and Museum, instead of 2 tons, because buses park in there.

Powell said phone calls have been numerous on this. It could be smaller units, not like 18 wheelers, with refrigerated units, delivery trucks with merchandise that has to be certain degrees and/or frozen.

Mitchell said he would suggest exempting any public safety vehicles, vehicles owned by the school or City; just exempt those and not worry about a weight limit.

Vincent suggested adding exemptions such as governmentally owned vehicles which covers all your Public Safety vehicles, and school buses.

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

4. Consider approving an Agreement for the sale of treated water between the City of Lawton, Oklahoma and John & Chandra Goodin, and authorize the Mayor and City Clerk to execute the document. Exhibits: Agreement is on file in the City Clerk's Office.

Bass asked if Mr. Goodin will have to have everything brought up to City Code before he receives this water.

Vincent said no, the code exempted single-family residence that were already in existence.

MOTION by Bass, SECOND by Baxter, to approve agreement for the sale of treated water between the City of Lawton, Oklahoma and John & Chandra Goodin. AYE: Shanklin, Moeller, Baxter, Bass, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

5. Consider approving an Agreement for the sale of treated water between the City of Lawton, Oklahoma and Connie Jill Goodin, and authorize the Mayor and City Clerk to execute the document. Exhibit: Agreement is on file in the City Clerk's Office. Action: Approval

MOTION by Bass, SECOND by Baxter, to approve agreement for the sale of treated water between the City of Lawton, Oklahoma and Connie Jill Goodin. AYE: Moeller, Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

6. Consider rejecting bids for the sale of Solid Waste Collection Equipment. Exhibits: None. Action: Approved rejecting bids.

7. Consider rejecting bids for the sale of City Landfill Equipment. Exhibits: None. Action: Approved rejecting bids.

8. Consider awarding a construction contract to B & B Painting for the Wolf Creek Bridge Painting/Repair Project #2002-15. Exhibits: None. Action: Approval

9. Consider approving plans and specifications for the Ranch Oak Waterline Replacement Project #2002-16 and authorizing staff to advertise for bids. Exhibits: None. Action: Approval

10. Consider submitting a grant application to the Oklahoma Department of Fish and Wildlife for financial assistance in the construction of a restroom, lift station and pipeline project for School House Slough at Lake Lawtonka. Exhibits: Preliminary Cost Estimates and Engineering Options and Map. Action: Approval

11. Consider approving the acquisition of parcels of land for the NW 38th Street Reconstruction Project, and authorize the Mayor and City Clerk to accept the Temporary Easement and Warranty Deeds and authorize payments for the same. Exhibits: The Temporary Easement and Warranty Deeds are on file at the City Clerk's Office. Action: Approval

12. Consider approving and receiving a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for fiscal year 2003-2004 funding. Exhibit: Contract on file in City Clerk's Office. Action: Approval

13. Consider approving contracts with Charlie Tijerina, TJS Productions representing The Houston Powerhouse AVIZO Band; John Moots and the Cameron University Jazz Ensemble; Ed Gary and the Louisiana Cajun Aces; Mike Dugger, Glen Roads Irish Band; and Visual M pact, Richard Hight (demonstration artist) as performers at the 2003 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibit: Contracts on file in City Clerk's office. Action: Approval

14. Consider approving contract with Sky Shivers Enterprises of Prague, Oklahoma, for the Children's Area of the 2003 International Festival and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Contract of file in City Clerk's Office. Action: Approval

15. Consider approving the record plat for BWRW Development and accept the water and street improvements and an agreement for maintenance of the water and street improvements. Exhibits: Plat map; agreement for maintenance. Action: Approval

16. Consider adopting a resolution setting the E-911 fee for the period July 1, 2003 through June 30, 2004.

Exhibit: Resolution No. 03- 71 . Action: Approval

17. Consider entering into an Agreement with ZOE N.E.E.D. Program, Inc. to carry out a HOME project authorized in Change 1 to the City of Lawton Consolidated One-Year Action Plan for FFY 2001 and authorizing the Mayor and City Clerk to execute the Agreement. Exhibit: Agreement is available for review in the City Clerk's Office. Action: Approval.

MOTION by Baxter, SECOND by Bass, to approve agreement with ZOE N.E.E.D Program Inc.. AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

18. Consider entering into an Agreement with Great Plains Improvement Foundation, Inc. to carry out a HOME project authorized in Change 1 to the City of Lawton Consolidated One-Year Action Plan for FFY 2000 and authorizing the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement is available for review in the City Clerk's Office. Action: Approval

MOTION by Baxter, SECOND by Bass, to approve agreement with Great Plains Improvement Foundation, Inc.. AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

19. Consider approving an Agreement to provide access to Cosmetic Specialty Lab to property currently leased to the Lawton Industrial Foundation by the City of Lawton and authorize the Mayor and City Clerk to execute the document. Exhibit: Copy of the proposed agreement.

Bass asked what the lease for the Haggar Slack property was. Vincent said a 99 year lease. Bass asked what the City receives. Vincent said \$1.00 per year.

MOTION by Bass, SECOND by Baxter, to approve agreement. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller, Baxter. NAY: None. MOTION CARRIED.

