

**MINUTES OF THE SPECIAL MEETING  
OF THE MOORE CITY COUNCIL  
JUNE 26, 2013 – 5:00 P.M.**

The City Council of the City of Moore met at Moore City Hall, Upstairs Conference Room, 301 North Broadway, Moore, Oklahoma on June 26, 2013 at 6:30 p.m. with Mayor Glenn Lewis presiding.

*David Roberts*  
*Councilman, Ward I*

*Robert Krows*  
*Councilman, Ward I*

*Scott Singer*  
*Councilman, Ward II*

*Mark Hamm*  
*Councilman, Ward II*

*Jason Blair*  
*Councilman, Ward III*

*Terry Cavnar*  
*Councilman, Ward III*

PRESENT: Blair, Singer, Cavnar, Roberts, Lewis  
ABSENT: Krows, Hamm (Councilman Hamm was absent from the meeting but listened in by conference call)

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; City Clerk/Finance Director, Jim Corbett; and Community Development Director, Elizabeth Jones.

**Agenda Item Number 2 being:**

DISCUSS POSSIBLE ORDINANCE AMENDMENTS RELATED TO REQUIRING STORM SHELTERS OR SAFE ROOMS IN CERTAIN RESIDENTIAL, MULTI-FAMILY, AND/OR GROUP OCCUPANCY LAND USES, INCLUDING APARTMENTS, SCHOOLS, NURSING HOMES, SENIOR LIVING FACILITIES, ETC.

Steve Eddy, City Manager, indicated that the work study session was scheduled to allow additional discussion regarding several ordinances that would be presented on the July 1, 2013 City Council agenda for consideration. Mr. Eddy stated that Elizabeth Jones, Community Development Director, would briefly explain the intent of each ordinance and then open the floor for comments or discussion.

Ms. Jones advised that Ordinance No. 751(13) would set certain building standards for construction of residential dwellings within a tornado damaged area. This ordinance is intended to prevent residents from building back homes that are inappropriate for the area. This would include homes that are too small, don't contain enough brick, or have different types of roofing materials. Ms. Jones stated that she was able to amend an ordinance that was already in existence from the 1999 tornado by changing the definition of the tornado from May 3, 1999 to any tornado declared a federal disaster. The ordinance states that any planned residential dwelling structure must have a minimum of 50% coverage with brick or stone. The minimum square footage should match what the covenants indicate; however, in the event a covenant does not exist the ordinance would set a minimum square footage of 1,000 square feet, excluding the garage. She stated that the ordinance also requires each home to have an attached garage. There is no language to indicate whether it is a one car or two car garage, merely that a garage must be attached to the structure.

Mayor Lewis asked how many homes destroyed did not have garages. Ms. Jones indicated that there are a handful in the Foxglove and Bonnie Brae Additions. She cautioned that the ordinance would override

less restrictive covenants. There is no requirement for bricking in the Foxglove Addition, which allows for vinyl homes. However, upon approval of the ordinance the homes must be built with a minimum of 50% brick. Mayor Lewis commented that the residents in these areas are underinsured and wondered how a bricking requirement would affect them financially. Mr. Eddy indicated that this would be true for many of the additions throughout the area. Although some areas contain only brick homes some of the property owners plan to rebuild their home without brick. He stated that the City Council must balance how the new ordinance would affect the individual property owners with what is best for the public good. Councilman Blair asked what surface area would be included in the 50% bricking requirement. Mr. Eddy indicated that the requirement would be 50% of the total area. For example, the brick could be placed on the front and sides and none on the back or only the bottom half could be bricked and still be in compliance.

