

**SALLISAW PLANNING COMMISSION
REGULAR MEETING**

September 7, 2021

5:30 pm

**Wheeler Event Center
103 N Wheeler Ave**

A G E N D A

- 1. Meeting called to order**
- 2. Declaration of a quorum**
- 3. Consider approval of minutes of regular meeting of August 3, 2021**
- 4. Discuss, consider, and take possible action on Case No. PC 2021-009; request to vacate the west 10 feet of the 20 foot alley adjoining Lots 7-10 in Block 3 of McEachin Addition by James Steggall Sr**
- 5. Discuss Proposed Ordinance Dealing with Transient Merchants and Vendors Within the Limits of the City of Sallisaw; Provide Possible Recommendations to Staff.**
- 6. Adjourn**

Posted: September 2, 2021

Time: 3:30 pm

Kim Jamison

SALLISAW PLANNING COMMISSION

REGULAR MEETING

AUGUST 3, 2021

MINUTES

The Sallisaw Planning Commission met in a regular meeting on August 3, 2021, in the Wheeler Event Center, located at 103 N. Wheeler Ave, Sallisaw. Notice of the meeting given by posting at city hall on July 29, 2021 at 4:30 p.m.; by posting on the City's website; by emailing Sequoyah County Times; and by giving notice to the City Clerk's Office.

MEMBERS PRESENT: Scott Looper Brady Bauer Crystal Sides
 Ronnie Woodward Joe Velasquez
 Tim Brown (arrived at 5:33 pm) Matt Duke (arrived at 5:36 pm)

OTHERS PRESENT: Patricia Taylor Mr. and Mrs. Bobby Dority Robert Walden
 Kelly Osburn

STAFF PRESENT: Keith Miller Kim Jamison

Meeting called to order at 5:30 p.m. and a Quorum declared present.

MINUTES

The minutes of regular meeting of July 6, 2021, were presented for approval. Motion made by Looper, seconded by Bauer, for approval of minutes as presented. Vote: Looper aye, Bauer aye, Sides aye, Velasquez aye, and Woodward aye. Motion carried 5-0.

Discuss, consider, and take possible action on Case No. PC 2021-011; rezoning request from agriculture (A-1) to residential (R-2) by J. David Chandler and Susan M. Chandler

Mr. and Mrs. Chandler requested a rezoning from agriculture (A-1) to residential (R-2). The property is located at 120 West Taylor Dr. The intent is to construct a single-family dwelling.

Motion made by Looper, seconded by Sides, for approval of rezoning from agriculture (A-1) to residential (R-2). Vote: Looper aye, Bauer aye, Sides aye, Brown aye, Velasquez aye, Duke aye, and Woodward aye. Motion carried 7-0.

Motion made by Looper, seconded by Duke, to adjourn the meeting there being no further business. Vote: Looper aye, Bauer aye, Sides aye, Brown aye, Duke aye, and Woodward aye. Motion carried 6-0. Meeting ended at 5:37 p.m.

APPROVED this 7th day of September , 2021

Joe Velasquez, Chairman

ATTEST:

Crystal Sides, Secretary

AGENDA ITEM COMMENTARY

Meeting Date: September 7, 2021
Board: Sallisaw Planning Commission
Subject: Request to Vacate the West 10 feet of the 20 Foot Alley adjoining Lots 7-10 in Block 3 of McEachin Addition by James Steggall Sr

ITEM TITLE: Discuss, consider, and take possible action on Case No. PC 2021-009; request to vacate the west 10 feet of the 20 foot alley adjoining Lots 7-10 in Block 3 of McEachin Addition by James Steggall Sr

INITIATOR: David Gean, Attorney at Law

STAFF INFORMATION SOURCE: Keith Miller

BACKGROUND: David Gean, agent for Mr. Stegall, is requesting to vacate the west 10 feet of the 20 foot alley adjoining Lots 7-10 in Block 3 of McEachin Addition to the City of Sallisaw, Sequoyah County, Oklahoma.

EXHIBITS:

1. PC2021-009 app
2. PC2021-009 pub map
3. Case No. 2021-009
4. PC2021-009 Plat of Survey
5. PC2021-009 Staff Report

KEY ISSUES: Negative impact on right of access for electric, fiber optic, and sewer due to elimination of public access

FUNDING SOURCE: N/A

RECOMMENDATION: Denial of partial vacation. Staff suggests if closing or vacating it be done in whole.

