

CITY OF WAGONER
SPECIAL CALLED BUSINESS MEETING
WAGONER CIVIC CENTER
301 S. GRANT
SEPTEMBER 18, 2023
7:00 P.M.

DALTON SELF, MAYOR
DWAYNE ELAM, SUPERINTENDENT
KEN HICKS, ATTORNEY
KELLY GROOMS, FIRE CHIEF

RHONDA K. HASH, CITY CLERK
DONNA S. JONES, TREASURER
BOB HALEY, CHIEF OF POLICE
JIM ROBERTS, EMS DIRECTOR

Jimmy Butler
Anthony Wagoner
Brenda Lenard
Kevin Higginbottom

Patrick Sampson
Gayla Wright
Larry Abernathy
Steven L. Rhoden

Meeting tape recorded by Rhonda K. Hash, City Clerk
Agenda Posted: September 14, 2023 @ 4:30 P.M.

THE CITY OF WAGONER SPECIAL CALLED BUSINESS MEETING WAS CALLED TO ORDER BY
MAYOR SELF AT 7:00 P.M. ALL COUNCIL MEMBERS WERE PRESENT.

The invocation was given by Pastor Micah Wisdom, United Church.

1. Pardon of Christopher Fogelman including the remission of fines and costs for a citation issued on September 8, 2023 for Placing Sign on Property of Another for the reason he is a local merchant and sign has been in place for some time

Item #1 was read into the minutes by Rhonda Hash, City Clerk.

2. Discussion and possible action – To approve the pardon of Christopher Fogelman including the remission of fines and costs for a citation issued on September 8, 2023 for Placing Sign on Property of Another for the reason he is a local merchant and sign has been in place for some time

Chris Fogelman addressed the Council on this matter. He stated that the sign ordinance had never been enforced and the sign has been in front of the business for some time. Mr. Fogelman advised that he thought the ordinance should be revisited.

Rebecca Jones addressed the Council about this matter. She advised that she was a local business owner and had gone to the Board of Adjustments to receive permission for a sign for her business. Rebecca emphasized the need to be flexible during events being held in the downtown area to make the event safe for all to attend.

Travis Mitchell addressed the Council and stated that he was a local business owner. Mr. Mitchell spoke about the decline in the downtown area over the last few years and the need for accountability among everyone involved in the situation.

Chris Abbott spoke to the Council and advised he followed the situation on social media and was concerned about why the citation was issued now since the sign had been in place for three years.

Jessica Zwirtz, Development Services Director, addressed the Council about this matter. She gave background on interactions with the business owner regarding items being placed on the sidewalk. All

businesses were delivered a letter on 8/26/2023 advising them about the festival and the need to keep the sidewalks clear for the additional foot traffic. On 9/7/2023 she visited the business and asked them to move the sign against the building in order to have a clear walkway for pedestrians. The business owners failed to comply with repeated requests to move the sign and a ticket was issued on 9/8/2023.

Councilor Higginbottom went over the timeline surrounding this incident. He stated that he had delivered letters to businesses and homeowners in regard to the Bluegrass Festival along with Dell Davis on 8/26/2023. The ticket was issued on 9/8/2023 to the business. Mr. Higginbottom read a letter from someone who had tripped over the sign during the festival to the Council.

Councilor Wright stated that the sign had been in place for some time and there were other sign on the sidewalk as well.

Mayor Self stated that there are signs are everywhere and we need to work with businesses or the town will dry up.

Councilor Lenard read an Ordinance concerning placement of signs on sidewalks. She stated that the sign was in line with the trash cans and there was plenty of room to walk.

Councilor Wagoner stated that the citation had been issued and he felt that this should be handled by the Municipal Judge. A court date has been set and the Judge can issue a legal opinion on the citation at that time. Mr. Wagoner became aware of the citation due to a Facebook post by the Mayor stating he would pardon the citation. Mr. Wagoner stated he felt the way for an unbiased decision to be made was for this to go through the Municipal Court system. He urged all Councilors and the Mayor to work together and communicate in order for the City of Wagoner to succeed.

Mr. Fogelman and Ms. Potts with the Candy Depot stated that they were not given a chance to make the situation right before the citation was issued and discovered later that they could have gotten a permit for the sign.

Attorney Christopher Lopp who represents the Candy Depot and Mr. Moon addressed the Council on this matter. He questioned why the rule exists in the Municipal Code if it has never been used. He felt that we could have fixed the Code a long time ago and it is a public policy question. Mr. Lopp inquired as to who was profiting from the festival. The question was raised as to if this was right or do we harass people 365 days a year. He stated that transparency was needed here. Mr. Lopp stated that the ordinance has never been enforced and needs to be changed.

Prior to the vote Mayor Self stated that Councilor Rhoden and Councilor Higginbottom should abstain from voting or he would request their resignations and go to the District Attorney due to the fact that they were at the Bluegrass Festival and he had seen pictures of them utilizing passes they had received in a packet at Council meeting. Mayor Self stated that he had thrown his passes away.

Motion by Councilor Sampson, second by Councilor Wright to approve the pardon of Christopher Fogelman including the remission of fines and costs for a citation issued on September 8, 2023 for Placing Sign on Property of Another for the reason he is a local merchant and sign has been in place for some time now. VOTE: Butler, no; Wagoner, no; Lenard, yes; Higginbottom, no; Rhoden, no; Abernathy, no; Wright, yes; Sampson, yes.

MOTION FAILED

3. Discussion of issues concerning the Bluegrass Festiva with Fred Moon

Mr. Moon spoke to the Council about the Bluegrass Festival and issues he had with the way the event was handled. He addressed cords not being taped to the ground during the festival and the fact that during his event he was required to tape all cords to the ground. The handicap signs are still covered at the corners as of today. He addressed the issue of elderly customers trying to get to Blue Sky Bank and trying to find a

solution to that problem. Mr. Moon stated that he enjoyed the festival and meeting people but had issues with the way things were handled and felt some business owners were bullied by Dell Davis. Mr. Moon addressed the beer vendor being set up in front of his business which he felt was in direct competition with his business. Mr. Moon also stated that the festival was breaking the law by having volunteers serving the beer at the festival. Mr. Moon advised that he felt that the downtown businesses were being disrespected by placement of some of the vendors and that he wanted downtown to thrive.

Christopher Lopp told the Council the businesses had risked capital to open their locations and they are tax payers that were put at a disadvantage by the festival. He questioned whose pocket the profits were going into. He addressed selective enforcement of the ordinance and who was being advantaged. Mr. Lopp has submitted an Open Records Request to the City and will publish whatever they are given. Mr. Lopp then read his Open Records Request to the Council. (copy of request attached to minutes) Mr. Lopp stated they are looking for transparency and who was advantaged by the festival.

4. Unscheduled public appearances

Liz Woodson who has a business located inside Wagoner Flower Shop addressed the Council about concerns she had about the festival. She addressed inconsistency in placement of festival elements and the way it affected her business. She felt there was a lack of communication with the businesses and suggested businesses receive a map showing the location of things before the festival.

Allen Branch stated he was a huge supporter of the festival and suggested the festival become more integrated with the businesses to make everyone happier and working together.

Hayden Blackford with Blue Sky Bank told the Council that during the festival their drive-thru and parking lot were blocked off and they had a large group of elderly customers that this caused a problem for. The Bank supports community events and hopes to work together for a solution that works for all.

Tonya Sappington spoke about her concerns about the costs of the Bluegrass Festival and how she felt that the money could be better utilized for park equipment.

Councilor Sampson spoke to City employees and advised he wanted to work with everyone together. He stated there was a right way to do things and we should be doing those things. Mr. Sampson stated he loved the Bluegrass Festival and considered it a quality-of-life item and we needed people involved that were accessible.

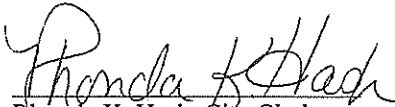
Mayor Self stated he would not budget any more money for Bluegrass unless we worked with the businesses.


5. Adjournment

Motion by Councilor Sampson, second by Councilor Wagoner to adjourn the City of Wagoner Special Called Business Meeting. VOTE: Butler, yes; Wagoner, absent; Lenard, yes; Higginbottom, yes; Rhoden, yes; Abernathy, yes; Wright, yes; Sampson, yes.

MOTION CARRIED
MEETING ADJOURNED

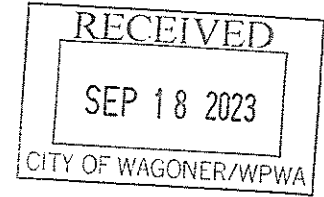
Attest: Seal


Rhonda K. Hash, City Clerk


Dalton Self, Mayor

OKLAHOMA OPEN RECORDS ACT
REQUEST FOR INSPECTION AND/OR COPIES
OF RECORDS

TO: City of Wagoner City Clerk, Rhonda Hash



1. Pursuant to Oklahoma Statutes, Title 51, 24 A. 1 rt. Seq., I request that the following records be photocopied or inspected at my expense. Please provide as specific a description as possible of the record (s) you want copied or inspected:

- (1) All contracts between the City of Wagoner, State of Oklahoma ("Wagoner City"), The City of Wagoner Economic Development Authority ("TCWEDA"), or other Wagoner City affiliated entities and the Bluegrass & Chili Festival organizers, entertainers, food, drink, or alcohol suppliers or vendors, market participants, or other individuals, companies, or corporations associated with the Bluegrass & Chili Festival for the years 2018-2023.
- (2) The "Special Event Permit Application" for the Bluegrass & Chili Festival for each year 2018-2023, including all site plans, insurance certificates, emergency plans / security information, Equipment lists, permit fee receipts, and the written "plan to ensure the safe sale and or distribution of alcohol" referenced in Section 8 of the application as posted on the Wagoner City website.
- (3) The portions of the Wagoner City or TCWEDA budgets associated with expenditures related to the Bluegrass & Chili Festival for the years 2018 – 2023.
- (4) Copies of all payments, including backup documentation, to Dell Davis or any entity owned, controlled, or managed by Dell Davis, OTHER THAN normal payroll payments.
- (5) All meeting notices and minutes of meetings of the "Office of Special Events," the "Festival Market Committee," the "Festival Committee," or any other Wagoner City or TCWEDA body that had oversight and decision making authority related to the

organization, site plan, budget, expenditures, and approval of applications for vendors and market participants for the Bluegrass & Chili Festival held during the years 2022 and 2023. Include any meeting notices or minutes of meetings for any Wagoner City or TCWEDA council, board, or committee that acted to approve the recommendations or decisions of the Festival Oversight and Planning Committees.

(6) All emails, meeting notes, written notes, letters, or other forms of electronic, audio, text messages, voice recordings, police body cam footage, other video, or written records or communications of any city employee or elected official related to the citation of Christopher Fogleman on September 8, 2023, either before, during, or after the issuance of said citation.

(7) All emails, meeting notes, written notes, letters, or other forms of electronic, audio, text messages, voice recordings, police body cam footage, other video, or written records or communications of any city employee or elected official related to the citation of any other downtown Wagoner business owners related to sign ordinances on September 8-9, 2023 or during the 2021 or 2022 Bluegrass & Chili Festival, either before, during, or after the issuance of said citations.

(8) All emails, meeting notes, written notes, letters, or other forms of electronic, audio, text messages, voice recordings, video, or written records or communications related to the placement of beer and food vendors during the 2021, 2022, and 2023 Bluegrass & Chili Festival.

2. This request is made for a: (check one)

 X non-commercial purpose

If the request is made for a non-commercial purpose, identify in detail the purpose (s) for the request:

For the public interest as per Oklahoma Open Records Act Title 51 subsection 24A.5.3, "In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants."

3. I agree to pay a fee of \$.25 for each page photocopied on the regular copy machine. Furthermore, if request is made for a commercial purpose, or if the request otherwise clearly causes excessive disruption of the essential functions of the City of Wagoner or the Wagoner Public Works Authority, then I agree to pay a reasonable fee to cover the direct cost of document search.

4. The maximum fee for which I am willing to accept liability without prior notice is \$ 500.00.

5. I understand that I will be notified when the requested records are available, and that I may thereafter pick up the records upon payment of all costs, at the Wagoner City offices during regular business hours.

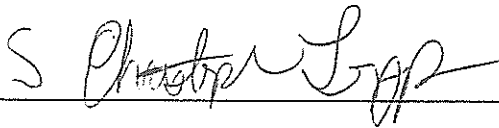
Dated this 18 day of September, 2023.

The Lopp Law Firm, PLLC

Company Name

S. Christopher Lopp

Name



109 E. Freeport Street

Address

Broken Arrow

City

OK

State

74012

Zip