

**BOARD OF CITY COMMISSIONERS
REGULAR MEETING**

August 9, 2021

6:00 P.M.

**Wheeler Event Center
103 North Wheeler
Sallisaw, OK**

A G E N D A

- 1. Meeting called to order**
- 2. Declaration of a quorum**
- 3. Presentation to Lynn Daggs**
- 4. Removal of any Item from the Consent Agenda**
- 5. Consent Agenda**
 - (a) Consider Approval of Minutes of Regular Meeting of July 12, 2021, and Special Meeting of July 21, 2021**
- 6. Consider any Item Removed from the Consent Agenda**
- 7. Discuss and Consider Approval of Engineering Contract with Neel, Harvel and Associates, in the Amount of \$38,700.00, for Engineering Services Related to Sanitary Sewer System Improvements**
- 8. Discuss and Consider Approval of Planning Commission Case No. PC 2021-010; Application for Single Lot Plat, by J. David Chandler and Susan M. Chandler**

- 9. Discuss and Consider Approval of Planning Commission Case No. PC 2021-011; Rezoning Request from Agriculture (A-1) to Residential (R-2,) by J. David Chandler and Susan M. Chandler; and, Ordinance 2021-07 with Emergency Clause**
- 10. Discuss and Consider Approval of Change Order No. 5 for the Airport Fuel Farm and Drainage Improvements, a Deduction in the Amount of \$31,462.80; and, Accept Project as Complete**
- 11. Discuss and Consider Approval of Administrative Policy 1.013.00, Mass Notification System**
- 12. Discuss and Consider Approval of Ordinance 2021-08, An Ordinance Amending the Code of Ordinances of the City of Sallisaw by Establishing and Adopting a New Chapter 19, Advertising and Signs, to the City of Sallisaw Code of Ordinances, to Provide for Regulation of Signs, Definitions, Standards, Exemptions, Permits, Penalty, Enforcement, Repeal and Severability; and, Declaring and Emergency**
- 13. Discuss and Consider Approval of Ordinance 2021-09, An Ordinance Repealing Section 102-09 of Chapter 102, Article I of the Code of Ordinances of the City of Sallisaw and Declaring and Emergency**
- 14. Discuss and Consider Approval of Ordinance 2021-10, An Ordinance Amending Chapter 22, Businesses, Article IX, Marijuana and Tobacco, to the Sallisaw Code of Ordinances, Repealing Section 22-310 (E), (F), (G) and Adopting and Enacting The Following New Sections 22-310 (E), (F), (G) to the Sallisaw Code of Ordinances; and Declaring An Emergency**
- 15. Discuss and Consider Approval of Ordinance 2021-11, An Ordinance Amending Chapter 22, Businesses, Article IX, Marijuana and Tobacco, to the Sallisaw Code Of Ordinances, Adopting and Enacting the Following New Section 22-311 to the Sallisaw Code Of Ordinances; And Declaring an Emergency**
- 16. Review, Discuss and Provide Guidance to Staff Regarding Proposed Ordinance For Transient Merchants and Vendors**
- 17. Administrative Reports**

18. Adjourn

Posted: AUGUST 6, 2021

Time: 9:15 A.M.

Dianna Davis

MINUTES
BOARD OF CITY COMMISSIONERS
REGULAR MEETING
JULY 12, 2021

The Board of City Commissioners met in a regular meeting on July 12, 2021, in the Wheeler Event Center, 103 North Wheeler, Sallisaw. Notice of the meeting was given by e-mailing to Sequoyah County Times; by posting at city hall; by posting on the city's website; and, by giving notice to the City Clerk.

Members present: Ernie Martens, Mayor
Ronnie Lowe, Member, Ward 1
Josh Bailey, Member, Ward 2
Julian Mendiola, Member, Ward 3
Kristin Peerson, Member, Ward 4

Members absent: (None)

Staff present: Keith Skelton, City Manager
Dianna Davis, City Clerk
Robin Haggard, Director of Finance
Randy Sizemore, Purchasing Agent
Keith Miller, Building Development Director
Terry Franklin, Chief of Police
George Bormann, Grants Admin/Eco Dev Dir
Jessica Robertson, Customer Service Supervisor
Jamie Phillips, Solid Waste Superintendent
Blakely Smith, Jr., Electric Superintendent
Clint Smith, Telecommunications Supt.
Gene Martin, Equipment Services Supt.

Others present: Clinton Stidd, Bobby Paris; Kelly Osburn; Jerry Cook, GRDA; Roy Faulkenberry; Laura Brown.

Mayor Martens called the meeting to order at 6:02 p.m. and declared a quorum was present.

REMOVAL OF ANY ITEM FROM THE CONSENT AGENDA

None

CONSENT AGENDA

- (a) Consider Approval of Minutes of Regular Meeting of June 14, 2021 and Special Meeting of June 24, 2021

- (b) Consider Approval of Mayor's Reappointment of Tim Brown and Ronnie Woodward to the Sallisaw Planning Commission, each for three year terms ending July 31, 2024
- (c) Consider Approval of Mayor's Reappointment of Don Skinner to the Sallisaw Airport Board for a three-year term ending July 31, 2024

Motion was made by Bailey, seconded by Peerson, for approval of the consent agenda. Vote: Bailey aye; Peerson aye; Lowe aye; Mendiola aye; Martens aye. Motion carried 5-0.

CONSIDER ANY ITEM REMOVED FROM THE CONSENT AGENDA

None.

CLINTON STIDD WITH THE MILITARY ORDER OF THE COOTIE, A NON-PROFIT VETERANS SERVICE ORGANIZATION, HAS REQUESTED TIME TO ADDRESS COUNCIL CONCERNING THEIR ORGANIZATION AND THE NEW VETERAN'S CENTER

Mr. Stidd and Ms. Bobby Paris reviewed the Military Order of the Cootie, how it began and what they do for veterans. He stated they are very proud of the new ODVA center coming to Sallisaw. They will be on site in the next week or so, selling food to the construction workers, noting that any funds raised are for the veterans and their families. He stated that they will be very active with the new center. They will host bingo parties, karaoke, valentines, entertainment, etc. They work hard to keep the veterans happy and smiling. One of their big concerns is homebound and/or hospitalized veterans. He reminded everyone that the transition from Talihina to the new center in Sallisaw will be very hard for the veterans. Council thanked him and Mrs. Paris for their work on behalf of our veterans.

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION 2021-16; A RESOLUTION APPROVING EXECUTION OF DEED

Staff noted that sealed bids were received for the purchase of this property. One bid was received. Approval of this resolution will provide for the execution of the Quit Claim Deed to Brian Stites. Motion was made by Bailey, seconded by Peerson, for approval of Resolution 2021-16. Vote: Bailey aye; Peerson aye; Lowe aye; Mendiola aye; Martens aye. Motion carried 5-0.

DISCUSSION AND POSSIBLE ACTION TO DECLARE REAL PROPERTY LOCATED AT 514 WEST ARGYLE AVENUE AS SURPLUS PROPERTY; AND DIRECT STAFF TO SOLICIT SEALED BIDS FOR THE PROPERTY; PROPERTY MORE SPECIFICALLY DESCRIBED AS: LOT 2, BLOCK 17, BEASLEY #1 ADDITION TO THE CITY OF SALLISAW, OKLAHOMA

Motion was made by Bailey, seconded by Mendiola, to declare the above noted real property as surplus. Vote: Bailey aye; Mendiola aye; Peerson aye; Lowe aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY OF SALLISAW AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID RAILROAD PROJECT STP-268D(083)RR,JP35180(08), FOR THE GRADE CROSSING OF KANSAS CITY SOUTHERN RAILWAY AT WEST PORT ARTHUR PLACE, DOT #330677A, AND APPROVAL OF THE LOCAL CITY MATCH OF \$36,290.00; DIRECT CITY MANAGER TO SIGN DOCUMENTS

Motion was made by Peerson, seconded by Mendiola, for approval of the agreement. Vote: Peerson aye; Mendiola aye; Bailey aye; Lowe aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF PURCHASE ORDER 86457, ISSUED TO JO-CO EQUIPMENT OF BROKEN ARROW, OKLAHOMA, IN THE AMOUNT NOT TO EXCEED \$106,000.00, FOR THE PURCHASE OF ONE (1) CIMLINE DURAPATCHER POT HOLE PATCH SKID UNIT

Motion was made by Lowe, seconded by Mendiola, for approval of Purchase Order No. 86457, issued to Jo-Co Equipment of Broken Arrow, in an amount not to exceed \$106,000. Vote: Lowe aye; Mendiola aye; Bailey aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF PURCHASE ORDER NO. 86468, ISSUED TO STRIBLING EQUIPMENT CO., OF FORT SMITH, IN THE AMOUNT OF \$67,000.00, FOR THE PURCHASE OF ONE (1) JOHN DEERE 50G COMPACT EXCAVATOR

Motion was made by Bailey, seconded by Mendiola, for approval of Purchase Order No. 86468, issued to Stribling Equipment Co. of Fort Smith, in the amount of \$67,000. Vote: Bailey aye; Mendiola aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF PLANNING COMMISSION CASE NO. PC 2021004; PRELIMINARY PLAT PRESENTATION OF LENORA BLAKELY ADDITION, BY HOUSING AUTHORITY OF THE CHEROKEE NATION OF OKLAHOMA

Keith Miller reviewed this item with council, noting all utilities are available, with the exception of sewer. Motion was made by Bailey, seconded by Mendiola, for approval of the preliminary plat. Vote: Bailey aye; Mendiola aye; Peerson aye; Lowe aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF PLANNING CASE NO. PC 2021-005; REZONING REQUEST FROM AGRICULTURE (A-I) TO RESIDENTIAL (R-2), BY HOUSING AUTHORITY OF THE CHEROKEE NATION OF OKLAHOMA; AND, ORDINANCE 2021-05 WITH EMERGENCY CLAUSE

Motion was made by Bailey, seconded by Mendiola, for approval of the rezoning from A-1 to R-2; Ordinance 2021-05. Vote: Bailey aye; Mendiola aye; Peerson aye; Lowe aye; Martens aye. Motion carried 5-0. Motion was made by Bailey, seconded by Mendiola, for approval of the emergency clause. Vote: Bailey aye; Mendiola aye; Peerson aye; Lowe aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF PLANNING COMMISSION CASE NO. PC 2021-06; PRELIMINARY PLAT PRESENTATION OF ARKLAHOMA ADDITION, BY MATTHEW AND KELSEY ORENDORFF

Keith Miller reviewed this item with council, noting this consisted of approximately 4 acres. Motion was made by Lowe, seconded by Mendiola, for approval of the preliminary plat. Vote: Lowe aye; Mendiola aye; Peerson aye; Bailey aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF PLANNING COMMISSION CASE NO. PC 2021007, REZONING REQUEST FROM AGRICULTURE (A-I) TO RESIDENTIAL (R-2), BY MATTHEW AND KELSEY ORENDORFF; AND ORDINANCE 2021-06 WITH EMERGENCY CLAUSE

Motion was made by Lowe, seconded by Mendiola, for approval of the rezoning from A-1 to R-2; Ordinance 2021-06. Vote: Lowe aye; Mendiola aye; Peerson aye; Bailey aye; Martens aye. Motion carried 5-0. Motion was made by Lowe, seconded by Mendiola, for approval of the emergency clause. Vote: Lowe aye; Mendiola aye; Peerson aye; Bailey aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF STAFF'S REQUEST TO REINVEST THE GENERAL FUND CERTIFICATE OF DEPOSIT WITH NATIONAL BANK OF SALLISAW FOR 91 DAYS AT

Motion was made by Mendiola, seconded by Peerson, to reinvest the General Fund Certificate of Deposit with National Bank of Sallisaw for 91 days at .15%. Vote: Mendiola aye; Peerson aye; Lowe aye; Bailey aye; Martens aye. Motion carried 5-0.