PLANNING COMMISSION
REQUEST TO VACATE A STREET OR PORTION THEREOF

Application is hereby made to the Planning Commission for a recommendation to City Council to Vacate in whole or in part:

Legal description Required: Subdivision Name, Block(s), Lot(s) and Plat of survey.
Lots 7, 8, 9, and 10 in Block 3, McEachin Addition to Sallisaw, Sequoyah County, Oklahoma, containing 0.64 acres, more or less, less public road right of ways and being subject to any easements of record. A copy the plat of survey prepared by Osburn Land Surveyors LLC is attached.

Proposed vacation: The West 10 feet of the 20 foot alley adjoining Lots 7-10 in Block 3 of McEachin Addition to the City of Sallisaw, Sequoyah County, Oklahoma.

General Location: 608 North Washington, Sallisaw, OK 74955

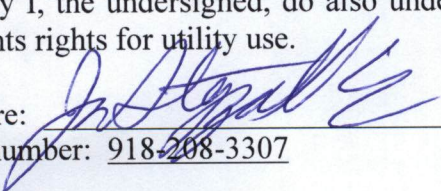
Reason for request: Applicant desires to gain 2,000 square feet from said vacation of alley to build 3 duplexes. The vacation of the easement will give Applicant the required footage to build 3 duplexes.

Proposed use of Property: Duplexes

Record Owner of Property: James Steggall Sr.

Required: Provide all property owners within a 300 foot radius of the affected area. The names and addresses of all property owners within a 300 foot radius of the affected area are contained in the Special Certificate prepared by Valley Land Title Company Inc. A copy of which is attached.

I do hereby certify that the information herein submitted is complete, true, and accurate. Information found to be false or misleading will result in denial and loss of filing fee(s). In closing this alley I, the undersigned, do also understand the City of Sallisaw, Oklahoma will maintain all easements rights for utility use.

Signature: 
Phone number: 918-208-3307

Address P. O. Box 447, Sallisaw, OK 74955

Applicant is the owner.