20. Consider awarding contract for Library Book Contract (CL03-047). Exhibits: Department recommendation and Abstract of Bids. Exhibits: Department recommendation and Abstract of Bids. Action: Approval

21. Consider awarding contract for Building of Ahlschlager Park Restroom (CL03-055). Exhibits: Department recommendation and Abstract of Bids. Action: Approval

22. Consider awarding contract for Manhole Lining Materials (C103-059). Exhibits: Department recommendation and Abstract of Bids. Action: Approval

23. Consider the following contract extensions: A) Employee Assistance Program (EAP) Services (RFP CL01-115) with Intregis Mental Health - Human Resources; B) Sewer Rods (CL01-116) with ICM of Oklahoma City - WWC; C) E-911 Equipment and Support Services (CL94-025) with SBC. Exhibits: None Action: Approval

24. Consider granting an extension to the reconstruction permit for: 1107 NW Bell; 1106/1108 NW Columbia; 2403 SW 'A' Avenue. Exhibits: Reports from the Building and Housing Inspectors; Case histories are available from Neighborhood Services and Building Development. Action: Approval

25. Consider approval of the minutes of April 1, 2003, Special Council Meeting; April 1, 2003, Special Council and Lawton Water Authority Joint Session Meeting and April 8, 2003, Regular Council Meeting. Action: Approval

26. Consider approval of payroll for the period of April 14, 2003 through April 27, 2003. Action: Approval

Powell said please note, Mr. Haywood was not here for any portion of the Consent Agenda.

Powell added in defense of the \$1.00 for 99 years, they employee a lot of people and have needed this for expansion purposes. Shanklin asked if they were taking over the Haggar Slacks Building. Powell said no, they want access to get in and out because of expansion.

Haywood returned at 6:45 p.m.

BUSINESS ITEMS:

27. Receive bids for sale of \$1,050,000 General Obligation Bonds, Series 2003, and award the sale of the bonds to the lowest bidder. Exhibits: None. Action: Approval

Rick Endicott said Council previously authorized the sale of \$1,050,000 in Bonds for the 38th Street Improvement and bids were received for those Bonds today. He said Mr. Mike Prescott with Wells-Nelson and Associates will go over the information.

Nelson passed out a summary of the bids received. He said six bids were received; the Bank of Oklahoma; James Baker and Associates, in conjunction with Liberty National Bank here in Lawton; UMB Bank; Country Club Bank; Commerce Bank (UMB, Country Club and Commerce were all separate bidders out of Kansas City); and Bank First out of Oklahoma City. He said the Bonds mature within eight years from issuance, which will be sometime after the first of June. Nelson said these were very good bids and recommended accepting the low bid.

MOTION by Moeller, SECOND by Haywood, to accept the low bidder and declare an emergency. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. MOTION CARRIED.

(Title read aloud)

Ordinance No. 03-23

An Ordinance providing for the issuance of General Obligation Bonds in the sum of \$1,050,000 Dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof, prescribing provisions for redemption of bonds; naming a paying agent and registrar, approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

Ewing-Holmstrom hoped all the Council reads this very carefully, because right underneath economy it says, "Fort Sill, one of the world's leading military bases, anchors Lawton's local economy." She said let us never forget that.

28. Consideration and approval of an ordinance providing for the issuance of General Obligation Bonds in the sum of \$1,050,000 Dollars by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof, prescribing provisions for redemption of bonds; naming a paying agent and registrar, approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency. Exhibit: Ordinance No. 03- 23.

Vincent said somehow we combined those. Nelson said there should have been two votes; one to accept the bid and the second one on the ordinance. Powell said we voted on number 27, you've already read 28, will this allow us to take action on both at the same time or what do we need to do? Vincent suggested voting on 28 without reading it again.

MOTION by Moeller, SECOND by Bass, to approve the ordinance and declare an emergency. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: None. MOTION CARRIED.

29. Consider approving the plans and specifications for street improvement to serve Bible Baptist Church at 7501 SW Lee Boulevard. Exhibits: Location Map.

Bigham said this is a small area where the church is going to be developed. He said this is the first time we've ever had a request like this, but what the church wishes to do is approve the plans and specifications for just one section and after it is constructed to City street standards, they wish to dedicate it back to the City. Bigham said this road may eventually tie back into Eisenhower Village. He said staff has looked at this and see no advantages to accepting the street at this time; staff would rather see it dedicated for maintenance to the City when the entire street is put in, like in a normal subdivision setting.

Powell asked what's the matter with accepting this now if it's built to specs and standards. Bigham said this is the first time we've had a request like this and they will be building it to our standards, but we just don't think building a driveway to serve one person, is appropriate. We accept streets that carry the flow of traffic for the public, not to just a church or any other facility.

Shanklin asked how big was the street they were putting in. Bigham said the normal 32 foot street.

Devine said he was going to have to disagree; he feels this should be accepted. If we are going to force them to build to our standards, there isn't any reason world why we shouldn't go ahead and accept it.

MOTION by Devine, SECOND by Moeller, to accept this driveway and approve the plans and specs for public dedication. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Devine. NAY: None. MOTION CARRIED.

30. Consider not participating in a request from Bible Baptist Church for the City of Lawton to participate in the construction of a water line to serve a proposed church at 7501 SW Lee Boulevard. Exhibits: Letter of request; map of proposed water line. Action: Strike item

Bigham distributed a memo from Pastor Wigger wishing to withdraw this request and come back and purpose an agreement with the City whereby if they go to the expense of building this waterline, which they are going to have bore under Lee Blvd., and if anyone ties onto it there will be a cost share reimbursement to them.