ADMINISTRATIVE REPORTS

The City Manager reported that we are continuing to monitor the covid situation in our workforce. He noted that we have had two recent positives. Both have now returned to work. He stated that the number of cases in Oklahoma continues to rise. He noted that finance is in the process of closing out last fiscal year and starting the new one. They are also making preparations for auditors. Landfill electric line bid packets are out. Bid opening is set for August 3. North substation bids will be opened on August 5. He anticipates construction on the north substation to begin in September. Wastewater Treatment Plant Project – contractor is pouring concrete on the east part of the basin. He expects to wrap this project up by the end of summer. Bar screen will be delivered in November. We have received the North 59 electric and fiber plans for review. He noted there is a problem with the aesthetics of the line as well as some rights-of-way. He stated that Blakely, Steven, and Keith are going through the plans and noting poles we have a problem with. He hopes to wrap this up by mid-august and submit back. He noted we had received a bill for the hazardous waste disposal. Bill was in the amount of \$6,557 and over 2,000 pounds of hazardous waste was collected. He would like to have another hazardous waste collection event, possibly next spring. He noted that he and a few other staff members will be attending the Fiber to the Home conference in Nashville later this month. Mayor Martens thanked Jerry Cook with GRDA for attending the meeting and providing an update.

ADJOURN

Motion was made by Lowe, seconded by Mendiola, to adjourn the meeting there being no further business. Vote: Lowe aye; Mendiola aye; Peerson aye; Bailey aye; Martens aye. Motion carried 5-0. The meeting adjourned at 6:35 p.m.

APPROVED the 9th day of AUGUST 2021.

Ernie Martens, Mayor

ATTEST:

Dianna Davis, City Clerk

(SEAL)

MINUTES
BOARD OF CITY COMMISSIONERS
SPECIAL MEETING
JULY 21, 2021

The Board of City Commissioners met in a special meeting on July 21, 2021, in the 3rd floor conference room at city hall, 115 East Choctaw, Sallisaw. Notice of the meeting was given by e-mailing to Sequoyah County Times; by posting at city hall; by posting on the city's website; and, by giving notice to the City Clerk.

Members present: Ernie Martens, Mayor
Ronnie Lowe, Member, Ward 1
Josh Bailey, Member, Ward 2
Julian Mendiola, Member, Ward 3

Members absent: Kristin Peerson, Member, Ward 4

Staff present: Keith Skelton, City Manager
John R. Montgomery, City Attorney
Dianna Davis, City Clerk
Blakely Smith, Jr., Electric Superintendent
Steven Armstrong, Electric Crew Leader
George Bormann, Grants Admin./Economic Dev. Dir.

Others present: None

Mayor Martens called the meeting to order at 11:31 a.m. and declared a quorum was present.

DISCUSS AND CONSIDER APPROVAL OF PURCHASE ORDER NO. 86564, TO BOB HOWARD CHRYSLER DODGE JEEP RAM, OF OKLAHOMA CITY, IN THE AMOUNT OF \$30,256.00, FOR THE PURCHASE OF ONE (1) 2021 DODGE RAMM 1500 4X4 CREW CAB SSV (SPECIAL SERVICE VEHICLE), FOR THE POLICE DEPARTMENT

Following discussion, motion was made by Lowe, seconded by Mendiola, for approval of Purchase Order No. 86564 to Bob Howard Chrysler Dodge Jeep Ram of Oklahoma City, in the amount of \$30,256. Vote: Lowe aye; Mendiola aye; Bailey aye; Martens aye. Motion carried 4-0.

ADMINISTRATIVE REPORTS

The City Manager noted that we are continuing to monitor covid cases/exposures with employees. He recently sent out another memo to employees concerning the rise in case numbers. It was noted that Oklahoma had reported 1,300 new cases the previous day. Council members inquired

about marijuana dispensaries and grow operations. They stated they have been receiving complaints from citizens concerning grow operations and the number of dispensaries located inside our city limits. Staff will get with the City Attorney and look at options we might have to amend our ordinances.

ADJOURN

Motion was made by Lowe, seconded by Mendiola, to adjourn the meeting there being no further business. Vote: Lowe aye; Mendiola aye; Bailey aye; Martens aye. Motion carried 4-0. The meeting adjourned at 11:34 a.m.

APPROVED the 9th day of AUGUST 2021.

Ernie Martens, Mayor

ATTEST:

Dianna Davis, City Clerk

(SEAL)

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Engineering Contract

ITEM TITLE: Discuss and Consider Approval of Engineering Contract with Neel, Harvel and Associates, in the Amount of \$38,700.00, for Engineering Services Related to Sanitary Sewer System Improvements

INITIATOR: City Manager

STAFF INFORMATION SOURCE: City Manager
Neel Harvel and Associates

BACKGROUND: Approval of this contract will provide for engineering services related to sanitary system improvements for Port Arthur Place to Scott Street, and Hollywood Addition.

EXHIBITS: 1. Engr Contr

KEY ISSUES: N/A

FUNDING SOURCE: GL# 092-704-57701; Budget \$300,000

RECOMMENDATION: Approval of engineering contract.

CONTRACT FOR ENGINEERING SERVICES

THIS AGREEMENT, made and entered into this ____ day of **August**, **2021**, by and between NEEL, HARVELL and ASSOCIATES, P.C. , CONSULTING ENGINEERS, hereinafter called ENGINEER, and the **City of Sallisaw**, hereinafter called the OWNER.

WITNESSETH, that whereas the OWNER intends to perform certain Improvements to the

SANITARY SEWER SYSTEM

(Port Arthur Place to Scott Street and Hollywood Addition)

NOW, THEREFORE, THE OWNER AND ENGINEER, for the considerations hereinafter set forth, agree as follow:

1. THE ENGINEER AGREES to serve as the OWNER'S professional representative in the preparation of the plans and specifications and in the general construction observation of the PROJECT during construction for compliance with these plans and specifications and to provide the following detailed services to the OWNER in connection with the PROJECT.
 - (a) Perform all necessary services regarding the proposed PROJECT to provide preliminary plans and preliminary cost data for the OWNER.
 - (b) Perform the necessary surveys and compile necessary data for use in the design of the PROJECT.
 - (c) Prepare the detailed construction drawings and specifications for the improvements and furnish the OWNER with three (3) copies of same, procure the approval of any and all approving agencies having jurisdiction over the PROJECT as directed by the OWNER, procure all necessary permits for construction of the PROJECT, prepare proposal forms, notices to bidders, complete working drawings, specification, and contract documents satisfactory to the OWNER for the effective coordination and execution of the construction work and furnish detailed estimates of cost of the construction utilizing the completed drawings and specification as approved.

- (d) Render assistance in obtaining bids, attend bid openings, analyze bids received, make recommendations as to the lowest and best bidder and render assistance in the award of the contracts.
 - (e) Furnish general supervision during the construction phase of the PROJECT which shall include horizontal and vertical control information for the setting of construction stakes, approval of working drawings, preparation of monthly pay estimates and other general administrative work on the PROJECT.
 - (f) The ENGINEER shall have the authority to make minor changes during the construction to insure the OWNER that the work will be properly constructed. All extra work must be added by change order and must be approved by the OWNER, the Contractor, and the ENGINEER.
2. THE OWNER AGREES to pay the ENGINEER for the services as described in the preceding paragraphs at the rates as set forth below. These payments constitute complete compensation for the services rendered by the ENGINEER. The fee shall be as follows:

Engineering Fee	\$ 28,400.00
Surveying	\$ 3,300.00
Inspection	\$ 7,000.00

Total Engineering Fees	\$ 38,700.00
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Seventy percent (70%) of the Engineering Fee shall be due and payable upon the approval by the OWNER of the plans and specification. The remaining thirty percent (30%) shall be spaced in equal monthly payment over the period of the construction contract.

The OWNER shall pay the cost of all review fees and special tests ordered by him in addition to the above fee.

The OWNER shall pay as additional costs any right of way or easements survey, cost of topographic maps for master planning, including field work necessary for horizontal and vertical control, and any other additional work not covered by the preceding paragraphs of this contract, at the following hourly rates.

Engineer, Principal	\$ 125.00
Engineer, Project	\$ 100.00
Surveying	\$ 325.00
Engineering CAD Technician	\$ 75.00
General Inspection	\$ 50.00
Full Time Inspection	\$ 65.00
CAD	\$ 75.00
Secretary	\$ 35.00
Reproduction & Misc. Expenses	Actual Cost

No deductions shall be made from the ENGINEER'S fee on account of penalties, liquidated damages, or other sums withheld from the payment to the contractors.

3. THE COST OF THE WORK as referred to herein, means the cost to the OWNER, but such cost shall not include any ENGINEER'S or Special consultant's fee or reimbursements or cost of land or right of way, or cost of equipment (not designed or specified by the ENGINEER), or cost of insurance, or the cost of any administrative or legal expense, or special test or review fees authorized by the OWNER.
4. DRAWINGS AND SPECIFICATIONS ARE the property of the OWNER whether the work for which they are made be executed or not.
Sets of plans and specifications will be furnished to the OWNER at his request and without cost to the OWNER other than the direct expense of producing the copies, specifications, blueprints of drawings and the copies of other documents relating to the work which the OWNER may require for his own use of record. Upon completion of the work the ENGINEER will furnish the OWNER with one (1) set of reproducible "As-Built" plans as required by the OWNER.
5. THIS CONTRACT MAY BE TERMINATED by either party upon thirty (30) days notice in writing. In the event that the contract is terminated by the OWNER at no fault of the ENGINEER, the ENGINEER shall be paid promptly for all work performed to the date of termination. If the ENGINEER should default, no payment shall be made to him except for the portion of the work performed which will be of value to the OWNER and which the OWNER decides to purchase.

All completed or partially completed designs, plans and specifications prepared under this contract shall become the property of the OWNER when and if the contract is terminated.

6. THE OWNER AND ENGINEER each binds himself, his partners, successors, executors or administrators and assigns to the other party to this agreement, and to the partner, successors, executors, administrators, and assigns to such other party in respect of all covenants of this agreement. Except as above, neither the OWNER nor the ENGINEER shall assign, sublet, or transfer his interest in this Agreement without the written consent of the other.

CONTRACT FOR ENGINEERING SERVICES - Page Four

IN WITNESS WHEREOF the parties hereto have made and executed this AGREEMENT the day and year first above written.

OWNER:

City of Sallisaw
P.O. Box 525
Sallisaw, Oklahoma 74955

ENGINEER:

Neel, Harvell and Assoc., P.C.
Consulting Engineers & Planners
123 North Oak
Sallisaw, Oklahoma 74955

BY: _____
Mayor

BY: _____
P. Doug Harvell, P.E.

ATTEST:

ATTEST:

BY: _____
Clerk

BY: _____
Scott Neel

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Single Lot Plat

ITEM TITLE: Discuss and Consider Approval of Planning Commission Case No. PC 2021-010; Application for Single Lot Plat, by J. David Chandler and Susan M. Chandler

INITIATOR: David and Susan Chandler

STAFF INFORMATION SOURCE: Building Development Director

BACKGROUND: Mr. and Mrs. Chandler are requesting approval of a single lot plat. Property is located at 120 West Taylor Drive. Their intent is to construct a single family dwelling. The Building Development Director has reviewed the plat and recommends approval.

EXHIBITS: 1. Chandler Acres Prelim

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of Case No. PC 2021-010.

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That we, J David Chandler and Susan M Chandler, being the sole owners of the fee simple and to the following described real estate situated in the County of Sequoyah, State of Oklahoma, as described in Book 1474, Page 313, to-wit:

A 2.03 ACRES PARCEL OF LAND, MORE OR LESS, LESS PUBLIC ROAD RIGHTS OF WAY, AND BEING SUBJECT TO ANY EASEMENTS OF RECORD, BEING SITUATED PART OF THE NW/4 NE/4 NW/4 OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 24 EAST OF THE INDIAN BASE AND MERIDIAN, SEQUOYAH COUNTY, OKLAHOMA. THE DESCRIBED PARCEL OF LAND BEING CREATED BY KELLY OSBURN, OKLAHOMA P.L.S. #1628 ON MARCH 21, 2018. THE BASIS OF BEARING FOR THE DESCRIBED PARCEL IS S89°50'49"W ALONG THE NORTH LINE OF THE NW/4 OF SECTION 32 AND IS MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A SET MAG NAIL WITH SHINER FOR THE NE CORNER OF THE NW/4 NE/4 NW/4 OF SECTION 32; THENCE S89°50'49"W 275.00 FEET TO A SET MAG NAIL WITH SHINER FOR THE POINT OF BEGINNING; THENCE S00°09'11"E 410.00 FEET TO A SET #3 REBAR; THENCE N89°50'49"E 91.07 FEET SET #3 REBAR; THENCE S00°09'11"E 142.59 FEET TO A SET #3 REBAR; THENCE S89°52'23"W 227.97 FEET TO A SET #3 REBAR; THENCE N00°09'11"W 552.48 FEET TO A SET MAG NAIL WITH SHINER; THENCE N89°50'49"E 136.90 FEET TO THE POINT OF BEGINNING.

have caused the same to be surveyed, staked and platted and have caused the same to be named and designated "Chandler Acres", an addition to the City of Sallisaw, Oklahoma. We hereby dedicate to the City of Sallisaw, Oklahoma, the aforesaid parcel of land and structure shown on this plat and do hereby guarantee clear title to all land that is dedicated for the purpose of providing an orderly development of the entire tract.

NW Corner
Sect. 32,
T12N, R24E

owner—J David Chandler

Owner—Susan M Chandler

STATE OF OKLAHOMA
COUNTY OF SEQUOYAH

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2021, personally appeared J David Chandler and Susan M Chandler, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year first above written.

Notary

My Commission Expires:

(SEAL)

SURVEYOR'S CERTIFICATE

I, Kelly Osburn, P.L.S., a competent surveyor and a Registered Land Surveyor under Registration No. 1628, do hereby certify that I have carefully and accurately surveyed and staked the premises located on a portion of the NW/4 NE/4 of Section 32, Township 12 North, Range 24 East, Sequoyah County, Oklahoma, and that the section line passing through this plat is subject to a 33.0' statutory right-of-way (16.5' on each side) as created by Volume 32, U.S. Statutes at Large, Page 722.

Witness my hand this the _____ day of _____, 2021.

Kelly Osburn, P.L.S.

STATE OF OKLAHOMA
COUNTY OF SEQUOYAH

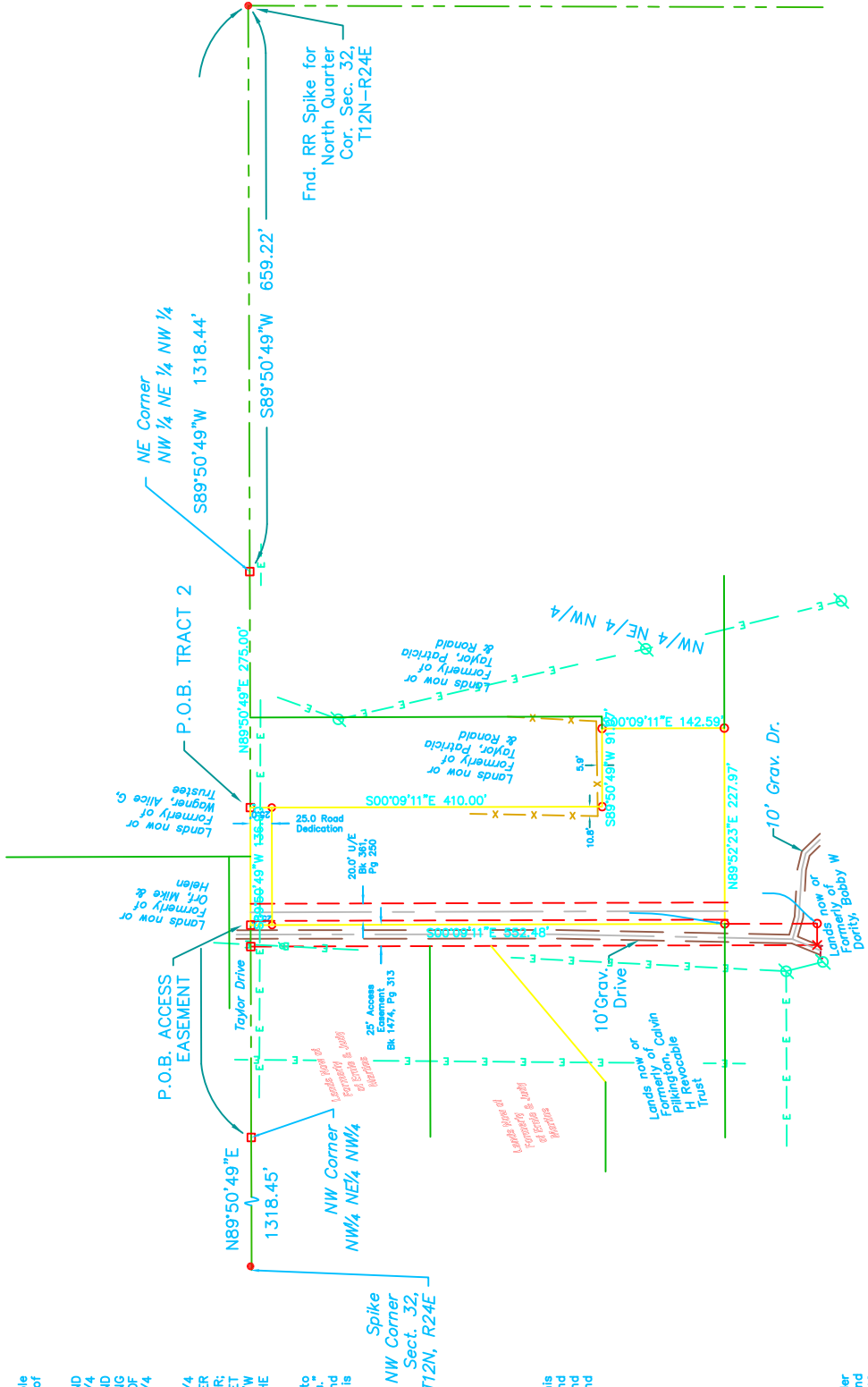
Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2021, personally appeared Kelly Osburn, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year first above written.

Notary

My Commission Expires:

(SEAL)



APPROVAL OF PLAT

The Board of Commissioners of the City of Sallisaw, Oklahoma hereby approve this plat of "Chandler Acres", an addition to the City of Sallisaw, Oklahoma, and accepts the easements shown therein.

Dated this _____ day of _____, 2021.

CITY OF SALLISAW

MAYOR

ATTEST:

CITY CLERK
(SEAL)

The Planning Commission of the City of Sallisaw, Oklahoma recommends approval of plat "Chandler Acres", an addition to the City of Sallisaw, Oklahoma and the easements as shown therein.

Recommended Approval on _____ day of _____, 2021

CHAIRMAN

SECRETARY

TREASURER'S CERTIFICATE

I, Angela Gist, as Treasurer of Sequoyah County, Oklahoma, do hereby certify that all taxes on the property herein platted and described have been paid or cash bond placed to secure the same.

Dated the _____ day of _____, 2021.

COUNTY TREASURER

NOTES:

A title search for easements affecting this property has been conducted and those found are illustrated. However any unrecorded easement whether written or implied affecting this property have not been shown.

The Section line passing through this plat is subject to a 33.0' statutory right-of-way (16.5' on each side) as created by Volume 32, U.S. Statutes at Large, Page 722.

Basis of Bearing is S89°50'49"W along the North line of the NW 1/4 of Section 32 Township 12 North, Range 24 East.

All Lot measurements are to Lot Corners.

This survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.



Location Map



Location Map Scale: 1"=3000'
Section 32
Sequoyah County, Okla.

An addition to the City of Sallisaw, being a part of the NW/ 4 NE/ 4 NW/ 4 of Section 32, Township 12 North, Range 24 East, Sequoyah County, Oklahoma.

Date: 6-2021 Scale: 1"=100'

Owner/ Developer: J David Chandler and Susan M Chandler

Osburn Land Surveyors, Inc.

3615 West Cherokee P.O. Box 1406

Sallisaw, OK 74955

Office - (918) 775-9322

www.osburnlandsurveyors.com

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Rezoning Request

ITEM TITLE: Discuss and Consider Approval of Planning Commission Case No. PC 2021-011; Rezoning Request from Agriculture (A-1) to Residential (R-2,) by J. David Chandler and Susan M. Chandler; and, Ordinance 2021-07 with Emergency Clause

INITIATOR: David and Susan Chandler

STAFF INFORMATION SOURCE: Building Development Director

BACKGROUND: Mr. and Mrs. Chandler are requesting a rezoning from agriculture (A-1) to residential (R-2). Property is located at 120 West Taylor Drive. Their intent is to construct a single family dwelling. The Sallisaw Planning Commission considered this case during their August 3rd regular meeting. Both staff and Planning Commission recommend approval.

EXHIBITS:

1. PC2021-011 Application
2. PC2021-011 pub map
3. Notice of Hearing - Case No. PC 2021-011
4. Ord. 2021.07.Rezoning.J. David Chandler and Susan M. Chandler

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDATION:

1. Approval of Case No. PC 2021-011;Ordinance 2021-07.
2. Approval of Emergency Clause.

PC 2021-011

PLANNING COMMISSION

REQUEST TO REZONE

Application is hereby made to the Planning Commission of a recommendation to the City Council for rezoning of the following described property to a District See attached

Deed

General Location 120 W Taylor
(Street Address)

Present Use of Property A-1

Proposed Use of Property R-2

Record Owner of Property David and Susan Chandler

If Applicant is other than owner, indicate interest: ☐ purchaser, ☐ lessee,

☐ agent for, ☐ other

Are there any Private or Deed Restrictions controlling the use of this property? no

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed Susan Chandler
Phone 918-776-3444

Address 1206 W Thoroughbred Ave
Sallisaw, OK 74955

APPLICANT - DO NOT WRITE BELOW THIS LINE

Application Received by: Chris Carter Date 6-14-21

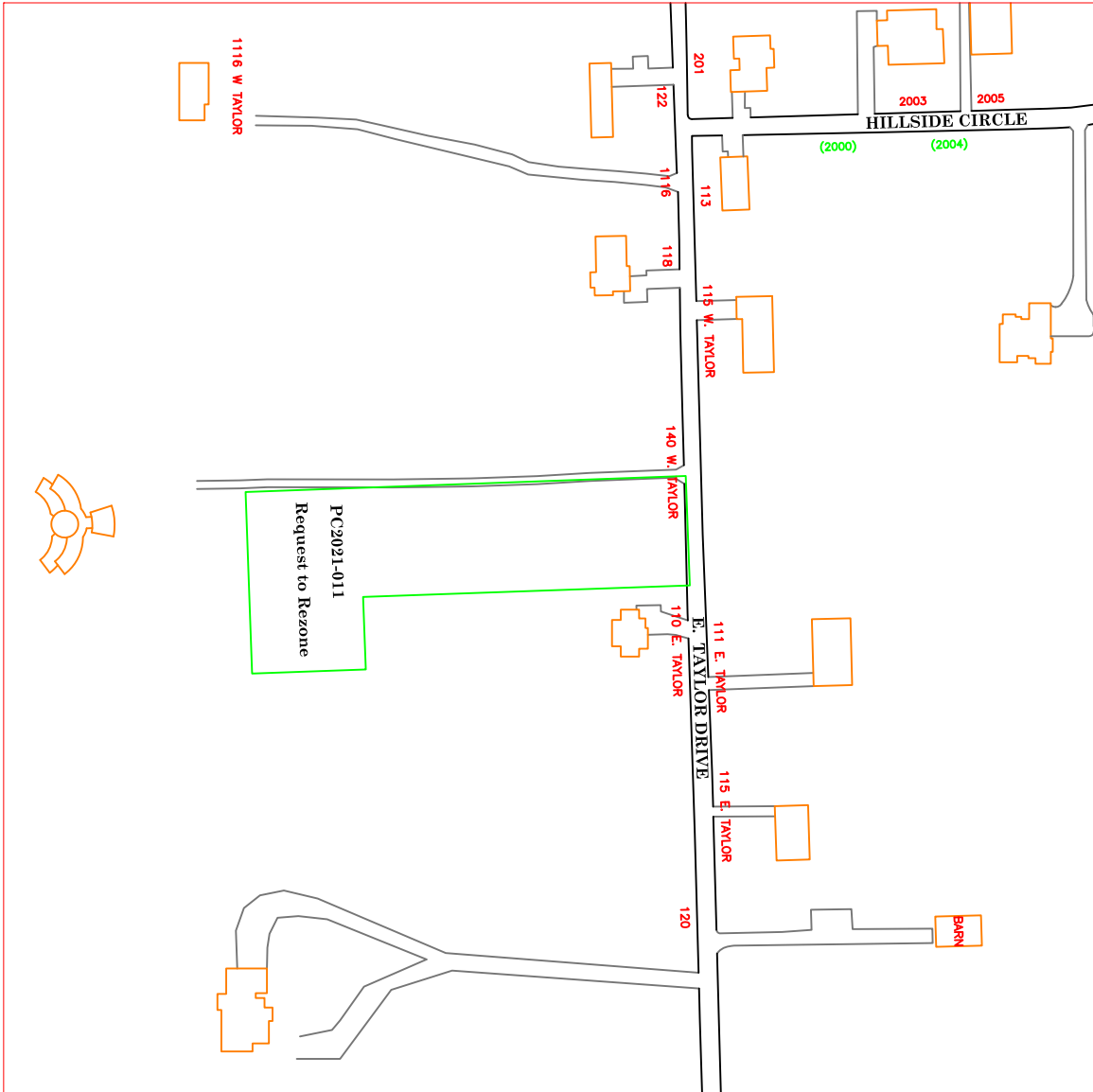
Application No.: _____ Requested: _____

Fee Receipt: _____ P.C Date: _____

City Council: _____

Date: _____

Ordinance No.: _____



NOTICE OF PUBLIC HEARING **ON APPLICATION FOR REZONING**

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Sallisaw City Limits, Sequoyah County, **Oklahoma, to wit:**

A 2.03 ACRES PARCEL OF LAND, MORE OR LESS, LESS PUBLIC ROAD RIGHTS OF WAY, AND BEING SUBJECT TO ANY EASEMENTS OF RECORD, BEING SITUATED PART OF THE NW/4 NE/4 NW/4 OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 24 EAST OF THE INDIAN BASE AND MERIDIAN, SEQUOYAH COUNTY, OKLAHOMA. THE DESCRIBED PARCEL OF LAND BEING CREATED BY KELLY OSBURN, OKLAHOMA P.L.S. #1628 ON MARCH 21, 2018. THE BASIS OF BEARING FOR THE DESCRIBED PARCEL IS S89°50'49"W ALONG THE NORTH LINE OF THE NW/4 OF SECTION 32 AND IS MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A SET MAG NAIL WITH SHINER FOR THE NE CORNER OF THE NW/4 NE/4 NW/4 OF SECTION 32; THENCE S89°50'49"W 275.00 FEET TO A SET MAG NAIL WITH SHINER FOR THE POINT OF BEGINNING; THENCE S00°09'11"E 410.00 FEET TO A SET #3 REBAR; THENCE N89°50'49"E 91.07 FEET SET #3 REBAR; THENCE S00°09'11"E 142.59 FEET TO A SET #3 REBAR; THENCE S89°52'23"W 227.97 FEET TO A SET #3 REBAR; THENCE N00°09'11"W 552.48 FEET TO A SET MAG NAIL WITH SHINER; THENCE N89°50'49"E 136.90 FEET TO THE POINT OF BEGINNING .

General Location: **120 West Taylor Drive**

has filed with the Sallisaw Planning Commission a written application # **PC 2021-011** pursuant to the Zoning Ordinance as adopted by the City of Sallisaw, Oklahoma, to **rezone from agriculture (A-1) to residential (R-2).**

The undersigned will present said application to the Sallisaw Planning Commission on **August 3, 2021**, at **103 North Wheeler Ave, beginning at 5:30 pm**, at which time the Sallisaw Planning Commission will conduct a public hearing on said application. All interested persons are entitled to be heard and are invited to attend. Notice is published this 9TH day of July , 2021.

By: **J. David Chandler and Susan M. Chandler**
 Owner(s)

or By: _____
 Agent

By: **Joe Velasquez**
 Chairman, Sallisaw Planning Commission

Bill To:

Susan Chandler
1206 W Thoroughbred Ave
Sallisaw OK 74955
918-776-3444

ORDINANCE NO. 2021-07

**AN ORDINANCE AMENDING THE ZONING MAP
OF SALLISAW AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW,
OKLAHOMA.**

SECTION 1.

That the zoning map of the City of Sallisaw, which is part of Section 102-172 of the Code of Ordinances, City of Sallisaw, Oklahoma, is hereby amended in the following particulars, to-wit:

That the following described real estate situated in the City of Sallisaw, County of Sequoyah, State of Oklahoma, to-wit:

A 2.03 Acres parcel of land, more or less, less public road rights of way, and being subject to any easements of record, being situated part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 12 North, Range 24 East of the Indian Base and Meridian, Sequoyah County, Oklahoma. The described parcel of land being created by Kelly Osburn, Oklahoma P.L.S. #1628 on March 21, 2018. The basis of bearing or the described parcel is S89°50'49"W along the North line of the NW $\frac{1}{4}$ of Section 32 and is more particularly described as: Commencing at a set mag nail with shiner for the NE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32; thence S89°50'49"W 275.00 feet to a set mag nail with shiner for the point of beginning; thence S00°09'11"E 410.00 feet to a set #3 rebar; thence N89°50'49"E 91.07 feet to a set #3 rebar; thence S00°09'11"E 142.59 feet to a set #3 rebar; thence S89°52'23"W 227.97 feet to a set #3 rebar; thence N00°09'11"W 552.48 feet to a set mag nail with shiner; thence N89°50'49"E 136.90 feet to the point of beginning;

be and the same is hereby changed from A-1 to R-2 District, which is owned by J. David Chandler and Susan M. Chandler, husband and wife.

SECTION 2.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

APPROVED this 9th day of August, 2021.

CITY OF SALLISAW, OKLAHOMA

By: _____

ERNIE MARTENS, Mayor

ATTEST:

DIANNA DAVIS, City Clerk
[SEAL]

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Airport, Fuel Farm and Drainage Improvements Change Order #5

ITEM TITLE: Discuss and Consider Approval of Change Order No. 5 for the Airport Fuel Farm and Drainage Improvements, a Deduction in the Amount of \$31,462.80; and, Accept Project as Complete

INITIATOR: Garver Engineering

STAFF INFORMATION SOURCE: City Manager
Economic Development Director
Garver Engineering

BACKGROUND: Staff notes that this is the final change order for this project and is a deduction in the amount of \$31,462.80. Approval of this item will bring the final contract amount to \$528,910.03.

EXHIBITS: 1. Change Order No. 5

KEY ISSUES: N/A

FUNDING SOURCE: FAA Funding
CARES Act Funding

RECOMMENDATION: Approval of Change Order No. 5, a deduction in the amount of \$31,462.80 and accept the project as complete.



4300 South J.B. Hunt Drive
Suite 240
Rogers, AR 72758
TEL 479.257.9188
www.GarverUSA.com

Construction Contract Change Order

Project:
JSV Fuel Farm and Drainage Improvements
Sallisaw, Oklahoma
Garver Job No. 19A19671

Change Order No. 5

Date Prepared: July 6, 2021
Prepared by: Roger Knobloch, Garver

Owner:
City of Sallisaw
115 E. Choctaw Ave.
Sallisaw, Oklahoma 74955

Contractor:
Bronze Oak, LLC
15800 S 193rd E Avenue
Broken Arrow, Oklahoma 74014

Description of Work Included in Contract

Installation of 10,000 gallon fuel tank, modifications to credit card reader and electrical infrastructure, and removal of existing CMP from under the runway and replacing with RCP

Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.)

A. End of project reconciliation of quantities.

Attachments:

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Contract Quantity	Revised Unit Price	Original Contract Cost	Revised Contract Cost
A.	P-152-4.2	Unsuitable Excavation	CY	15	\$450.00	0	\$15.00	\$6,750.00	\$0.00
A.	L-108-5.1	NO. 8 AWG, 5KV, L-824, TYPE C CABLE, INSTALLED IN TRENCH, DUCT BANK OR CONDUIT	LF	640	\$14.60	292	\$14.60	\$9,344.00	\$4,263.20
A.	L-108-5.2	NO. 6 AWG, SOLID, BARE COPPER COUNTERPOISE WIRE, INSTALLED ABOVE DUCT BANK OR CONDUIT, INCLUDING CONNECTIONS/TERMINATIONS	LF	440.0	\$ 14.60	45	\$14.60	\$6,424.00	\$657.00
A.	L-110-5.1	NON-ENCASED ELECTRICAL DUCT BANK, 1-WAY 1"C	LF	240.0	\$ 42.50	30.0	\$ 42.50	\$10,200.00	\$1,275.00
A.	L-110-5.2	NON-ENCASED ELECTRICAL DUCT BANK, 1-WAY 2"C	LF	200.0	\$ 42.50	40.0	\$ 42.50	\$8,500.00	\$1,700.00
A.	ODOT 303.06A	AGGREGATE BASE TYPE A	CY	25.0	\$ 165.00	24.0	\$ 165.00	\$4,125.00	\$3,960.00
A.	ODOT 411.06C	SUPERPAVE, TYPE S4	TON	45.0	\$ 140.00	54.0	\$ 140.00	\$6,300.00	\$7,560.00
A.	SS-281-5.1	SAFETY BOLLARDS (CONCRETE INSERT)	EA	26.0	\$ 255.00	29.00	\$ 255.00	\$6,630.00	\$7,395.00
Summation of Cost								\$58,273.00	\$26,810.20
Net Cost for this Change Order									(\$31,462.80)

Estimated Project Cost

	Estimated Project Cost
Original Contract Amount	\$541,845.25
Previously Approved Changes	\$18,527.58
This Change Order	(\$31,462.80)
New Contract Amount	\$528,910.03

Time Change

Contract Start Date	November 30, 2020
Original Contract Time (calendar days)	47
Previously Approved Changes (calendar days)	10
Additional Contract Time This Change Order (calendar days)	0
Suspended Time (calendar days)	0
New Construction Completion Date	January 26, 2021

THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS

ISSUED FOR REASONS INDICATED ABOVE

Engineer: Garver *Bart Wilharto* **Senior Project Manager** **07/23/2021**
Engineer's Signature Title Date

ACCEPTED BY CONTRACTOR *[Signature]* **7/27/2021**
Contractor's Signature Title Date

APPROVED BY OWNER *[Signature]* **8/2/2021**
Owner's Signature Title Date

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: CivicReady Mass Notification System.

ITEM TITLE: Discuss and Consider Approval of Administrative Policy 1.013.00, Mass Notification System

INITIATOR: City Manager
Customer Service Supervisor

STAFF INFORMATION SOURCE: CivicReady (CivicPlus)

BACKGROUND: Mass notification systems allow large number of citizens to be contacted simultaneously via multiple methods such as text messages or emails. This policy provides guidance on use of the CivicReady Mass Notification System the City utilizes through CivicPlus, our website provider. The system is used for emergency and non-emergency type notifications.

The CivicReady system was implemented when the City discontinued mailing disconnect notices for utility billing statements. In lieu of mailing notifications, customers who subscribe to the system now receive emails or text messages notifying them of payment due dates and disconnect dates.

EXHIBITS: 1. 1.013.00.Mass Notification System

KEY ISSUES: In order to receive notifications, citizens must be subscribed to the system.

FUNDING SOURCE: N/A

RECOMMENDATION: Staff recommends approval of Administrative Policy 1.013.00, Mass Notification System.

CITY OF SALLISAW ADMINISTRATIVE POLICY		Policy Number:	1.013.00	Revision	1
		Effective Date	08/09/2021		
Subject:	Mass Notification System				
Department(s):	Customer Service				

Purpose

The purpose of this document is to provide guidelines on the use of the CivicReady Mass Notification System (System). This document is intended to provide general guidelines, describing city wide policy rather than step-by-step procedures.

Background

Mass notification systems allow large numbers of citizens to be contacted simultaneously via multiple methods including land-line phones, cell phones, text messages, and emails. CivicReady is capable of quickly disseminating information to the entire population of the City of Sallisaw, as long as they are subscribed to the system. Usage of the system has been divided into two categories; “emergency” and “non-emergency”.

Definitions:

Emergency Communications. Generally refers to communications sent to citizens referring to serious property or life threatening events, catastrophes or other serious conditions.

Non-Emergency Communications. Generally refers to communications sent to citizens that is of a community outreach or informational type of dissemination.

Policy/Procedure

Authority to Use System

Authority to use/activate the system for emergency purposes rests with the City Manager, or their designee. For non-emergency notifications of a routine nature, the Supervisor of the Customer Service Department may schedule/make notifications as needed, as long as the non-emergency notifications meet the requirements of this policy. Although any designated person may use the System, the Customer Service Supervisor shall be designated as the lead person for constructing notification messages and sending them out.

Both emergency and non-emergency content will be limited to text and email notifications unless consent has been given by the citizen to receive prerecorded or automated phone calls to their landline or cell phone.

Emergency Use

Emergency Use of the Mass Notification System for emergency activity must encompass the need to disseminate critical, safety-related information to citizens within a short timeframe.

Emergency Public Notifications are limited to:

1. Notifications of imminent or perceived threat to life or property.
2. Disaster notifications.
3. Evacuation notices.
4. Public health emergencies.
5. Public safety emergencies.
6. Any other notification to provide emergency information to a defined community.

As a general rule, the System is to be used when the public is being asked to take some action (e.g. evacuate, prepare to evacuate, shelter in place, boil tap water before drinking, locate missing child, or notification of closure of the incident). The following criteria should be utilized to assist with determining the need to issue an alert:

1. Severity. Is there a significant threat to public life and safety?
2. Public Protection. Is there a need for members of the public to take a protective action in order to reduce loss of life or substantial loss of property?
3. Warning. Will providing warning information assist members of the public in making the decision to take proper and prudent action?
4. Timing. Does the situation require immediate public knowledge in order to avoid adverse impact?
5. Geographical area. Is the situation limited to a defined geographical area? Is that area of a size that will allow for an effective use of the system, given the outgoing call capacity?
6. Are other means of disseminating the information inadequate to ensure proper and time delivery of the information?

If the answer to these questions is “Yes”, then an activation of the Mass Notification System for emergency purposes is warranted and allowed.

Items to consider/follow for Emergency considerations:

1. Notification shall clearly state situation is an emergency.
2. Always provide a phone number or website where the public can obtain additional or updated information.
3. Always provide updates during the emergency event.
4. An all clear notification should be sent when applicable.

Non-Emergency Use

Non-emergency communications will be facilitated by designated City Departments and personnel under the direction of the City Manager's office. Non-emergency messages must be community outreach or informational in content. This could include utility outages, reminders of bill due dates, past due balances, and service disconnect dates.

Non-emergency public notification use is prohibited for any of the following purposes:

- Messages of commercial nature, such as advertising.
- Messages of a political nature.
- Messages related to non-official business (e.g. news articles, retirement announcements, etc.).

When sending non-emergency messages, one must take into consideration the following:

- Citizens can become desensitized to too many government messages.
- Keep messages short and to the point. Clearly identify sender and announcement as non-emergency.

Sample Messages

The following are sample messages for emergency and non-emergency notifications (*Note text messages are limited to 160 characters with spaces, email notifications are unlimited*):

Emergency

"Emergency: The City of Sallisaw has issued a boil water advisory for the Sallisaw water distribution system. For more info 918-775-6241"

Emergency End of Event

"Emergency. The City of Sallisaw boil water advisory has ended. For more info 918-775-6241."

Non-Emergency

"Notification: City of Sallisaw has an electric outage currently affecting residents NW of Cherokee and Wheeler. For more info 918-775-6241"

Data Sources

The ability to contact citizens is dependent upon the citizen providing accurate and current contact information to the City. Although highly encouraged, citizens are not required to subscribe to this service. Citizen contact information will be maintained by Customer Service and will be uploaded to the notification system monthly with each cycle.

The citizen also has the ability to create an account at any time, change their subscriptions, and update their information through the City of Sallisaw website.

The city will also recognize opt-out requests. This will remove the citizen's contact information from the system, and they will no longer receive notifications. Citizens may re-subscribe at any time.

References: NA

Rescission Date: NA

This policy shall remain in effect until rescinded or otherwise modified and approved by the Board of City Commissioners.

Mayor, City of Sallisaw

Date: _____

City Manager, City of Sallisaw

Date: _____

Attest

City Clerk

Date: _____

Revision History

Revision 1, August 9, 2021

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Sign Ordinance

ITEM TITLE: Discuss and Consider Approval of Ordinance 2021-08, An Ordinance Amending the Code of Ordinances of the City of Sallisaw by Establishing and Adopting a New Chapter 19, Advertising and Signs, to the City of Sallisaw Code of Ordinances, to Provide for Regulation of Signs, Definitions, Standards, Exemptions, Permits, Penalty, Enforcement, Repeal and Severability; and, Declaring and Emergency

INITIATOR: City Manager
Building Development Director

STAFF INFORMATION SOURCE: City Manager
Building Development Director
Board of City Commissioners

BACKGROUND: This ordinance has been completed re-written from previous proposed drafts. This version of the ordinance is much simpler to understand and provides much needed guidance on placement of signs and enforcement. The ordinance provides guidance on placement and size of signs. It also cleans up other references to signs and addresses other lack of guidance in our ordinances.

Staff notes that this ordinance has been reviewed by the Planning Commission on two different occasions within the last three months.

EXHIBITS: 1. Sallisaw Sign Ordinance 2021-08.final

KEY ISSUES: Adoption will provide additional guidance for Code Enforcement, allowing them to more effectively deal with sign issues.

FUNDING SOURCE: N/A

RECOMMENDATION: If the presented ordinance meets the expectations of the City Council, staff recommends approval of Ordinance 2021-08 with the emergency clause. Otherwise, we request Council provide additional guidance to staff.

ORDINANCE 2021-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SALLISAW BY ESTABLISHING AND ADOPTING A NEW CHAPTER 19, ADVERTISING AND SIGNS, TO THE CITY OF SALLISAW CODE OF ORDINANCES, TO PROVIDE FOR REGULATION OF SIGNS, DEFINITIONS, STANDARDS, EXEMPTIONS, PERMITS, PENALTY, ENFORCEMENT, REPEAL AND SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.

SECTION 1.

That the Sallisaw Code of Ordinances be amended by establishing, adopting and enacting Chapter 19 as follows, to-wit:

CHAPTER 19

ARTICLE I. GENERAL

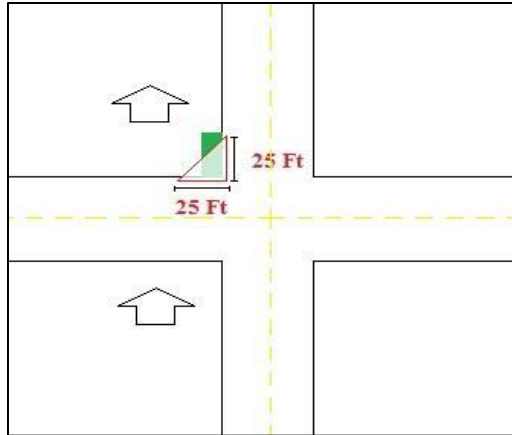
Section 19-1. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. *A-frame sign* means an advertising device which is ordinarily in the shape of an "A," spring mounted on a fixed base, or some variation thereof, located on the ground, but not otherwise attached thereto, and which is usually two-sided.
- B. *Accessory sign* means any advertising device which identifies or displays information concerning the business conducted on the premises.
- C. *Attached sign* means an accessory sign attached to, painted on or in any other way represented on a building, or other structural element of a building. An attached sign includes a canopy sign, combination sign, fascia sign, marquee sign, module sign, parapet wall sign, projecting sign, roof sign and wall sign.
- D. *Banner* means any pennant, streamer, flag, sign, picture, figure or other object, regardless of the materials of which it is made, which is suspended or otherwise designed for decoration or advertisement or to attract the attention of passersby; excepting, however, official warning devices, public service facilities, streetlights and similar safety devices.
- E. *Billboard* means any sign structure upon which advertising may be posted, painted or affixed and which is primarily designed for the rental or lease of the sign space for

advertising not related to the use of the property upon which the sign is located.

- F. *Directional and information sign* means signs which direct attention to the location of a facility or group of facilities on the same property on which the sign is located.
- G. *Ground sign* means freestanding accessory sign of limited height, which is secured to a fixed base, usually at ground level or at a slight elevation above ground, rather than being pole mounted. A sign attached to a wall or fence which serves as the boundary of a parcel shall be considered a ground sign.
- H. *Moving sign* means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement. Movement may be caused by mechanical, wind or other means.
- I. *Non-Accessory sign* means a sign or advertising device which directs attention to an activity, service or product sold or offered elsewhere than on the premises on which the sign is located.
- J. *Pole sign* means a freestanding on premise sign in excess of ten (10) feet in height that is detached from a building and is supported by one or more structural elements that are either: (a) architecturally dissimilar to the design of the sign; or (b) less than $\frac{1}{4}$ the width of the sign face.
- K. *Political sign* means any sign concerning the candidacy of an individual, or individuals, for public office, whether such public office is local, county, tribal, state, or federal government, or any subdivision thereof, or pertains to support of or opposition to any public issue.
- L. *Portable display sign* means a display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure, or place to place, at periodic intervals. Portable display signs may be displayed on a trailer, vehicle or other transportable means.
- M. *Public Right-of-Way* means over, under, across and/or adjacent to any public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality, or state, has an interest.
- N. *Sexually oriented sign* means any sign associated with and or pertaining to sexually oriented businesses, movie theaters or movie rental.
- O. *Sign* means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, or illuminated service which shall be constructed, placed, attached, painted, erected, fastened, or manufactured, in any manner whatsoever, and used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise which is displayed, in any manner whatsoever, outdoors. Every sign as set forth herein shall be classified, and, conform to the requirements as set forth in this Chapter.
- P. *Site Triangle (also referred to as Clear Site Triangle)* means a triangle formed by the intersection of two streets, measured twenty five (25) feet from the intersection along the edges of the two streets.



- Q. *Swinging sign* means a sign having one side connected to a post or structure which is allowed to freely move with wind.
- R. *Temporary sign* means any sign or advertising device constructed of cloth, canvas, light fabric, portable cardboard, wood, wallboard, metal or other light materials, with or without frames, which is intended to be displayed for a limited period of time only and which is portable.

Section 19-2 Purpose and Intent

It is the purpose of this Chapter to establish effective sign regulations that benefit the community and promote a safe environment.

Section 19-3 Applicability

This Chapter shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the city, including any sign erected or constructed prior to the effective date of the ordinance from which this Chapter is derived.

Section 19-4 Exemptions

Except as specifically provided, the following signs listed in this section shall be exempt from this Chapter, but location and installation shall be approved by the Building Development Director. All of the following signs shall be securely attached to a structure or to stakes or posts that are firmly embedded in the ground; with the exception of the United States Flag, they shall not be illuminated:

- A. The United States Flag.
- B. State of Oklahoma Flag.
- C. Real estate signs, temporary construction signs, school flags or insignia, holiday or seasonal sign decorations.
- D. Signs placed on public property for the purpose of indicating the location of a

local Farmers Market.

- E. Signs placed on public property by community education or non-profit organizations which have been approved by the City Manager. The City Manager is authorized to issue additional guidance for signage placed on public property, as deemed necessary.
- F. Public signs. This Chapter shall not apply to signs erected by the city, county, state or federal government for public notices, information, traffic direction or street identification.
- G. Historical markers placed by a city, county, tribal, state or national historical preservation organization.
- H. Underground utility warning signs.
- I. Temporary signs, or other types of signs, placed on public property to provide public information and approved by the City Manager.

Section 19-5 thru 19-20: Reserved

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 19-21 Continuation of Legal Nonconforming Signs.

Any sign located within the city on the date of the adoption of the ordinance from which this Chapter is derived or located in an area annexed to the city thereafter, which does not conform with this Chapter, shall be considered as a legal nonconforming sign and is permitted, provided that the sign was in all respects in compliance with the applicable law on the date of adoption of the ordinance from which this Chapter is derived. If such sign is not in conformance with the existing law, such sign must be brought into conformance or removed according to procedures established in this Chapter. Such sign shall be maintained in a good condition and shall be allowed to remain in existence so long as such sign is not altered. If altering is required, the sign must be brought to current standards.

Section 19-22 Removal by Impoundment

Any sign situated in, or that becomes situated in, any public right-of-way or public street, which has been damaged by storm or collision, and its presence constitutes a threat to the health, safety and welfare of the public, may be removed and impounded by the Building Development Director or other employees of the City, including any police officer. Damaged signs removed by impoundment shall be disposed of in an approved manner unless claimed by the owner within seven (7) days.

Section 19-23 Discontinuance of Prohibited Signs

Any nonconforming sign which is listed as a prohibited sign shall be removed or brought in conformance with this Chapter within six months after the effective date of the ordinance. Signs in these categories which is in existence on such effective date shall be altered in such a manner that its movement or illumination does not continue operating in a prohibited manner. Any nonconforming sign erected or displayed more than 90 days prior to the effective date of the ordinance from which this Chapter is derived, which is defined as a portable or temporary sign under this Chapter, shall be removed forthwith.

Section 19-24 Enforcement and Violations

- A. The City Manager, Building Development Director, or their designee is authorized and directed to enforce all sections of this Chapter. They shall appear on behalf of the city in all matters regarding the interpretation and application of this Chapter.
- B. Any sign erected, placed, or displayed in violation of the provisions of this Chapter, or otherwise unlawfully erected, placed or displayed, shall be a public nuisance and may be removed by the City, in addition to any other penalty imposed for such violation.
- C. Unless specifically required in this Chapter, or by specific zoning requirements or building permitting processes, permits for placement of signs shall not be required. If required, the cost of the permit shall be adopted in the City of Sallisaw Master Fee Schedule.

Section 19-25 Penalties and Fees

A person who shall violate a section of this chapter, or who shall fail to comply with any section of this chapter, or with any of the requirements of this chapter, or who shall erect, construct, alter or repair a sign in violation of this chapter shall be guilty of a misdemeanor, punishable as provided in Section 1-8 of this Code. Each day upon which a violation continues shall be deemed a separable offense.

Permit fees, if any, shall be paid to the City in accordance with and as adopted in the City of Sallisaw Master Fee Schedule.

Section 19-26 Appendix H of the International Building Code

For other types of signs or items not specifically referenced in this Chapter, City officials shall use Appendix H of the International Building Code for further reference and/or enforcement.

Section 19-27 thru 19-40: Reserved

ARTICLE III. PROHIBITIONS AND CERTAIN OTHER REQUIREMENTS

Section 19-41 Prohibitions

- A. Unless specifically permitted in another section of this Chapter, or the Sallisaw City Code, no sign shall be erected on or over the public right-of-way. Merchandise such as tires, produce, automotive vehicles and any other articles for display or sale shall not be located in any manner in the public right-of-way.
- B. The use of boulevards, streets, drives, lanes, public parking lots, park roads and/or parks under the control of the city, for any political, social, civic or charitable non-accessory advertising purpose within full view of those traveling on a public road is prohibited. However, the government use of these areas to display public information, the placement of decorations or the placement of neighborhood identification signs shall not be included in this restriction.
- C. No person shall erect or place signs displaying any obscene matter.
- D. The erection, construction or maintenance of any sign which will prevent free ingress to or egress from any door, window or fire escape, stairway or standpipe, or be attached to or supported by a fire escape or stairway that would interfere with human exit through any emergency opening is prohibited. Signs shall not obstruct the exterior door or required exit of any building or obstruct any legally required light or ventilation.
- E. No sign shall occupy any parking space required under the minimum standards of the zoning code, unless additional parking is provided.
- F. No sign shall be erected in such a manner that would create electrical interference with radio or other electronic communications between the airport and aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of flyers using the airport; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft. No sign shall interfere with established glide slope paths established for the Sallisaw Municipal Airport.

Section 19.42 Certain Other Requirements

- A. All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon, any sign shall be safely attached to the sign structure.
- B. Signs abandoned, or otherwise not used for a period of 365 days or greater shall be removed from any property it sits upon. If not removed, the Building Development Director, or their designee, may take steps to declare the sign a public nuisance.
- C. Unless otherwise allowed in this Chapter, no sign(s) shall interfere with a site triangle of any intersection of roadways.

Section 19-43 thru 19-100: Reserved

ARTICLE IV. SIGNS AND SIGN STANDARDS

Section 19-101 Political Advertising Signs

- A. No person, firm, or corporation shall erect or display any political advertising sign on any public right-of-way, property, public facility or utility poles. Any sign placed in this manner will be disposed of by the City without notice.
- B. All political signs, ground or portable, placed upon residential or commercial property must be removed within fourteen (14) days after the final election, including runoff elections, where outcome is decided.
- C. Political advertising signs in disrepair must be repaired or removed immediately.
- D. Political signs may not be placed on private property without the consent of the property owner.

Section 19-102 Grand Opening Signs

All businesses shall be permitted to display Grand Opening Signs on a one (1) time basis for a maximum of thirty (30) consecutive days. Grand Opening Signs include sign banners, balloons, streamers, flags, pennants, inflatable structures, merchandise, and other attention-attracting media and devices, as well as vehicle-mounted signs and portable display surface. Grand Opening Signs shall not be placed on public property or any public right-of-way or easement.

Section 19.103 Portable Display Signs

- A. A portable display sign may be used on premises for a period not to exceed thirty (30) days. At the end of the period, the portable display sign must be removed. Unless otherwise authorized, portable display signs shall not be placed on public property or any public right-of-way or easement.
- B. Portable display signs shall not exceed 128 square feet in size or be over 8 feet tall, or exceed 16 feet in length. (quantity of four (4), 4x8 sheets of plywood).
- C. No strobe or high intensity flashing lights shall be placed on portable signs.
- D. To avoid traffic conflicts, lights of a single color, or combination of colors, which could be confused with emergency or service vehicles and equipment shall not be placed on portable signs.
- E. Portable display signs may not be placed in a site triangle of any intersection or driveway.
- F. When a spectator or special entertainment event is proposed for the enjoyment of the community, the City Manager may authorize one or more portable signs for a period not to exceed 30 days per event, subject to all regulations for signs in this Chapter. Such signs may be placed on public (city owned) property if approved by the City Manager.

Section 19.104 A-Frame Type Advertising Signs

- A. A-Frame type advertising signs shall be permitted if placed adjacent to the entry door of a business. Signs of this type must not interfere with the normal walkway of a sidewalk. The maximum size of signs of this type placed on sidewalks shall be 48 inches in height x 36 inches wide across the front.
- B. A-Frame type signs placed on private property adjacent to public right-of-way shall be anchored to the ground. For A-Frame signs not placed on sidewalks, the maximum size shall be 48 inches tall x 36 inches wide across the front.
- C. Any A-Frame sign not being used for advertising, or allowed to become damaged or dilapidated, shall be repaired or removed by the owner. Dilapidated signs, or A-Frame signs unused for a period of six (6) months or more, may be removed by the Building Development Director, or his designee.

Section 19.105 Flashing, Moving, Electronic and Sound Emitting Signs

- A. Flashing, moving, electronic and sound emitting signs shall not be placed for use without first being reviewed by the Building Development Director, or their designee. These types of signs shall also include time-temperature and moving message signs.
- B. The Building Development Department shall review any complaint by the public, or a public official, in reference to a possible traffic hazard caused by any sign. Where a hazard is determined to exist, the Building Development Director shall request the sign be removed or altered to eliminate the traffic hazard.
- C. Moving signs shall not be placed in any public right-of-way.
- D. No sign shall emit any sound which is designed to attract attention.
- E. Flashing Signs.
 - 1. No strobe or high intensity flashing lights shall be permitted on signs except where required on structures for aircraft warning lights.
 - 2. Flashing signs shall not be located within 150 feet of a residential district if such lighting can be seen from the residential district. Flashing signs shall not be placed in any public right-of-way.
 - 3. To avoid traffic conflicts, lights of a single color, or combination of colors, which could be confused with emergency or service vehicles and equipment shall not be used on signs.

Section 19.106 Ground Signs

- A. Maximum Height. The maximum height of ground signs shall be 20 feet above grade level, unless specifically addressed by specific zoning requirements.
- B. Ground signs shall not interfere with a site triangle of an intersection.
- C. No strobe or high intensity flashing lights shall be placed on ground signs.

- D. To avoid traffic conflicts, lights of a single color, or combination of colors, which could be confused with emergency or service vehicles and equipment shall not be used on ground signs.

Section 19-107 Garage Sale Signs

- A. All garage sales shall follow the requirements of Article IV of Chapter 22 of the Sallisaw City Code.
- B. Garage sale signs shall not be affixed to, or placed upon, any public property or public right-of-way. Signs placed upon any public property or public right-of-way are subject to removal by any city personnel with no notice.
- C. Garage sale signs shall be affixed into the ground and be no more than 288 square inches in size, being no more than 36 inches in height.
- D. Persons conducting garage sales shall be limited to three garage sale signs for each permitted sale.
- E. All garage sale signs may be placed in a location no more than 48 hours prior to the sale and must be removed immediately after the ending date and time of the sale.

Section 19.108 Sexually Oriented Signs

- A. Sexually oriented signs shall require a permit issued by the City. Requests for sexually oriented signs shall be made through the Building Development Department. Such requests shall be reviewed by the Zoning Board of Adjustment prior to approval and issuance of permits.
- B. In addition to being permitted and regulated in specified zoning districts, sexually oriented signs shall not:
 - 1. Display shapes resembling the entire human body or other suggestive material.
 - 2. The letters XXX or verbiage acknowledging the same.
 - 3. References to adult toys or products.
 - 4. Be permitted in agricultural, residential, manufactured or mobile home zoned districts or within 1,000 feet of a church, public or private school, daycare, park or other complex, facility or location where children may gather or play.

Section 19.109 Advertising Signs for Medical Marijuana and Medical Marijuana Products

- A. Signs advertising medical marijuana facilities shall require a permit issued by the City. Per 63 O.S. § 427.21, advertising for medical marijuana and medical marijuana products shall not contain any statements, illustrations, or other material that:
 - 1. Is deceptive, false, or misleading.
 - 2. Promotes overconsumption.

3. Represents that the use of marijuana products has curative or therapeutic effects.
4. Depicts a child or other person under legal age consuming marijuana.
5. Depicts objects such as toys, cartoons, cartoon characters, or similar images, which suggest the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume marijuana.
6. Has any manner or design that would be especially appealing to children or other persons under 18 years of age.

Section 19.110 Maintenance of Sign Vicinity

The owner of any property on which a sign is located, and those responsible for maintenance of the sign, shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean and free of rubbish, weeds and other waste materials.

Section 19-111 Advertising Searchlight

- A. For the purposes of this section, an “advertising searchlight” means a searchlight used to direct beams of light upward for advertising purposes.
- B. Use of an advertising searchlight at any location is authorized upon issuance of a permit by the Building Development Director, or their designee. The permit shall be effective for a maximum period of five (5) days per calendar year to any business or group.
- C. The advertising searchlight shall not be operated between the hours of 11:00 p.m. and 6:00 p.m.

Section 19-112 Pole Signs

- A. All pole signs must be permitted through the Building Development Department of the City.
- B. All pole signs shall be constructed on the premise of the business property.
- C. On premise pole signs shall not be placed closer than two (2) feet to any street or public right-of-way, unless the size of the sign dictates otherwise.
- D. All pole signs shall have a minimum clearance between the ground and the lowest portion of such sign of not less than ten (10) feet.
- E. Pole signs shall not be allowed to become dilapidated. Upon notification that an existing pole sign is, or is becoming, structurally deficient, the owner shall have ninety (90) days to begin repairs. If the pole sign is not repaired within one hundred twenty (120) days of notification, the Building Development Director, or designee, may take action to declare the pole sign a public nuisance and abate as necessary.

Section 19-113 thru 19-149: Reserved

ARTICLE V. BILLBOARDS

Section 19.150 Billboards

- A. All Billboards shall be considered as non-accessory type signs.
- B. Billboards existing upon the adoption of this Chapter shall be allowed to remain provided the billboard is being utilized and is structurally sound. Advertising on existing Billboards may be changed, provided the advertising meets the requirements of this Chapter.
- C. Billboards existing upon the adoption of this Chapter shall be allowed to be modernized and repaired and to remain operational. Repairs of existing Billboards shall be approved through the permitting process of the Building Development Department.
- D. Billboards shall not be constructed within the city limits of Sallisaw without first obtaining a permit for such construction.
- E. If constructed new, billboards are only permissible in I-1 and A-1 zoning districts. Spot zoning is not allowed for billboards.
- F. All work to construct, modify or to maintain billboards shall only be completed by contractors registered with the Building Development Department of the City.
- G. Billboards shall not be allowed to become dilapidated. Upon notification that an existing billboard is, or is becoming, structurally deficient, the owner shall have ninety (90) days to begin repairs. If the Billboard is not repaired within one hundred twenty (120) days of notification, the Building Development Director, or designee, may take action to declare the Billboard a public nuisance and abate as necessary.

Section 19-151 Prohibition

Billboards shall not be constructed in the U.S. Highway 59 North or South corridor, North or South of U.S. Highway 64, within the city limits of Sallisaw.

Section 19-152 Billboard Size

- A. Unless specifically addressed in this Chapter, or other zoning requirements, the maximum height of a non-accessory billboard type sign shall be fifty (50) feet above road grade. The minimum clearance between ground level and the lowest display surface, exclusive of supports shall not be less than ten (10) feet. Display surface shall not exceed six hundred seventy-two (672) square feet per sign face. Design of billboards shall meet the wind load requirements of the International Building Code.
- B. Spacing of Billboards. In areas properly zoned, regardless of size or height, a non-accessory sign shall be constructed, erected, placed, or replaced closer than one thousand three hundred twenty (1,320) feet to another non-accessory sign facing in the same direction and on the same side of the roadway from which the sign is intended to be read.

Section 19-153 thru 19-199: Reserved

SECTION 2.

Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 3.

If, regardless of cause, any section, subsection, paragraph, sentence, phrase, portion or clause of this ordinance is held invalid or determined to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, phrases, portions or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

SECTION 4.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 9th day of August, 2021.

CITY OF SALLISAW, OKLAHOMA

By: _____
Ernie Martens, Mayor

ATTEST:

DIANNA DAVIS, City Clerk
[SEAL]

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Ordinance Repealing Section 102-9 of Chapter 102

ITEM TITLE: Discuss and Consider Approval of Ordinance 2021-09, An Ordinance Repealing Section 102-09 of Chapter 102, Article I of the Code of Ordinances of the City of Sallisaw and Declaring and Emergency

INITIATOR: City Manager
City Attorney

STAFF INFORMATION SOURCE: City Attorney

BACKGROUND: This ordinance will repeal Section 102-9 of Chapter 102 of the City of Sallisaw Code of Ordinances. This section was adopted under Ordinance 2013-04 (March 2013), which placed a moratorium on billboards within the city limits of Sallisaw.

EXHIBITS: 1. Ord 2021-09 Repeal Section 102-9

KEY ISSUES: This item is no longer needed with the adoption of the new sign ordinance.

FUNDING SOURCE: NA

RECOMMENDATION: Staff recommends approval of Ordinance 2021-09 with the emergency clause.

ORDINANCE 2021- 09

AN ORDINANCE REPEALING SECTION 102-9 OF CHAPTER 102, ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF SALLISAW AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.

SECTION 1.

That Section 102-9 of Chapter 102, Article I of the Sallisaw Code of Ordinances be repealed.

SECTION 2.

If, regardless of cause, any section, subsection, paragraph, sentence, phrase, portion, or clause of this ordinance is held invalid or determined to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, phrases, portions or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

SECTION 3.

The City Clerk is hereby directed to enter and amend the Sallisaw Code of Ordinances, as authorized and approved by this Ordinance.

SECTION 4.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

APPROVED this 9th day of August, 2021

CITY OF SALLISAW, OKLAHOMA

By: _____
ERNIE MARTENS, Mayor

ATTEST:

DIANNA DAVIS, City Clerk
[SEAL]

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Ordinance 2021-10

ITEM TITLE: Discuss and Consider Approval of Ordinance 2021-10, An Ordinance Amending Chapter 22, Businesses, Article IX, Marijuana and Tobacco, to the Sallisaw Code of Ordinances, Repealing Section 22-310 (E), (F), (G) and Adopting and Enacting The Following New Sections 22-310 (E), (F), (G) to the Sallisaw Code of Ordinances; and Declaring An Emergency

INITIATOR: City Manager

STAFF INFORMATION SOURCE: City Manager
City Clerk
City Attorney

BACKGROUND: After further review of the Oklahoma marijuana laws it has been determined that the City can limit the number of marijuana growing, processing and distribution, wholesale and storage facilities within the city limits of Sallisaw. This ordinance modifies our marijuana ordinances prohibiting growing, processing, distribution, wholesale and storage facilities within the city limits of Sallisaw. Retail establishments will remain as is.

EXHIBITS: 1. Ord.2021.10.Marijuana.FINAL

KEY ISSUES:

- Per state law, retail establishments will remain the same, they will still be allowed in C2, C3, and C4 zoned areas upon receipt of proper licensing.
- Marijuana growing, processing, distribution, wholesale and storage facilities will not be licensed by the City after August 10, 2021, unless they have already started the process with the City. Existing facilities, or facilities in the process of obtaining licenses prior to August 10, 2021, will still be able to operate and renew licenses.

FUNDING SOURCE: NA

RECOMMENDATION: If the proposed ordinance meets the expectations of the City Council, then staff recommends approval of Ordinance 2021-10, with the emergency clause.

ORDINANCE 2021-10

AN ORDINANCE AMENDING CHAPTER 22, BUSINESSES, ARTICLE IX, MARIJUANA AND TOBACCO, TO THE SALLISAW CODE OF ORDINANCES, REPEALING SECTION 22-310 (E), (F), (G) AND ADOPTING AND ENACTING THE FOLLOWING NEW SECTIONS 22-310 (E), (F), (G) TO THE SALLISAW CODE OF ORDINANCES; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.

SECTION 1.

That Sections 22-310 (e), (f) and (g) of the Sallisaw Code of Ordinances be amended by repealing and striking the same and enacting the following sections to-wit:

Section 22-310

(e) A *marijuana* establishment permit may be granted to any applicant for a retail *marijuana* establishment, where the proposed facility location within the city limits is located within a C-2, C-3, or C-4 commercial zoned area, except no *marijuana* establishment permit shall be granted for the downtown area particularly zoned as the "fire district" of the city.

(f) Commercial marijuana growing, processing, distribution, wholesale or storage facilities are prohibited within the municipal boundaries of the City of Sallisaw.

1. This subsection shall not apply to licensed Marijuana Businesses granted a permit by the City of Sallisaw on or prior to August 10, 2021, or those that are in the application process with the City on or prior to August 10, 2021. Existing licensed marijuana businesses prior to these dates are eligible to apply for renewal of the previously granted license or permit subject to any future regulations implemented by the City of Sallisaw.

(g) With the exception of marijuana retail establishments, marijuana growing, processing, distribution, wholesale and storage facilities must remain locked at all times when not in operation and have an electronic security system.

SECTION 2

Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 3.

If, regardless of cause, any section, subsection, paragraph, sentence, phrase, portion or clause of this ordinance is held invalid or determined to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, phrases, portions or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

SECTION 4.

The City Clerk is hereby directed to enter and amend the Sallisaw Code of Ordinances, as authorized and approved by this Ordinance.

SECTION 5.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 9th day of August, 2021.

CITY OF SALLISAW, OKLAHOMA

By: _____
ERNIE MARTENS, Mayor

ATTEST:

DIANNA DAVIS, City Clerk

[SEAL]

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Ordinance 2021-11

ITEM TITLE: Discuss and Consider Approval of Ordinance 2021-11, An Ordinance Amending Chapter 22, Businesses, Article IX, Marijuana and Tobacco, to the Sallisaw Code Of Ordinances, Adopting and Enacting the Following New Section 22-311 to the Sallisaw Code Of Ordinances; And Declaring an Emergency

INITIATOR: City Manager
City Attorney
City Clerk

STAFF INFORMATION SOURCE: City Staff

BACKGROUND: This ordinance adds a new Section 22-311 to the Sallisaw Code of Ordinances. This ordinance allows city issued licenses to be revoked, or suspended, if the marijuana facility's state issued license is revoked or suspended.

EXHIBITS: 1. Ord.2021.11.Marijuana Section 22-311

KEY ISSUES:

- All City issued licenses issued to a medical marijuana business will be deemed revoked if the business' State issued license is revoked.
- All City issued licenses issued to a medical marijuana business will be deemed suspended if the business' State issued license is suspended.
- City may revoke a City issued license upon establishment by preponderance of the evidence that the license holder has engaged in either a commercial transaction which is not authorized under State law for the State-license the business holds and/or that a violation of title 9 of this Code has occurred by an employee, member, manager or board member of the entity at its place of business inside the City limits.

FUNDING SOURCE: NA

RECOMMENDATION: If the proposed ordinance meets the expectations of the City Council, then staff recommends approval of Ordinance 2021-11, with the emergency clause.

ORDINANCE 2021- 11

AN ORDINANCE AMENDING CHAPTER 22, BUSINESSES, ARTICLE IX, MARIJUANA AND TOBACCO, TO THE SALLISAW CODE OF ORDINANCES, ADOPTING AND ENACTING THE FOLLOWING NEW SECTION 22-311 TO THE SALLISAW CODE OF ORDINANCES; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.

SECTION 1.

That Chapter 22 of the Sallisaw Code of Ordinances be amended by enacting a new Section 22-311 to-wit:

Section 22-311. Revocation of Licenses Issued to Medical Marijuana Businesses

- a) All City issued licenses issued to a medical marijuana business will be deemed revoked if the business' State issued license is revoked.
- b) All City issued licenses issued to a medical marijuana business will be deemed suspended if the business' State issued license is suspended.
- c) City may revoke a city issued medical marijuana business license upon establishment by preponderance of the evidence that the license holder has engaged in a commercial transaction which is not authorized under State law for the State-license the business holds. Such revocations shall be considered by the City Council at a public meeting with the license holder being given at least seven (7) calendar days advance notice that the hearing will occur and will be given an opportunity to be heard before the City Council votes on revocation. Notice shall be deemed to have been given if such notice is posted at the address where the business operates in the City limits and/or by mailing to the address listed of record with the City. A mailing to the license holder will be deemed delivered three (3) days after the mailing is delivered to the United States Postal Service.

SECTION 2

Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 3.

If, regardless of cause, any section, subsection, paragraph, sentence, phrase, portion or clause of this ordinance is held invalid or determined to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, phrases, portions or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

SECTION 4.

The City Clerk is hereby directed to enter and amend the Sallisaw Code of Ordinances, as authorized and approved by this Ordinance.

SECTION 5.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 9th day of August, 2021.

CITY OF SALLISAW, OKLAHOMA

By: _____
ERNIE MARTENS, Mayor

ATTEST:

DIANNA DAVIS, City Clerk

[SEAL]

AGENDA ITEM COMMENTARY

Meeting Date: August 9, 2021
Board: Board of City Commissioners
Subject: Transient Merchants and Vendors

ITEM TITLE: Review, Discuss and Provide Guidance to Staff Regarding Proposed Ordinance For Transient Merchants and Vendors

INITIATOR: City Manager
City Clerk
Building Development Director

STAFF INFORMATION SOURCE: City Manager
City Clerk

BACKGROUND: After recent discussions regarding Itinerant Vendors, staff was directed to review the existing ordinance and make changes to how licenses were issued to these types of vendors. Staff has reviewed the ordinance and taken into consideration comments from Board of City Commissioners for the changes.

EXHIBITS: 1. SallisawTransient Vendor Ordinance.New v3

KEY ISSUES:

1. Vendors who are attached to city utilities through a proper utility application, and who have utility deposits set with the City will not longer be considered as a transient vendor.
2. City has defined a Transient / Itinerant Vendor, as well as a Special Event Vendor.
3. Licenses shall be issued for one-day increments, not to exceed fourteen (14) continuous days. If a vendor intends to sell at more than one location, vendor must obtain a license for each location.
4. The license fee is set at \$25.00 per day. The vendor is not allowed more than one license during each 90-day period, unless he has applied for multiple locations.
5. Section 22-138 of the ordinance lists specific exemptions for obtaining a license. Section 22-138 also addresses residential garage sales held on commercial properties.

FUNDING SOURCE: N/A

RECOMMENDATION: Provide guidance to staff on any recommended changes. Final proposed ordinance will be brought back at a later date for consideration.

ORDINANCE 2021- DRAFT

AN ORDINANCE REPEALING ARTICLE V, SECTIONS 22-131 THRU 22-180 OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF SALLISAW AND ADDING A NEW ARTICLE V, SECTIONS 22-131 THRU 22-180 TO CHAPTER 22 OF THE CITY OF SALLISAW CODE OF ORDINANCES AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.

SECTION 1.

That Article V, Sections 22-131 thru 22-180 of the Sallisaw Code of Ordinances be repealed and replaced with a new Article V, Sections 131 thru 22-180, to-wit:

ARTICLE V. TRANSIENT MERCHANTS AND VENDORS

Division 1. Generally

Section 22-131. Definitions

- A. *Transient Merchant, Itinerant Merchant or Itinerant Vendor* is defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, except those engaging in garage sale, sales of non-profit entities and/or organizations, special event vendors at special events, and those selling handcrafted furniture, artworks and/or crafts, fruits, vegetables and food products at the farmer's market.
- B. *Salespersons, Solicitors, Peddlers and Order Takers* is defined as any person(s) who goes from place to place, or door-to-door, selling merchandise or other items.
- C. *Special Event Vendor* is defined as a vendor selling goods or services at any special event located in the Sallisaw city limits, under the authority of the sponsorship of the entity who has been issued a special event permit.

Section 22-132 thru 22-135: Reserved

Division II.

Obtaining Licenses, Operations and Enforcement

Section 22-136

License Requirements, Applications and Duration

- A. It is unlawful for any Itinerant Vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise in the city without first obtaining a license as provided for in this Division.
- B. The city clerk shall issue to any itinerant vendor a license authorizing such itinerant vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the city his goods or merchandise only after such itinerant vendor shall have fully complied with all provisions of this article and shall have paid the license fees provided for in this article, which sum shall be compensation to the city for the services required of it pursuant to this article and to enable the city to partially defray the expenses of enforcing the provisions of this article.
- C. Prior to making application for an Itinerant Vendor License, the Itinerant Vendor shall obtain a valid State of Oklahoma Sales Tax Permit, which shall be provided to the City at time application is made. Applicant shall note that failure to pay sales tax under any previously city issued license or permit, or other billing statements or fees justly due to the City, shall be grounds for denial of the application and/or the issuance of citations. The City of Sallisaw shall report all sales tax collection violations to the Oklahoma Tax Commission.
- D. Prior to beginning sales, the Itinerant Vendor shall made application to the City Clerk, or their designee, for an Itinerant Vendor Licenses. Such application may be made in person, or electronically if available. At minimum, the following information is required:
 - 1. Name and ownership name(s) of the business.
 - 2. Permanent addresses of the business.
 - 3. Name of agent making application. Requires credentials authorizing the applicant to act as agent on behalf of the business.
 - 4. Location(s) where sales will be made.
 - 5. Starting and ending dates vendor will make sales within the city limits of Sallisaw.
 - 6. A statement of the nature and character of the goods, wares, services or merchandise to be sold or offered for sale by the applicant. It shall be noted if sales are direct sales or sales by taking orders for future delivery.
 - 7. A copy of the current and valid State of Oklahoma Sales Tax Permit in the name of the person or business making application.
- E. Upon receipt of an Itinerant Vendor License application, the office of the City Clerk, or their designee, shall review the vendor's application and sales tax information. If the

vendor has conducted business within Sallisaw during the last 36-months, the City Clerk, or their designee, shall review sales tax remittance from the vendor if the information is available. Failure to pay sales tax from past sales shall be grounds for denial of the license.

- F. Itinerant vendors who sell at different locations within the city limits of Sallisaw shall obtain a license for each location.
- G. Prior to issuance of an Itinerant Vendor License, Licensee shall pay a license fee of \$25.00 per day, per site, unless otherwise specified in the Sallisaw Master Fee Schedule.
- H. The license shall:
 - 1. The license shall be issued for one day increments up to a maximum of fourteen (14) continuous days. The license fee shall be per day. (Example: A 2 day license shall be the license fee x 2 days).
 - 2. License shall not be transferable.
 - 3. Be valid only within the city limits of the city.
 - 4. Be valid only for the business stated in the application.
- I. Itinerant Vendors will not be issued more than one license during a 90-day period. If, at the time of application, the Itinerant Vendor obtains a license for two or more sites to sell goods or services, then those sites must conduct sales simultaneously and the licenses shall be issued for the same time period. Licenses issued for the same time periods for multiple locations shall be understood as being one issuance for the 90-day period.
- J. The City Clerk, or their designee, shall keep a record of all such licenses and of any complaints made against the license holder.
- K. Those vendors who do not meet the definition of an Itinerant Vendor shall, if required by other sections of the Sallisaw City Code of Ordinances, must obtain a business permit as required for operations.

Section 22-137 Revocation of Licenses

- A. The licenses issued pursuant to this article may be revoked by the City Clerk after notice and hearing for any of the following causes:
 - 1. Any fraud or misrepresentation or false statement made in the application for a license.
 - 2. Lapse of an official State of Oklahoma Sales Tax Permit.
 - 3. Failure to submit sales tax due on sales of goods, wares or merchandise.
 - 4. Any violation of this article.

5. Conducting business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- B. If licenses are revoked, the vendor shall not be entitled to any refund of fees paid to obtain the license(s).

Section 22-138 License Exemptions

The following types of vendors shall be exempt from license requirements of this Division:

- a) Residential citizens engaging in garage sales held on premises devoted to residential use.
- b) Those engaging in sales for non-profit organizations where the sale is conducted on commercial property. Residential garage sales held on commercial property **shall not be exempt** from obtaining a license as required by this Division.
- c) Vendors participating in special events, arranged by non-profit or government entities, who have obtained a special event permit.
- d) Those who sell handcrafted furniture, artworks, crafts, fruits, vegetables and food products at a recognized farmer's market.
- e) Food trucks and food trailers directly connected to city metered electric and/or water utilities where deposits and applications have been properly made. If food trucks and food trailers operate in a location where electric and water are paid by the property owner, the food trucks and food trailers must furnish a lease agreement between them and the property owner, otherwise an Itinerant Vendor License shall be required.
- f) Any general sale, fair, auction, or bazaar sponsored by any church or religious organization.

Notes:

SECTION 22-138 (a) and (b). This would eliminate issue of residential garage sales held on commercial property?? Maybe?

Section 22-138 (e) would eliminate need of food trucks connected to city utilities to obtain a license.

Section 22-139 Special Event Vendors

Vendors who meet the definition of a Special Event Vendor, as stated in Section 22-131 of this Article, shall be exempt from obtaining licenses as required by this Article. However, in order to participate in any special events, the Special Event Vendors shall register with the City and provide a valid State of Oklahoma Sales Tax Permit. This registration may be made to the City Clerk, or to the holder of the Special Event Licenses. All registrations shall be gathered and filed by the City Clerk.

Section 22-140 Loud Noises and Speaking Devices

No licensee under this article, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell or buzzer any other sound device, including any loud-speaking radio or amplifying system, upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such license proposes to sell.

Section 22-141 Going Upon Private Residences for Solicitations

- A. The practice of going to, in or upon the premises of any private residence in the city by door-to-door salespersons, solicitors, peddlers and order takers, without the express consent, request or invitation of the owner or the occupant of such private residence, for the purpose of soliciting orders for the purchase or for the sale of goods, wares, or publications or merchandise of any description, or the purpose of peddling, or hawking the goods, wares, publications or merchandise, or for the purpose of soliciting subscriptions thereto, is hereby prohibited.
- B. This section shall not apply to salespersons, solicitors, peddlers or order takers representing sales of local nonprofit or charitable organizations.

Section 22-142 Duty of Code Enforcement and Police to Enforce

It is the duty of the code enforcement and police officers of the city to examine all places of business and persons within the city limits of Sallisaw subject to the provisions of this article, to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same.

Section 22-143 Review of Sales Tax Remittance by Itinerant Vendors.

Periodically, the City Clerk, or their designee, shall review sales tax remittance by Itinerant Vendors who have conducted sales within the city limits of Sallisaw. If found that Itinerant Vendors have failed to remit sales tax for sales made within the city limits of Sallisaw, the Itinerant Vendor's application, and other supporting documentation, shall be forwarded to the Oklahoma Tax Commission.

Section 22-144 Prohibition on Use of Public Right-of-Way

No transient merchant, solicitor, or peddler shall engage in business within any portion of any public right-of-way unless specifically approved by the City. Any placement of signs shall follow adopted ordinances and rules for placement as specified in the City of Sallisaw Code of Ordinances.

Section 22-145 Penalties and Fees

A person who shall violate a section of this chapter, or who shall fail to comply with any section of this chapter, or with any of the requirements of this chapter, or who shall erect, construct, alter or repair a sign in violation of this chapter shall be guilty of a misdemeanor, punishable as provided in Section 1-8 of this Code. Each day upon which a violation continues shall be deemed a separable offense.

Permit fees, if any, shall be paid to the City in accordance with and as adopted in the City of Sallisaw Master Fee Schedule.

Section 22-146 thru 22-180: Reserved

SECTION 2.

If, regardless of cause, any section, subsection, paragraph, sentence, phrase, portion, or clause of this ordinance is held invalid or determined to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, phrases, portions or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

SECTION 3.

The City Clerk is hereby directed to enter and amend the Sallisaw Code of Ordinances, as authorized and approved by this Ordinance.

SECTION 4.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

APPROVED this _____ day of _____, 2021

CITY OF SALLISAW, OKLAHOMA

By: _____

ERNIE MARTENS, Mayor

ATTEST:

DIANNA DAVIS, City Clerk

[SEAL]