APPLICANT-DO NOT WRITE BELOW THIS LINE

P. C. Action: _____

Council Action: _____

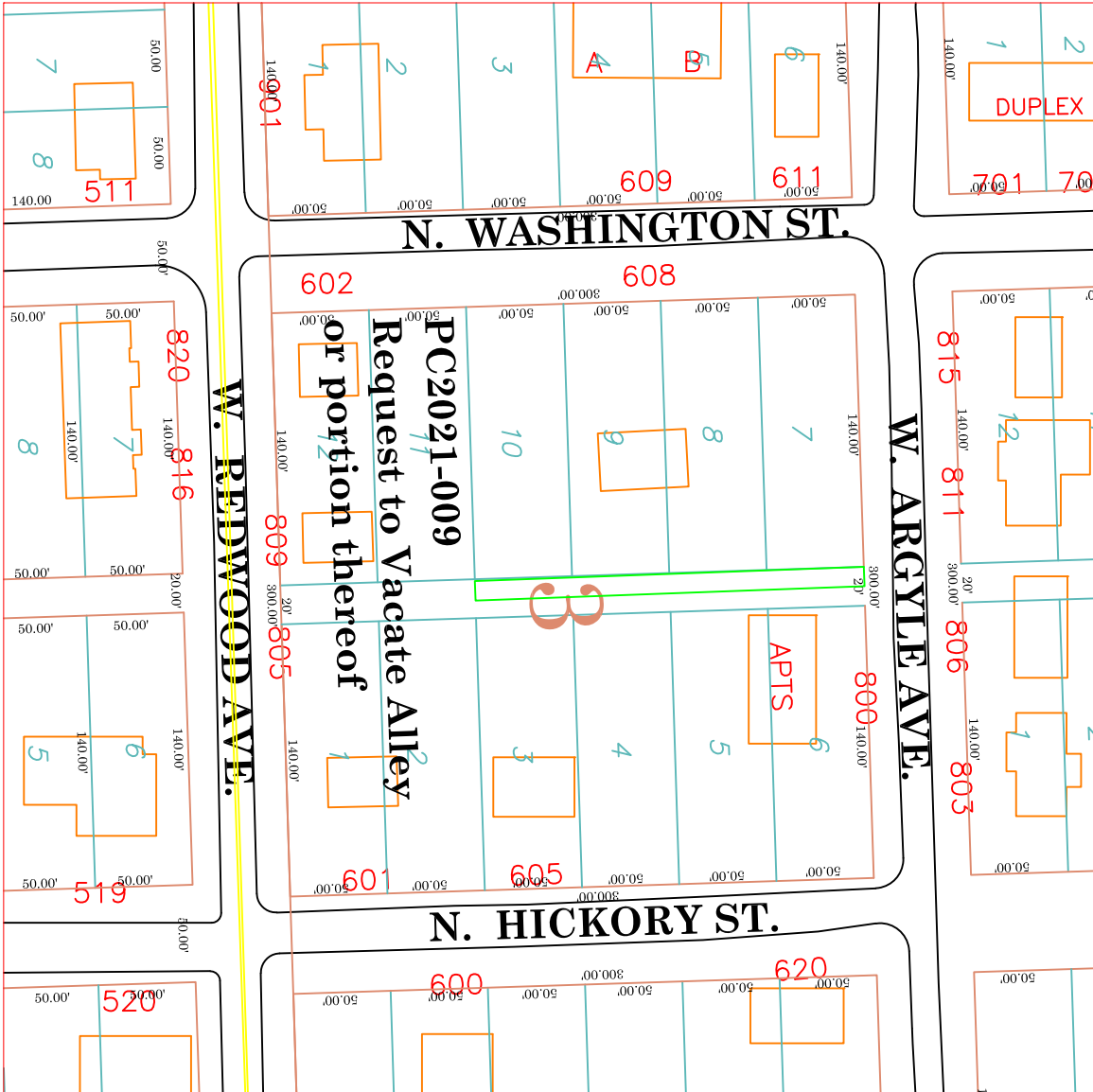
Date: _____

Date: _____

Fee Receipt: _____

Ordinance No.: _____

Application received by: _____



NOTICE OF PUBLIC HEARING
REQUEST TO VACATE A STREET OR PORTION THEREOF

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:**

Lots 7, 8, 9, and 10 in Block 3, McEachin Addition to Sallisaw, Sequoyah County, Oklahoma, containing 0.64 acres, more or less, less public road right of ways and being subject to any easements of record.

General Location: **608 N Washington**

has filed with the Sallisaw Planning Commission a written application # **PC 2021-009** pursuant to Zoning Ordinance as adopted by the City of Sallisaw, Oklahoma, to **vacate the west 10 feet of the 20 foot alley adjoining Lots 7-10 in Block 3 of McEachin Addition to the City of Sallisaw, Sequoyah County, Oklahoma**

The undersigned will present said application to the Sallisaw Planning Commission on September 7, 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 published this 4th day of August, 2021.

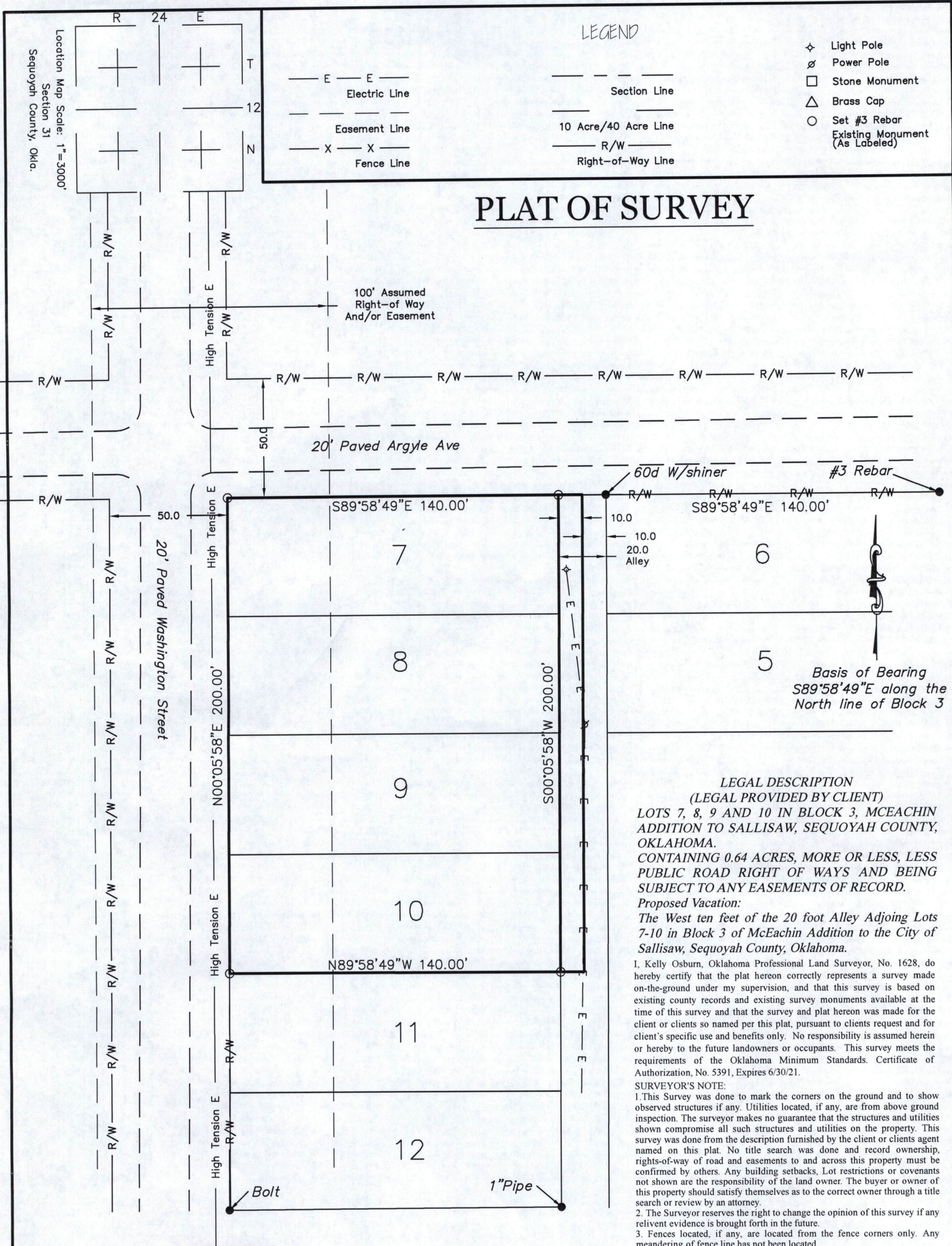
By: **James Steggall Sr**
Owner(s)

or By: **David Gean III**,
Agent

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

Bill To:

David Gean III
212 W Chickasaw
Sallisaw OK 74955
918-775-7766



PLAT OF SURVEY

LEGAL DESCRIPTION
(LEGAL PROVIDED BY CLIENT)
LOTS 7, 8, 9 AND 10 IN BLOCK 3, MCEACHIN ADDITION TO SALLISAW, SEQUOYAH COUNTY, OKLAHOMA.
CONTAINING 0.64 ACRES, MORE OR LESS, LESS PUBLIC ROAD RIGHT OF WAYS AND BEING SUBJECT TO ANY EASEMENTS OF RECORD.
Proposed Vacation:
The West ten feet of the 20 foot Alley Adjoining Lots 7-10 in Block 3 of McEachin Addition to the City of Sallisaw, Sequoyah County, Oklahoma.

I, Kelly Osburn, Oklahoma Professional Land Surveyor, No. 1628, do hereby certify that the plat hereon correctly represents a survey made on-the-ground under my supervision, and that this survey is based on existing county records and existing survey monuments available at the time of this survey and that the survey and plat hereon was made for the client or clients so named per this plat, pursuant to clients request and for client's specific use and benefits only. No responsibility is assumed herein or hereby to the future landowners or occupants. This survey meets the requirements of the Oklahoma Minimum Standards. Certificate of Authorization, No. 5391, Expires 6/30/21.

SURVEYOR'S NOTE:
1. This Survey was done to mark the corners on the ground and to show observed structures if any. Utilities located, if any, are from above ground inspection. The surveyor makes no guarantee that the structures and utilities shown compromise all such structures and utilities on the property. This survey was done from the description furnished by the client or clients agent named on this plat. No title search was done and record ownership, rights-of-way of road and easements to and across this property must be confirmed by others. Any building setbacks, Lot restrictions or covenants not shown are the responsibility of the land owner. The buyer or owner of this property should satisfy themselves as to the correct owner through a title search or review by an attorney.
2. The Surveyor reserves the right to change the opinion of this survey if any relivent evidence is brought forth in the future.
3. Fences located, if any, are located from the fence corners only. Any meandering of fence line has not been located.



WARNING: If the Seal on this document is not Red and embossed, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose without the written permission of Osburn Land Surveying LLC.