Powell said to strike this item. He said the Pastor had talked with the City Manager and him on this and asked if we could participate in some way. Powell said the Pastor is well aware of the deficiency in funds of the City and is unable to help. For them to have an opportunity to get some of their money back in the future will help.

31. Hold a public hearing and consider an ordinance amending the Lawton City Code to allow restoration of a nonconforming structure, a conforming structure containing a nonconforming use, or a conforming structure on a nonconforming lot if damaged by more than 50% but less than 75% of its replacement value and to modify the amount of time of discontinuance of nonconforming uses. Exhibits: Ordinance No. 03-____; CPC Minutes.

Bigham said this ordinance was generated from discussions on down zonings of North Addition and Mountain View Addition. There was a Council initiative to have the Planning Commission look at placing some more restrictive zoning classifications on the east and west side of Ft. Sill Blvd., between Gore and Ferris. He said the Planning Commission has discussed this at several meetings and it was not easy for them to come up with a consensus of what should be in this ordinance.

Bigham explained the definition of nonconforming and what this code requires and what the proposed changes mean. This particular section deals with structures destroyed by fire or natural causes or if the owner discontinues its use, what privileges does the owner have to reuse this building.

Shanklin said the only problem he has with that is if it was being rented out and was completely destroyed and they had insurance and wanted to build it back, he thinks they should be allowed to build it back. Bigham said that is the current code; this ordinance is by more than 50%, less than 75% of its replacement value, the restoration shall be subject to a finding of the Board of Adjustment, so it's increasing it from 60 to 75%, but requiring a Board of Adjustment action to build it back. Powell asked what if the Board said no. Bigham said if it is over 75%, they would have to conform to the district regulations.

Shanklin asked what is the district regulations? Bigham said it would be that particular zoning classification of that property, whether it be residential or commercial, R-1, R-2, R-3 or R-4; the use of that building would have to conform to that district.

Shanklin gave an example: Larry G. has 3 apartment complexes, one of them burned to the ground, he can't build it back? Bigham said that is correct. Shanklin said that's not good.

Bigham said a building above 75% would be virtually destroyed. Ewing-Holmstrom asked who initiated this. Bigham said this particular item was initiated by the Council when a Public Hearing on one of the down zoning issues was held. It was tabled, and the Council asked the Planning Commission look at the nonconforming section of the code and come back with their recommendation.

Bigham said apartments are nonconforming as they sit today in an R-4 classification. They don't meet all the area requirements; parking requirements, set back requirements; they are nonconforming with the current R-4 zoning. If one was destroyed more than 60%, they could rebuild it with the R-4 zoning, but they will have to comply with all the requirements in that district.

Public Hearing was opened.

Richard Jensen said he owns property on Arlington Ave. built in 1941 and prior to 1964, they should be able to be rebuilt, this is devaluing his property. He said they have already closed the intersection and hurt his property on the south side of town. Jensen said let's be careful of what we are doing that's going to effect people's property. He said he has property that has been there since 1932 and to change that, would not be to his well being or good thoughts; he feels this should not be done. Bigham said this proposal makes the ordinance much more lenient.

Steven Johnson, 7 NW Ft. Sill Blvd., said we need to focus on nonconforming structures first. He said let's say we are zoned R-4, have apartments and it burns down, you can rebuild it. He said this change to the code liberalizes the code and makes it much easier on home owners and people who have rental units. He said the real crux of the matter is, if you are nonconforming to begin with, it doesn't matter what zone you are in, you have a nonconforming structure. This change to the code will help residents make those dwellings available to fix up.

Jenson asked if you sold property under the Grandfather Clause, would that cancel our deal? Bigham said the rights transfer from owner to owner.

Public Hearing closed.

Shanklin asked if this would be City wide. Bigham said this proposed regulation will be City wide and will be for all activities weather they are residential, commercial or industrial. Shanklin said this is really for Old Town North. Bigham said this is what initiated this action, because on the down zoning issues some things brought up were to

keep these structures in the back yard, that were built 60 years ago.

Bigham said the focus of the nonconforming section gives protection to the property owner, but also, if something happens to that property, build it back to conform with the policy of the Council, by the District you selected. If you select R-1 zoning, single-family, most restricted classification in an area, he believes is Council's intent, to have that area single-family. Over the years, the Grandfather Clause and discontinuance of uses, will put that neighborhood back in a single-family stature, which is the focus of this nonconforming clause.

Shanklin asked if any of the language could be changed. Bigham said yes, but it would be a complicated issue to change on the floor; he would prefer if Council gave guidance, the public hearing be continued and come back with a draft and make sure we get it correct.

Vincent asked Shanklin if the percentage (on page 85) were changed to more than 50% but less than 100%, would that be more to what he had in mind. It would still have to go to the Board of Adjustment for a special permit if it were more than 50%, but the Board of Adjustment could grant that, even though it was 100%. Vincent suggested continuing the Public Hearing, table it for two weeks, make appropriate changes and bring it back.

Shanklin said he would like to table this and bring that language back and look at it again. Vincent said continue the Public Hearing and table the item.

MOTION by Shanklin, SECOND by Moeller, to continue the Public Hearing and table this item. AYE: Shanklin, Moeller, Haywood, Bass, Devine, Baxter. NAY: Ewing-Holmstrom. MOTION CARRIED.

Powell reminded everyone when we come back on this, we are in the middle of a Public Hearing.

32. Hold a public hearing and consider an ordinance changing the zoning from R-2 (Two-Family Dwelling District) and R-4 (High Density Apartment District) to R-1 (Single-Family Dwelling District) zoning classification located along the east and west sides of NW Fort Sill Boulevard and in the 1000 blocks between Gore Boulevard and Ferris Avenue. Exhibits: Ordinance No. 03 - 24 ; Ordinance No. 03- 25 ; Location Map; CPC Minutes. Action:

Public Hearing was opened for items 32 and 33.

Powell said this is going to be tabled.

MOTION by Shanklin, SECOND by Devine, to table items 32 and 33. AYE: Shanklin, Haywood, Devine. NAY: Moeller, Baxter, Bass, Ewing-Holmstrom. MOTION FAILED

Public Hearing on item 32.

Bigham said the Planning Commission recommended R-2 zoning classification. Moeller said 102 Ft. Sill Blvd. was petitioned and became, for a brief period of time, a Bed and Breakfast, which is, in most people's eyes, a commercial venture, in addition to their home. She said it is probably one of the most wonderful homes suited for that type of thing. She has an Architectural Engineer's report on it as the best built house in Lawton. Everything is mitered by hand and it's perfect. If the current owner wanted to sell it and the new owners wanted it back to a Bed and Breakfast, she'd hate preventing them from being able to do that. She said it's a wonderful home for that and there are a couple other homes in that area that would be great for that. That is a non-evasive business. It would be a good business for Lawton, we have no Bed and Breakfast. Moeller said she would hate to interfere with a person's right to do something with their property that is very conforming to the area.

Bigham said the Planning Commission is recommending R-2 on the west side strip, and you do have to be in a multi-family district for a bed and breakfast, however, if the Council elects to put the R-2 on this, there's no reason, if somebody wanted to do that again, to do a bed and breakfast, with a special use provision. He said yes, it would knock it out right now, but it could be put back in where it could go in an R-2.

Moeller said we have to be real careful of what we are doing, she has a real objection getting in somebody's business what they do with their property. She said our concern should be that it is clean, safe, sound, sanitary, meets code and attractive. She said what do we care what they do inside that building as long as it meets with a positive image of the City.

Bigham said the question is do you want Ft. Sill Blvd. to be and remain, low density residential or do you want it apartment district with other commercial activities that could go in there.

Shanklin said the majority of the people are trying to upgrade the area. They have the new junior high, McMahan, and trying to encourage people to move into this area.

Public Hearing opened.

Richard Jenson, 1001 Arlington, said they proposed an R-1 zoning now they come up with an R-2 zoning, which is it going to be. Bigham said the Council has the option of going with either ordinance in their packet.

Sue Nell (inaudible), 302 Ft. Sill Blvd., said she has lived there 43 years would like to see it stay R-4.

Earl Glover said this first started in December or January and went to the CPC meeting, the people there didn't really know what was happening. He said Sue Nell, his daughter, took a yellow pad and hit the street, because Mr. Shanklin said all the people in that area wanted this. He said she talked to 47 people and 44 didn't want it and hadn't heard what was going on and three of them said they were for it. He said that will give you an idea of what the people in that area want. Glover asked Council to leave it like it is.

Sally Keho, 506 Bell, said she hears a lot of concerns and this will not directly effect her, because she is a few blocks east of this. She said this zoning has been like this for a very long time. We have some magnificently beautiful homes that hopefully, will always be there, if we protect them and we have some marginal places that probably could be greatly improved. She said Ft. Sill Blvd. has the potential to be one of the most beautiful roads in this town. You can't find roads like this on the west end, they don't have trees like we have trees and there is nobody who builds houses like those anymore. If we don't protect them, do everything we can to gently encourage young people to move into our houses, buy them, renovate them and bring them up to higher standards; we are going to lose them. Keho said if your long term vision is to preserve this part of town and encourage it to be prettier and more attractive, we need to do something to change the zoning from what it is or we will just get what we've got now.

Public Hearing closed.

MOTION by Shanklin to approve Ordinance No. 03-25, raising zoning to an R-2, as recommended by the Planning Commission. Motion failed due to a lack of second.

SUBSTITUTE MOTION by Ewing-Holmstrom, SECOND by Baxter, to deny zoning change on item 32.

AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Moeller. ABSTAIN: Haywood. NAY: Shanklin. MOTION CARRIED.

33. Hold a public hearing and consider an ordinance changing the zoning from R-3 (Multi-Family Dwelling District) and R-4 (High Density Apartment District) to R-2 (Two-Family Dwelling District) zoning classification located in the 1100 and 1200 blocks between Arlington Avenue and Ferris Avenue. Exhibits: Ordinance No. 03-____; Agenda Item Commentary of January 14, 2003 with exhibits. Action: Denied

Public Hearing opened and closed with no participants.

MOTION by Ewing-Holmstrom, SECOND by Bass, to deny the zoning change. AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Shanklin, Moeller. ABSTAIN: Haywood NAY: None. MOTION CARRIED.

34. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Professional Office and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to P-O (Professional and Office District) zoning classification located at 1804-1810 1/2 NW Ferris Avenue. Exhibits: Resolution No. 03- 72 ; Ordinance No. 03- 24 ; Location Map; Applications; Site Plan; CPC Minutes. Action:

Bigham said on March 27th, the Planning Commission held a Public Hearing on this request and during the Public Hearing three people spoke in favor of the request. He said staff did recommend denial because it was not consistent with the Land Use Plan to put commercial on Ferris Avenue. He said the Planning Commission did recommend approval by a 5-0 vote. Notice of Public Hearing was mailed to 56 property owners within 300 feet and proper notice was published in the Lawton Constitution.

Powell said 1806 and 1808 are not included in this. Bigham said on 18th Street, this lot is not included and there are two more single-family lots on the west side of this that are not included in this request.

Public Hearing opened and closed with no participants.

MOTION by Ewing-Holmstrom, SECOND by Moeller, to approve Ordinance No. 03-24 and Resolution No. 03-72, to amend the 2025 Land use Plan. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Devine, Ewing-Holmstrom. NAY: None MOTION CARRIED.

(Title read aloud)

Ordinance No. 03-23

An Ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-O (Professional and Office District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in

accordance with this Ordinance.

35. Hold public hearings and adopt resolutions declaring the structures at: 1314 NW Arlington Avenue; 707 West Gore Blvd.; 2103 SW McKinley Avenue; 1627 SW Garfield Avenue; 2106 SW McKinley Avenue; 1202 SW 'D' 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. No. 03- 73 ; No. 03- 74 ; No. 03- 75 ; No. 03- 76 ; No. 03- 77 ; Summary documents with supporting photos and video; reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Alltizer said the owner of 707 Gore, was unable to attend tonight and asked Council to table this until the next Council meeting.

MOTION by Moeller, SECOND by Ewing-Holmstrom, to table 707 Gore until next Council meeting. AYE: Moeller, Haywood, Bass, Devine, Ewing- Holmstrom, Shanklin. NAY: Baxter. MOTION CARRIED.

1314 NW Arlington Avenue

Alltizer said this is a single residential structure, two stories, it is secured at the present time, it does have a junk vehicle on the premises and utility services were terminated in July 1986.

Bob Mansel spoke about this property. He said it could be renovated for storage.

MOTION by Ewing-Holmstrom, SECOND by Bass, to approve Resolution No.03- 73 declaring structure at 1314 NW Arlington 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. AYE: Haywood, Baxter, Bass, Devine, Ewing-Holmstrom, Moeller. ABSTAIN: Shanklin. NAY: None. MOTION CARRIED.

2103 SW McKinley Avenue

Alltizer said this is a single mobile home structure, vacant and unsecured. She spoke to the owner who said this was a rent to own situation and hoped the Council would condemn the structure so he can take legal action with the tenant.

Public Hearing opened.

John Welch thanked Council for condemning this. He said he usually handles this himself, but due to all the legal problems, he has not been able to take care of this. He said when it's condemned, he will remove it or get rid of it as quickly as possible. He added we have good city employees and they have always been very nice.

Public Hearing closed.

MOTION by Haywood, SECOND by Ewing-Holmstrom, to adopt Resolution No. 03- 74 declaring structure at 2103 SW MCKinley 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. AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Moeller, Haywood. NAY: None. MOTION CARRIED.

1627 SW Garfield Avenue

Alltizer said this is a mobile home that has been for sale for approximately seven years. She said a recent inspection a couple weeks ago showed the structure is in need of significant repairs, both the interior and exterior; certain areas of the floor have collapsed, the roof is leaking significantly and the inspectors felt this mobile home was beyond reasonable repair, which according to our City Code, is 50% of it's current value.

Public Hearing opened and closed with no participants.

MOTION by Haywood, SECOND by to adopt Resolution No. 03- 74 declaring structure at 1627 SW Garfield 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. AYE: Bass, Devine, Ewing-Holmstrom, Shaklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

2106 SW McKinley Avenue

Alltizer said this is a single residential structure that has been secured for several years, City utility service was terminated in July 1987.

Public Hearing opened and closed with no participants.

MOTION by Shanklin, SECOND by Baxter, to adopt Resolution No. 03-75 declaring structure at 2106 SW McKinley 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. AYE: Devine, Ewing-Holmstrom, Moeller, Baxter, Bass ABSTAIN: Haywood. NAY: None. MOTION CARRIED._

1202 SW 'D' Avenue

Alltizer said this is actually a main structure and an accessory structure. This was tabled from the previous meeting because she wanted to address the main structure also. This is a single two story residential structure with an attached garage. It has some significant structural problems and a chronic vagrant activity problem.

Public Hearing opened and closed with no participants. _

MOTION by Ewing-Holmstrom, SECOND by Baxter, to adopt Resolution No. 03-76 declaring structure at 1202 SW 'D' 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. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Haywood, Baxter. ABSTAIN: Moeller NAY: None. MOTION CARRIED

The following is VERBATIM:

Alltizer: Mayor? If I may, may I make a comment regarding those commercial properties?

Powell: Yes ma'm.

Alltizer: It was mentioned by Mr. Mansell a little bit earlier about the commercial properties; I was asked by the Mayor and a Council member to identify commercial properties within our community that needed some attention; whether they were dilapidated, whether they just posed a blight on the community, whether they were vacant or whether they were occupied. I went out with my inspectors and we identified approximately 30 commercial structures that we felt needed some attention. I provided pictures and a memo to you, it's been probably about three weeks ago; at this point I'm just awaiting Council's direction on how they want to address those commercial structures. Do we want to bring those to public hearing for condemnation or would you like me to pursue a different avenue?

Devine: I have a question. How we are going to address these commercial buildings that's in business now and are doing business? Are we going to condemn them and basically tear it down around them?

Alltizer: No sir, I don't think that was ever the intention.

Devine: I noticed on the list there's a lot of them in there that are existing businesses right now.

Alltizer: Probably about half of them. One option that is available for commercial properties that we just announced about two weeks ago, a commercial redevelopment and basically a facade improvement program where they have low to no interest loans for commercial properties to improve basically their surroundings.

Devine: You know, I think we should make, for a suggestion, I think we need to contact these people and make them aware and I know it's been here on the floor that we mentioned this Mayor, and you made an announcement on it, but I think before we bring these properties here to be demolished or put them on the D & D we need to notify them people and make them aware and I'm talking about hand to hand, aware that this is out there for them, where they can use this.

Alltizer: Certainly, like I said, at the time, I was just asked to identify properties based on just a visual appearance or number of complaints, length of time that they have been vacant; that was kind of the criteria that would help us identify those approximately 30 properties. It's up to Council in what direction you want to take; do we pursue Public Hearings for condemnations, do we approach them and communicate with them about the facade improvement program.

Powell: You know, we asked Mr. Newkirk about that, that day, I asked him a question, what are you doing as an education process to notify the people that this program is out there and is available. I will be very honest with you, I do not remember his specific words and what he did say that day, but would you contact Court and visit with him about this?

Alltizer: Certainly, I have been in contact with the Chamber and with Court Newkirk regarding that program; we were just basically waiting to see if Council wanted me to provide that list of structures, that was identified, to him to basically relay that information to those business owners. You may disagree with some of the structures that

Neighborhood Services identify; that's why I wanted to provide you a list and see if there were any additions or deletions to that list before we took any further actions.

Bass: Actually I was the one, I was the Council person that brought that to everybody because everybody was getting on Angie saying Neighborhood Services; was coming down on Angie because she's picking on everybody, so I said bring it to the Council we can pick three. And actually, I think, the Mayor and I talked one time where we were going to have everybody come in and not have any action to them, just to explain to them.

Powell: There's a program to this thing, Glenn, where we don't just don't arbitrarily go out and attack these people, but, give them 30 days notice and that should be in writing someplace.

Allitzer: At this stage, we were merely identifying structures for Council to discuss, there's been no action taken by Neighborhood Services except what has been communicated thru us.

Powell: I know that, but a suggestion was made that we go out there and identify those. Council, the ones that Angie has given you all, identify three or four of those and then after the identification of those, then this letter will be sent out, and say hey, this has been brought to our attention, you've got 30 days to address this issue, you know, with no action other than that.

Shanklin: Well, I think you should do everyone of them; staff has brought them and I don't see how we could pick and choose out of that.

Powell: Well Bob, the only rationale on that was we've done this on the dwellings, you know, four times, five times, not the whole shebang at one time and that's the reason that I think probably three or four.

Bass: I think the order you should bring them is you got, there like in threes, just bring the first three, I mean, you're not picking and choosing, just bring the top three, go to the next three and go to the next three, is that right or wrong?

Allitzer: If that's what Council chooses. I would personally prefer that you identify three or four structures, maybe choose them from different Wards, there are several in different Wards, so that way it is something that's your direction.

Shanklin: Well, I don't know how you address it and I can only say, you're not going to get anything done by putting it back, by letting it ride another 30, 90, a year, a year and a half. All should receive a letter that they are on notice, that have a dilapidated commercial building. A lot of this came from the Task Force to clean up Lawton, that's where most of those came from and they are the ones that are waiting for Council to do something. That Court Newkirk, he came from that task force with his funding for remodeling, supposedly low interest money. I think you should notify every one of them.

Bass: We also gave like a 30 days notice, we didn't just come down here and they had to make a decision right away. I'm sorry Mike.

Allitzer: That's basically the direction I'm awaiting; do you want me to notify everyone on the list notified, is the list satisfactory with each of the Council members, is there some you want to add or delete. I'm just awaiting direction, nothing has happened.

Baxter: Somebody put this on your calendar, I agree with Bob. I think they all need to be notified that they're in violation, they need to contact Neighborhood Services to find out what their violations are, they have x number of days to get it fix or she's bringing them back to Council for condemnation.

Moeller: I agree with him and also let Newkirk know so he can tell them there's monies available to help them clean up their properties and if they don't do it, then go for it.

Powell: Can I ask Mr. Mitchell would you help draft that letter?

Mitchell: Certainly would.

Powell: And whereby that they are the 30 days out there that they've got an opportunity to address this situation; an informational letter for their benefit.

Mitchell: Right, that's were I would want to start. I'd be very fearful of bringing 25 in front of the Council right now.

