

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
NOVEMBER 6, 2012 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch  
Presiding

Also Present:  
Bryan Long, Acting City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk  
COL Paul Hossenlopp, Fort Sill Liaison.

Mayor Fitch called the meeting to order at 6:04 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Bob Weger, Bible Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Michael Tennis, Ward Two  
Rosemary Bellino-Hall, Ward Three  
George Moses, Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven

ABSENT: Bill Shoemate, Ward One  
Jay Burk, Ward Four  
Doug Wells, Ward Eight

PROCLAMATION FOR PSI UPSILON CHAPTER, OMEGA PSI PHI FRATERNITY, INC.  
WEEK

Mayor Fitch presented a proclamation to members of the Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. proclaiming the week of November 11-17, 2012 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Week with Saturday, November 17 as Psi Upsilon Chapter, Omega Psi Phi Fraternity, Inc. Day.

AUDIENCE PARTICIPATION:

Lisolette Roundtree, 1904 NW 18<sup>th</sup>, stated she and her daughter own a piece of property at 5302 NW Elm. She stated they have tried to beautify their home and forgot they had to get a permit. When she went to get the permit they were denied. They are not changing the size of the landing, it has been the same size for twenty some years. It is supposed to be fifty feet from the middle of the street and the house was fifty feet from the street and the landing/porch was never counted in. She was told she had to get a lawyer and an abstract company to survey the area and see if the people would allow her to cover what has been covered. (She distributed photos). She stated she does not have the money to hire a lawyer and abstract company. She is requesting the

City Council give her the time or a permit to keep what she has already done. She stated she called the Mayor and made a couple of appointments. She called her City Council member and was never called back.

Haywood questioned who her council member was.

Ms. Roundtree stated it was Dr. Bellino. She stated she spoke with Councilmember Shoemate and he advised her to come to the City Council.

Haywood stated this property is in Ward 8, so it would fall under Councilmember Wells.

Mayor Fitch stated he would refer this issue to Richard Rogalski, Community Services Director.

Ms. Roundtree stated she has spoken with him and was told she would have to get a lawyer and have an abstract company do a survey. She stated her son in law did turn in a building permit by city specs. It has been over sixty days.

Richard Rogalski, Community Services Director, stated the covered porch area is an encroachment within the setback and he did discuss with Ms. Roundtree that she could go to the Board of Adjustment and she would have to go to an attorney or to a title company to get a certified ownership list.

Ms. Roundtree questioned why she would have to go hire a lawyer or go to an abstract company to get this approved when she has not changed the size. All she is doing is beautifying the home.

Rogalski stated she pulled the original one down to build the new one. Once she destroys it, she will lose the nonconformity and she would have to go to the Board of Adjustment to get the variance to allow the reconstruction.

Ms. Roundtree stated that will cost her \$500.

Rogalski stated per code, the application fee for the Board of Adjustment is \$250.

Ms. Roundtree stated the abstract company would charge her another \$350.

Mayor Fitch stated since Councilmember Wells was out tonight, he suggested that Ms. Roundtree get with Rogalski and Councilmember Wells and discuss a workable solution to resolve this issue in the least expensive way as possible.

**CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF SEPTEMBER 25, 2012.**

**MOVED by Tennis SECOND by Moses to approve the minutes of Lawton City Council regular meeting of September 25, 2012. AYE: Tennis, Bellino-Hall, Moses, Zarle, Haywood. NAY: None. MOTION CARRIED.**

CONSENT AGENDA

Mayor Fitch stated item #8 needs to be stricken from the agenda.

MOVED by Moses SECOND by Zarle to approve the consent agenda with the exception of item #8. AYE: Tennis, Bellino-Hall, Moses, Zarle, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Clint Fields in the amount of \$5,602.84 (**12-103**) AT&T Telephone, L.P. in the amount of \$1,773.42 (**12-104**), and Melissa Johnson in the amount of \$3,450.00 (**12-105**). Exhibits: Legal Opinions/Recommendations; Resolution No. 12-\_\_\_\_; Resolution No. 12-\_\_\_\_; Resolution No. 12-\_\_\_\_
2. Consider appropriating \$52,144.37 of the fire department’s special fund (Fire Training Fund 079) and approve its use for training related expenditures. Exhibits: Fire Training request detail sheet.
3. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: Northbound and southbound SW 68<sup>th</sup> St near the existing walkway on the 10 foot wide public utility easement; southbound NW 40<sup>th</sup> Street near NW Elm Avenue, westbound NW Elm Avenue near 40<sup>th</sup> Street; eastbound SW “J” Avenue near 38<sup>th</sup> Street and Westbound SW “J” Avenue near SW Sheridan Road. Exhibits: **Resolution No. 12-106**; Traffic Commission Minutes; Traffic Issue Requests.
4. Consider approving the construction plans to relocate sanitary sewer lines and construct a temporary drainage channel to support the proposed hotel development to be located at 135 NW 2<sup>nd</sup> Street on Lot 3, Block 1, Lawton Downtown Center, Part 1, subject to conditions. Exhibits: Location Map.
5. Consider awarding (CL13-015) Refuse Containers Item 1 to Wastequip of Statesville, NC. Exhibits: Department Recommendation; Abstract of Bids; Price Sheet.
6. Consider awarding (CL13-015) Refuse Containers Item 2 to Roll Offs USA of Durant, OK. Exhibits: Department Recommendation; Abstract of Bids; Price Sheet.
7. Consider extending contract (CL12-016) Heavy Equipment Service and Parts with C.L Boyd of OKC, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet
8. Consider awarding (CL13-016) Sodium Hydroxide to FSTI, Inc. of Austin, TX. Exhibits: Department Recommendation; Abstract of Bids; Price Sheet. **STRICKEN**