Osburn Land Surveyors, LLC.		
P.O. Box 1406	3615 W. Cherokee	Sallisaw, OK 74955
918.775.9322—Office		
SCALE: 1"=40'	APPROVED BY:	SURVEY BY: PB
DATE: 4-22-21		DRAWN BY: ND
LAST SITE VISIT: 4/13/21		CHECKED BY:
Lots 7-10, McEachin Addition to the City of Sallisaw, Sequoyah Co, OK		
FOR: James Steggall		JOB NUMBER: 21-8336
Copyright 2021 by Osburn Land Surveying LLC. All rights reserved. No part of this plat may be reproduced, stored in a retrieval system, or transmitted in any form without the written permission of Osburn Land Surveying LLC.		

STAFF REPORT

Sallisaw Planning and Zoning Board

July 27, 2021

ITEM

PC2021-009 Request to Vacate Alley or Portion Thereof by James Stegall

Request:

Vacate West 10 ft. of the alley adjacent to lots 7,8,9 and 10 Block 3, McEachin Addition to the City of Sallisaw, OK.

Staff Report

Staff has reviewed this field location. Staff cannot recommend only vacating part of the alley. This alley contains access to electric, fiber optic and sewer. Complete access to this location is necessary.

Staff Recommendation

Staff suggest, if closing or vacating it be done in whole. That being all the alley lying between lots 1-12 block 3 McEachin Addition to the City of Sallisaw, OK. In addition, a 20-foot easement right to the public needs to remain for the purpose of utilities in the location and access to the mentioned utilities.

Impact Potential

Negative impact on right of access due to elimination of public access.

- Electric
- Fiber Optic
- Sewer

AGENDA ITEM COMMENTARY

Meeting Date: September 7, 2021
Board: Sallisaw Planning Commission
Subject: Proposed Ordinance for Transient Merchants and Vendors

ITEM TITLE: Discuss Proposed Ordinance Dealing with Transient Merchants and Vendors Within the Limits of the City of Sallisaw; Provide Possible Recommendations to Staff.

INITIATOR: City Manager

STAFF INFORMATION SOURCE: City Manager
City Attorney

BACKGROUND: The City Manager has requested the Planning Commission review the proposed ordinance and provide any feedback or recommendations. This ordinance will be present to the Board of City Commissioners at their September 13, 2021 meeting.

EXHIBITS: 1. SallisawTransient Vendor Ordinance.final

KEY ISSUES: This ordinance repeals Sections 22-131 thru 22-180 of Chapter 22, and adds new sections 22-131 thru 22-180.

This ordinance review was requested by the Board of City Commissioners.

FUNDING SOURCE: NA

RECOMMENDATION: Provide any recommendations to city staff.

ORDINANCE 2021- _____

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 22-131 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. Itinerant Vendors will not be issued more than one license during a 90-day period.
- I. 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, per site. (Example: A 2 day license shall be the license fee x 2 days x number of sites).
 - 2. Be valid only within the city limits of the city.
 - 3. Be valid only for the time period specified on the license.
 - 4. Be valid only for the business stated in the application.
- J. 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.
- K. The City Clerk, or their designee, shall keep a record of all such licenses and of any complaints made against the license holder.
- L. For those vendors who do not meet the definition of an Itinerant Vendor, they must obtain a business permit as required for operations, if required by other sections of the Sallisaw City Code of Ordinances.

Section 22-137 Transfer of License

The license permit provided for in this division shall not be transferable nor give authority to more than one person to conduct a business as an itinerant merchant/vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business.

Section 22-138 Revocation of Licenses

- A. The licenses issued pursuant to this article may be revoked by the City Clerk after notice for any of the following causes:
1. Any fraud or misrepresentation or false statement made in the application for a license.
 2. Revocation or suspension 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 22-139 License Exemptions

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

- a) Citizens engaging in garage sales conducted in a residential or agricultural zoned district. (Reference Section 22-101 of the Sallisaw Code of Ordinances)
- b) Those engaging in sales for non-profit organizations where the sale is conducted on commercial property.
- 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.
- g) Vendors, or other organizations, or non-profit organizations, selling fireworks during the time allowed during the July 4th holiday shall not be required to obtain an Itinerant Vendor License. However, the vendor may be required to register and obtain a business license as required in Section 22-31 and 22-32 of the Sallisaw Code of Ordinances.

Section 22-140 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. 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 22-141 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 22-142 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 22-143 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 22-144 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 22-145 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 22-146 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.

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

Section 22-147 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]