Ms. Jones indicated that she met with the Homebuilders Association regarding the proposed ordinance. She gave an example of two sets of building plans submitted for the Southmoore Addition located south of 4<sup>th</sup> Street on Broadway where one set of plans is for a \$200,000 home that is a custom house with a homeowner literally around the corner who was underinsured and proposing a 1,000 square foot home with vinyl siding. Councilman Cavnar stated that the \$200,000 homeowner should have an expectation of his neighbor's home being built back similar to what it was. Ms. Jones stated that the home being proposed is not what was there originally. The home will be much smaller, with a one car garage versus a two car garage, and much less brick. Councilman Roberts wondered if FEMA money was available to cover the difference between what she can afford and what it would take to put it back the way that it was. Mr. Eddy felt that help would be available from other entities too. Mayor Lewis agreed that the City should require the homeowners to build something similar to what was destroyed. Mr. Eddy indicated that the ordinance mirrors what was done in 1999 after it was made clear that some homes would be built back with no brick, no garage, etc. Councilman Roberts asked if the City could require homes be rebuilt at the same footage or bigger. Randy Brink, City Attorney, questioned whether the City could require something that wasn't part of the original covenants and tell the homeowners to spend their money to build a home other than what they want. Ms. Jones stated that some of the additions have covenants, although they are old. The Southmoore Addition covenant lists a minimum square footage of 800 square feet with a 50% bricking requirement. Although the covenants do not list a roof requirement, the City would expect a composition roof as the standard. Stan Drake, Assistant City Manager, stated his opinion that the market would drive the building expectations. In 1999 the Highland Park Addition was damaged in the tornado. Their covenants listed 1,100 to 1,450 as the minimum square footage requirement. However, the homes that were built back were around 1,600 to 1,800 square feet. The ordinance does specify the minimum square footage being what the plat restrictions require. If there are no covenants for a particular addition the 1,000 square foot requirement would be enforced under the new ordinance. Ms. Jones advised that Foxglove was the only addition that did not have any bricking requirements. There are other subdivisions with very little bricking requirements such as Kings Manor Section 3, which only had a 25% bricking requirement. Mr. Eddy noted that the ordinance would override the bricking requirements listed in the covenant requiring 50% of the structure to be bricked. He felt that would create a problem in the Foxglove Addition because all of the homes are unbricked. Mr. Brink added that the insurance coverage for homes in the Foxglove Addition likely would not cover construction of a brick home. Councilman Cavnar mentioned that insurance companies would pay for the vinyl siding of the home; however, if a code change was made prior to the tornado requiring homes to be bricked then they would have an endorsement that would help with the additional costs. However, since the code changes will occur after the tornado the property owners will be required to cover the extra expense to brick their home. He stated that was the only issue that he struggled with. Mr. Eddy mentioned that there were only 15 to 20 houses in the Foxglove Addition. He stated that the question was whether the City wanted to set basic minimums for the rest of the communities around town. Councilman Cavnar indicated that he was in favor of setting minimums. Mr. Eddy felt that some additions could be excluded from the requirements. Mayor Lewis asked if the individuals that wanted a variance could be sent to the Board of Adjustment. Ms. Jones felt that the Board of Adjustment was not an avenue that could be used for a variance under

the Building Code. Mr. Eddy added that if those types of cases are routinely sent to the Board of Adjustment and the Board overrides Council's decision it defeats the purpose of the Ordinance. Councilman Roberts suggested that the ordinance be worded in such a way that it affects only those homes that had brick before the storm. Mr. Eddy confirmed that Council's only change to the proposed ordinance was the addition of the language excluding those homes that did not have brick before the tornado.

Ms. Jones stated that Ordinance No. 752(13) requires storm shelters to be constructed with every single-family residence. The storm shelter must have a minimum floor area of 15 square feet. This requirement is based on the FEMA standard of 5 square feet per person with an average population of three people per household. Councilman Roberts asked if the homebuilders had an opportunity to look at the ordinance. Ms. Jones indicated that she has not shown the homebuilders the proposed ordinance. Councilman Roberts stated that he would be reluctant to approve the ordinance prior to input from the homebuilders. Mayor Lewis suggested tabling the item from the July 1, 2013 City Council meeting until staff has the opportunity to meet with the homebuilders. Councilman Cavnar liked the concept but agreed that he would like more input from the homebuilders. Mr. Eddy felt that the stance of the homebuilders would be that it would raise the price of the homes. He did feel that it would be appropriate to show them the ordinance before it is considered. Councilman Roberts estimated it might raise the cost of a home by \$1.00 to \$1.50 per square foot. Councilman Cavnar stated that storm shelters on average run between \$2,500 and \$3,000 for the smallest ones. Councilman Blair commented that the companies that build storm shelters are backed up and asked how that would affect the construction process. Mr. Eddy felt it would be very difficult to enforce or ensure that a storm shelter is constructed in a residence after an occupancy permit has been issued. Ms. Jones stated that it was possible money could become available in the future for storm shelters through rebates or incentives. Councilman Hamm stated that at this point he did not feel it was up to the City to mandate that all new construction include a storm shelter. Mr. Eddy indicated that the meeting was scheduled to hold a discussion to determine what the City Council would like to see in the ordinances. Councilman Roberts felt that the decision should not be rushed since we are through the tornado season. A majority of the Council felt the item should be tabled from the July 1, 2013 City Council Meeting.

Ms. Jones advised that Ordinance No. 753(13) required storm shelters in new construction for two-family homes, multi-family homes, manufactured homes, and group residential housing such as nursing homes and assisted living facilities, schools and daycare centers. Ms. Jones advised that the occupancy rate for this sort of construction could vary per unit, so in order to determine minimum floor area she used the same formula as with manufactured homes which was 10 square feet per living unit. For an apartment complex the club house could be constructed as a safe room with an additional ancillary building further back on the property in order to meet a requirement that the safe room can't be more than a ¼ mile from the furthest unit it is supposed to serve. Mr. Eddy indicated that an architect could design the plans but they have to meet the minimum standards and meet FEMA and ADA requirements. Ms. Jones brought up the subject of mobile home parks. She indicated that she could add a requirement that any existing mobile home park must add a storm shelter if they increased the number of mobile homes located in the park by 20 or more. Mr. Eddy felt that apartment complexes would not build in Moore if the City requires them to construct a storm shelter due to the additional expense involved. Mr. Brink also felt liability issues created by the requirement for a safe room would be a deterrent. Councilman Roberts wondered if the storm shelter requirement for schools would prohibit private schools from operating in Moore due to the added expense. Mr. Eddy was uncertain whether the City could require public schools to have safe rooms and not require private schools to have them.