9. Consider approving appointments to boards and commissions. Exhibits: None.

**Airport Authority**

Ed Petersen  
8231 NW Stonebridge  
Lawton, Oklahoma 73505  
12/31/15

Robert Milner  
Chamber  
500 SW D Avenue  
Lawton, Oklahoma 73501

**Arts and Humanities Council**

Roger Banks  
2315 E Gore Blvd  
Lawton Oklahoma  
Unexpired Term 06/30/13

Dale Nomura  
10 NW Heatherstone Drive  
Lawton Oklahoma 73505  
Unexpired Term 06/30/14

**City Planning Commission (CPC)**

Pat Henry  
2601 NW Lake Ridge Drive  
Lawton, Oklahoma 73505  
12/14/15

**Great Plains Improvement Foundation**

Annie L. Ferguson  
3309 SW Salinas Drive  
Lawton, Oklahoma 73501  
11/01/15

**Historical Preservation Commission**

Dr. Suzanne Crawford  
Professional Historian  
3320 Atlanta  
Lawton, Oklahoma 73505  
12/14/14

10. Consider approval of payroll for the period of October 15 - 28, 2012.

**NEW BUSINESS ITEMS:**

11. Consider approving amendments to ordinances pertaining to section 19-6-601 and 19-6-603, article 19-6, chapter 19, Lawton City Code, 2005, by adding mountain trail bikes to the definition of land recreational vehicles, adding language regarding designation of specific mountain biking areas, and adding regulations prohibiting the use of land recreational vehicles during designated hunting periods; providing for severability and declaring an effective date. Exhibits: Ordinance No. 12-\_\_.

Kim Shahan, Parks and Recreation Director, stated this item changes language so that they can implement the mountain bike activity on the west side of Lake Lawtonka and also locations within the lake areas. This activity has been going on but staff just needed to get clarification in the code. (Shahan distributed map). He stated the map shows the destinations and also its affiliation with the Fit Kids Coalition trail way system. It is an extensive program that is being developed in the wildlife refuge, the city of Lawton and Fort Sill.

Moses questioned if this was Dr. Cooper's program.

Shahan stated yes.

Moses questioned if there were any areas in these changes where they have ran into any controversy.

Shahan stated no. He stated there has not been any conflict with this.

MOVED by Haywood, SECOND by Zarle to adopt **Ordinance 12-42**, waive the reading of the ordinance and read the title only. AYE: Tennis, Bellino-Hall, Moses, Zarle, Haywood. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 12-42

An ordinance pertaining to land recreational vehicles, amending Sections 19-6-601 and 19-6-603, Article 19-6, Chapter 19, Lawton City Code, 2005 by adding mountain trail bikes to the definition of land recreational vehicles, adding language regarding designation of specific mountain biking areas, adding regulations regarding land recreational vehicle races and events, and adding regulations prohibiting the use of land recreational vehicles during designated hunting periods; providing for severability and declaring an effective date thirty days from today.

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

Tennis stated on November 17<sup>th</sup> the 3<sup>rd</sup> annual Fishing for Food will be held at Lake Helen from 8:00 a.m. to 12 Noon. The City will stock the lake with trout and there will be a food drive for the Lawton Food Bank. Prizes will also be raffled off.

The Mayor and Council convened in executive session at 6:27 p.m. and reconvened in regular, open session at 7:16 p.m. Roll call reflected all members present excluding Mayor Fitch and Councilmember Burk.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

12. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action to enforce the Agreement dated September 6, 2012 between Greiner School for the Handicapped of Comanche County, Inc. and the City of Lawton as approved by Resolution No. 12-94, and if necessary, take appropriate action in open session.

Jensen read the title of item #12.

MOVED by Tennis SECOND by Haywood to authorize an amendment to the City's agreement with the Greiner School for the Handicapped to permit sale of the schools premises if repair and remodel of the buildings and improvements are determined to be economically impractical on the conditions that all sale proceeds are reinvested in purchase of classroom facilities at an alternate site. AYE: Tennis, Bellino-Hall, Moses, Zarle, Haywood. NAY: None. MOTION CARRIED.

13. Pursuant to Section 307B3, B4 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to (1) economic development, including the purchase/transfer of property, incentive proposals, and financing in connection with the Lawton Downtown Redevelopment Project and other development projects under consideration in the City, (2) a pending action with AEP/PSO regarding responsibility for electric utility relocation costs in connection with the Lawton Downtown Redevelopment Project, and take appropriate action in open session as necessary.

Jensen read the title of item #13. No action was taken.

ADDENDUM - EXECUTIVE SESSION ITEM:

1. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of Zimmerman Properties, LLC vs. City of Lawton and City Council of Lawton, CJ-2012-787, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of the addendum. No action was taken.

There being no further business to consider, the meeting adjourned at 7:20 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK