

Minutes of the Regular Atoka Industrial Facilities Authority Meeting of **February 6, 2023**, 6:00 p.m., Atoka City Hall, 353 East A Street, Atoka, Oklahoma. Original Agenda Posted **February 3, 2023**, at 4:00 p.m.; Atoka City Hall, 353 East A Street, Atoka, Oklahoma.

I. Convene Meeting

- A. Meeting Called to Order- 5:11 PM
- B. Welcome- City Clerk, Kayle Wallis
- C. Roll Call – Adam Fergueson, Lindsay Holcomb, Lori Maxwell, Keith Southerland, Michael Wakefield
- D. Public Recognition- none.

II. Business Agenda

Chairman/ Board Agenda Items

1. Discussion and/or action regarding the appointment of a Chair Person for the Atoka Board of Adjustments.

City Attorney, Johnny Sandmann, explained the duties of the Chair Person for the Atoka Board of Adjustments including reading through the agendas and taking charge of the meeting(s).

The Board of Adjustments discussed if there was a volunteer for the position of Chair Person, at which Ms. Holcomb said she would if no one else wanted the role. Mr. Fergueson volunteered to serve as Chairman of the Board of Adjustments.

A motion was made by Ms. Maxwell to appoint Adam Fergueson as Chairman of the Board of Adjustments and seconded by Mr. Wakefield. Voting aye, Holcomb, Maxwell, Southerland, Fergueson, and Wakefield. Voting nay, none. Motion carried.

2. Discussion and/or action regarding the appointment of a Vice Chair Person for the Atoka Board of Adjustments.

City Attorney, Johnny Sandmann, explained the duties of the Vice Chair Person to be the backup to the Chair Person in their absence.

A motion was made by Ms. Maxwell to appoint Lindsay Holcomb as vice Chairwoman of the Board of Adjustments and seconded by Mr. Southerland. Voting aye, Maxwell, Southerland, Wakefield, Fergueson, and Holcomb. Voting nay, none. Motion carried.

3. Discussion and/or action regarding the appointment of a Secretary for the Atoka Board of Adjustments.

City Attorney, Johnny Sandmann, explained the duties of the Secretary to sign necessary documents, to fill in for the clerk in taking minutes, and calling role in the absence of the clerk.

A motion was made by Ms. Holcomb to appoint Lori Maxwell as secretary of the Board of Adjustments and seconded by Mr. Southerland. Voting aye, Southerland, Wakefield, Fergusson, Holcomb, and Maxwell. Voting nay, none. Motion carried.

4. Presentation regarding Open Meetings- City Attorney

City Attorney, Johnny Sandmann, explained the purpose of the Board of Adjustments to be a statutory creation to hear appeals to the Planning and Zoning infractions that has been previously resolved through the City Council. Mr. Sandmann gave examples of what this board may hear, such as if a building permit was denied for a given reason, the board could hear an appeal to this and make a decision on whether this should be issued or denied.

Board Member, Ms. Holcomb, stated that if a code is in place, would it not be in black and white on what can or cannot be done; at which Mr. Sandmann stated that while yes, there are laws, there can also be grey areas or areas of interpretation.

Mr. Sandmann continued to caution the Board of Adjustment regarding remaining impartial, not hearing complaints or items outside of a meeting to remain impartial and to stay away from social media topics that could become an item that could be presented as an appeal. Mr. Sandmann then explained the Open Meetings Act and that the meetings may only take place in the Council Room of the City Hall and matters cannot be discussed outside of the meeting between board members, or this can be considered a meeting and the use of polling boards being unacceptable. Mr. Sandmann then discussed the Open Records Act, and while this may not pertain to this board much, but that a cell phone cannot be used during a meeting, or it is considered an open record.

Board Member, Ms. Maxwell, asked if an item is brought to the Board, does an answer have to be made in the same day at which Mr. Sandmann answered that while an item may be tabled if not enough information is available, it is likely that most decisions will be made the same day. There was discussion and examples given and Mr. Sandmann stated that this board will fill in the grey areas.

III. Old Business:

IV. New Business

V. Board Comments

VI. Public Comments

VII. Adjournment:

A motion was made by Ms. Holcomb to adjourn this meeting at 5:32 PM and seconded by Mr. Wakefield. Voting aye, Fergusson, Holcomb, Maxwell, Southerland, and Wakefield. Voting nay, none. Motion carried.

Adjourned: 5:32 PM

**Attest:
(seal)**

BOA

Lori Maxwell, Secretary

Adam Fergueson, Chairman

Kayle Wallis, City Clerk