Baxter: I understand that, but, if you tell people they're in violation, a good percentage of them are going to contact and try to get stuff fixed, they may not never come back to Council.

Ewing-Holmstrom: And for those that aren't willing to work with the City and not clean up their businesses, can't we somehow withhold their permits that they have to file for through the City to operate as a business, is that legal?

Alltizer: There's actually no general business permit.

Vincent: Most of those we are talking about have already got permits anyway.

Ewing-Holmstrom: But, don't you have to have those renewed or something?

Powell: But I think if we work on this with this proposed letter, where you've got notification, and then the awareness, with everything's happening, I think we will be ok.

End of VERBATIM

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Steuber thanked Ewing-Holmstrom for reminding everybody about the statement on Fort Sill and it's economic contribution to the region. He said it is over a billion dollars a year and that's pretty significant. They are publishing their own book, which is the Fort Sill Economic Contribution, Director of Resource Management, Bob Hansen, is working on that; he is a little busy with our 03 budget, but we are working on that and you will be able to see precisely where we contribute to the area. He said since the last Council meeting, they have sent their final contingent of active component soldiers to the Sitcom AOR, almost 2,000 soldiers, so total deployed, both to Sitcom and other areas throughout the United States and other AO's, we have deployed over 8,000 soldiers, active and reserve component and we have almost another 2,000 soldiers training right now and they too many deploy in the future, we are just waiting to see how the situation develops. Steuber said they had great news last week; the Interim Brigade Combat Team, which is now called the Striker Brigade Combat Team, after the Army's newest combat vehicle, the Striker, is currently at the National Training Center and Fort Sill has been chosen to be the site for the Strategic Deployment Certification Test. We beat out Fort Hood for this and are pretty proud of that. This will be a combined effort between Altus and Fort Sill. Altus will provide the aircraft. It will be real noisy around the first week in May; we will have 45 C-17 Sorties combat loaded, with the Striker Brigade Combat Team, flying out of Henry Post Army Airfield; 15 per day. He said this is an absolute red letter day for Fort Sill because it will put us on the map showing we are capable of deploying the newest combat formation, the United States Army and we worked hard to get this. It is a great opportunity for us and we are working hard to get every opportunity like that we can to make sure everybody understands, not just the folks in the Lawton area, but everybody in the US Army, everybody in the Department of Defense, understands we are joint, we have been joint for decades and we intend to stay that way for the next century.

Moeller asked what day this was going to happen. Steuber said the equipment will be rail loaded in from the National Training Center the end of April and we are scheduled for the 2nd, 3rd, and 4th of May to do the fly out and a weather day on the 5th.

Haywood said on Saturday we have an Award Winner Youth Rally sponsored by Lawton Housing Authority and look forward to seeing everyone there. Saturday, April 26th starting at 9 or 10:00 in the morning. He said normally they have a big crowd, sometimes 2,000-3,000 individuals there for the kids and the police department will be there. Haywood said he also received some bad news today and I hope this is not true, but he understands Rev. Bender, of Bethlehem, is on his way to Ohio; retired police officer, Michael Gibson, is in a coma and not expected to live. He said we hope God can perform a miracle and he will return to Lawton; he needs all your prayers. He said he and a few others had attended the funeral for Charles West, in Oklahoma City; he was a Deacon, he played Center, graduated from Douglas in 1965 and graduated from Langston in 1969, he was 57 years old.

Shanklin said 930 SW 34th has a tremendous smell and doesn't know if we can find it or not, but I would like for us to check this out. He asked if we were going to get a copy of the Kemp investigation. Thorne said the investigation is still going on. Shanklin asked if Council would be apprised of the outcome. Thorne said we are involved in the investigation of this, but you will be.

Haywood said he wanted to thank Public Works for paving the street between 21st and Douglas and 21st and Roosevelt that was a dirt road for a very long time and finally some chat was put down and now they put asphalt and wanted to thank Public Works for the great job.

The following is VERBATIM:

Devine: I just want to clarify a moment ago that I mentioned about tearing down these commercial buildings. I don't have a problem with what Mr. Bass is attempting to do, but I think we should do like Duncan did, instead of sending them out letters telling them if you don't conform to our rules and regulations, we're going to tear your building down or file on you. I think we need to get together and talk to these people, we need some representatives from this City that wants to help these people, to get these places looking better and I agree with

Randy 100%, we need to do something about it, but I don't think we need to go out there, as the old saying, "with an iron fist" and start waving our fist in front of their face.

Powell: Glenn, it's exactly...

Devine: Mayor let me finish please, just once!

Powell: It's exactly opposite of that.

Devine: No it isn't because....

Powell: Yes it is too.

Devine: the first thing you wanted to do is to send them a letter tell them they've got 30 days to come to Code and....

Powell: That is not a true statement.

Devine: That is just what we just said.

Powell: That is not a true statement.

Devine: Isn't that just what you said just a minute ago?

Powell: Mr. Bass and I are the two that talked about this and there was never any demands whatsoever in that 30 day period, like zero. It's never been said by him or by me.

Bass: Thirty days to come in and talk to us. Thirty days without any.....

Devine: Well, that's fine, let's....I agree with that. We need to do something to get it straightened up, but we don't need to send threatening letters out to those people, we need to invite them to fix their buildings and tell them we've got a helping hand that we can help them get this stuff fixed, instead of just starting to send them letters and tell them what you, that, ... Whatever. It's just frustrating that we are trying to do something to clean our community up, but we want to do it under force, we don't want to try to go out....Duncan, Oklahoma had the best deal that I've ever seen. They went together and they helped everybody on Main Street completely refinish their city and it's a beautiful place and they didn't do that by writing letters from Angie in Neighborhood Services, tell them they've got 30 days to come in and talk to us about it. I just think we need to finally open their hands and try to work with these people instead of starting, being out there, demanding to do something.

Powell: There was never any....

Devine: There was never an offer that we have that we've got something for them.

Shanklin: That's the only way we've ever gotten any results.

Powell: Well, and I would say this also, there was an invitation and a very informational deal in the Lawton paper when that was held down there, announcing this program and it was a big spread on that thing and awareness of it. It was even talked about in the paper that day of the invitation, where the bankers are coming forward and will help these people out. Not only that, there's children out at Cameron University, students out there are willing to come forward and if there's some type of design that needs to be made, they are going to do this free of charge, so there's a lot of awareness already been said out there, but never was there any intent of any threatening thing on this thing whatsoever. The exactly opposite of it.

Devine: Well, that's sure the impression that I got a few minutes ago, that is was going to be brought on D &D if they don't do something about it.

Baxter: If they don't report to Neighborhood Services within 30 days and find out what the problem is, that's exactly what's going to happen.

Powell: OK, anything else Glenn?

Baxter: If they are not willing to come in for a conversation, you're never going to get anything done with them. We've given them an invitation.

Bass: And actually, it was when we first proposed this it was supposed to be done in a professional way and we were doing it in a nice professional way, send a letter out say, hey, we've got a little problem with your building,

please come and contact us. It never..
Devine: I agree with that 100% Randy.

Bass: Never, never a forceful attitude for the first 30 days, you know what I mean? And that's how it was approached. And Mike, Barbara, good luck, I enjoyed it, had a great time, I know.

End of VERBATIM

Ewing-Holmstrom said it was Mike and Barbara's last regular City Council meeting. I just want to say I'll miss you guys. She thanked Parks & Recreation and Kim Shahan for doing such an outstanding job to make the Rally From Troops a huge success on April 11th and thank you to Col. Steuber and Councilwoman Barbara Moeller, Mayor Powell and City Manager Mitchell for coming and supporting that event. She said there were so many businesses that made that a huge success, the list was endless, it was in Sunday's paper. They know who they are, they know what they did to make that a huge success and I just wanted to thank all the citizens for coming out. She said there are some of us who really know what this town would be like without Fort Sill and we know they count and can't wait till everybody gets back home safely and appreciate their efforts and everything they have done for our freedom. She reminded everyone this Friday is the Youth Relay For Life, everyone needs to go and support that.

Moeller said she won't miss the controversy, but she has discovered she is going to miss everyone. She said she wouldn't trade the experience for anything in the world. She mentioned we have a retired police officer back in uniform whose on duty tonight and it's good to see you CH.

Mitchell said we had a great trash off a couple weeks ago; we didn't have quite the participation expected, but we had a lot of refrigerators and air conditioners. He said today was the official Earth Day and wanted everyone in the community know we are now collecting refrigerators, air conditioners, automobile batteries and used motor oil at the landfill and you can take those items out there free of charge. A group of students from Vo-Tech will come out once a month and take the freon out of those units and will be a big help for our sanitation workers, who won't have to pick these large items up off the curbs; it will be a big help for property owners between here and the landfill and will discourage people from discarding those appliances on the way to the landfill. This is a great service we are providing to the community and he welcomes people in the community to participate.

Powell said about three months ago we brought together Gen. Maples, Gen. Baxter, Gen. Strickland and Civilian Aide to the Army and out of that has come a plan of insuring Ft. Sill will stay as viable as it is right now, if not stronger. He said who could you have better than the Commanding General now, the past two Commanding Generals and the Civilian Aid to the Army for the State of Oklahoma to put that plan together; that right now is with our Congressional Staff in Washington D.C.

BUSINESS ITEMS:

37. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2003-2004 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None. Action:

ADDENDUM:

1. Pursuant to Sections 307B.3 and 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase or appraisal and legal options regarding property owned by Diamond Properties of Lawton, Inc., and if necessary, take appropriate action in open session. Exhibits: None. Action:

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

The Mayor and Council convened in executive session at 8:40 p.m. and reconvened in regular, open session at 9:00 p.m. with roll call reflecting all members present.

Vincent read the Addendum agenda item title and reported Council met in executive session and received information on the City's offer and the two counter offers purposed by the property owner. It was suggested the City Attorney's office and the Engineering Division of the Public Works Department suggest a motion to decline the counter offers, but allow us to continue to negotiate while the law suit is pending.

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

Vincent read item 37 agenda item title and reported Council met in executive session. He said Council did receive

an update from the City Manager, who is chief negotiator, and received information concerning a request by the union to extend the current contract for 120 days beyond June 30th, which is the expiration date. Staff recommends a motion to deny the request to extend the contract.

MOTION by Baxter, SECOND by Ewing-Holmstrom, to deny the request to extend the contract. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:10 p.m. upon motion, second and roll call vote.