Ms. Jones stated that the last ordinance to be discussed was Ordinance No. 754(13) which pertains to additions to the building code. She mentioned that the ordinance included changes to the building code that Joplin, Missouri adopted following their F-5 tornado. They are designed, as much as possible, to make a tornado resistant home if the tornado is an F-3 or below. Stan Drake, Assistant City Manager,

stated that the ordinance primarily addresses the wall section. It has better bracing including penetration points such as windows and doors. The bottom plates tie into the stem wall and the top plate into the rafter section. He felt additional discussion should occur because the ordinance addresses trussed roofs but does not address a cut roof. He felt most of the roofs in Moore were cut roofs. Mr. Drake felt the changes would be beneficial but knew there would be differing opinions about the best way to secure the structure. Mr. Eddy indicated that Council could amend building codes to include the specified changes or to require hurricane straps, which was a suggestion by Mayor Lewis. He agreed that the homebuilders would likely want input regarding the proposed ordinance. Councilman Singer asked if a university had performed a study on this sort of thing. Mr. Drake stated that Texas Tech seems to be the authority on the subject. Mr. Eddy added that FEMA standards are based on Texas Tech research. Mayor Lewis asked Mr. Drake's opinion about requiring only hurricane straps. Mr. Drake felt that securing the entire structure needed to be addressed. He suggested appointing a committee to research the issue comprised of one homebuilder, one staff member, a citizen, and a structural engineer. Mayor Lewis advised that we have a volunteer from the architect department at the University of Oklahoma. He suggested having the architects at OU look into the issue.

Steve Eddy, City Manager, asked Ms. Jones to introduce representatives from the Department of Housing and Urban Development who were in attendance to observe the meeting. Ms. Jones introduced Donna Wickes, Director of the HUD Office in Oklahoma City, and Randall Mullin and Charlie Blair who are technical assistants. Ms. Jones indicated that Moore being an entitlement community and a federal disaster area could receive disaster recovery funds through HUD. Ms. Jones stated that the City was appreciative of the assistance being offered by HUD.

Ms. Wickes thanked Elizabeth Jones and Jared Jakubowski for working with them over the past two weeks and for allowing them to attend the meeting. She felt one of the most important things for the community to address was construction and storm shelters. They hope to assist in accomplishing these two goals. Ms. Wickes asked if HUD could serve on the Housing Committee. She felt they could potentially help with some sort of rebate program to make installing a storm shelter more cost efficient. Councilman Hamm stated that some of the older homes last time were not eligible for any type of shelter rebate program. He wondered if something could be done for those types of homes. Ms. Wickes felt that a program should be implemented that could support all of the different home configurations. Mr. Eddy suggested having two councilmembers, two homebuilders a HUD representative, and an architect from O.U. on the committee. He indicated that names would be submitted to the City Council for consideration.

Mr. Eddy expressed his appreciation for Council's comments because it will be helpful in determining how the City wants to move forward on these issues.

It was noted that Norman Fire Chief James Fullingim was also present at the meeting.

Mayor Lewis asked which of the ordinances would be on the July 1, 2013 agenda. Mr. Eddy advised that the agenda had already been posted with all of the ordinances. He suggested voting on 751(13) at that time. The other ordinances could be tabled to a future meeting if necessary.

Mr. Eddy discussed the need to lift a moratorium put into effect at the June 17, 2013 City Council meeting. Councilman Roberts noted that the moratorium would automatically end after a two-week period. Mayor Lewis asked if an emergency clause could be added to Ordinance No. 751(13). Mr. Eddy confirmed that an emergency clause could be added by addendum.

Stan Drake, Assistant City Manager, asked Ms. Jones to discuss a situation where someone wants to buy two lots. Ms. Jones stated that Community Development is getting calls about property owners that want to extend their property by buying an adjoining lot. She commented that in some neighborhoods, the zoning regulations would allow combined lots to meet the requirements for a duplex. She stated that this

would allow those individuals to sell the single-family home as a duplex. She stated that in an effort to prevent this situation from occurring the City would not entertain a lot combination in an R-2 zoning district with an additional structure on the site. She stated in an R-1 zoning district, as long as the lots are not back to back, she felt a lot combination would be permissible.

Mr. Drake asked when condemnation proceedings would begin. Mr. Eddy stated that firm dates have not been set for anything other than tree limbs from the May 31, 2013 storm. Ms. Jones stated that a copy of a notice went out in the newsletter requesting property owners to contact Community Development by July 15, 2013 to advise of the status of their property. The actual condemnation proceedings would involve posting a notice on the structure giving the property owner 15 days to demolish the home or request a hearing. Councilman Roberts asked how many structures would fall into the condemnation process. Ms. Jones estimated around 500 to 700 lots remain where the homes received major damage and the homeowners are not residing in the structure. Mr. Drake commented that the City does not know where some of the property owners are currently residing.

Mr. Drake advised that well over 50% of the debris field has been cleaned up. There are less people signing Right of Entry forms than expected; however, some of that can be attributed to the number of volunteers who are working to remove homes and slabs in the storm damaged areas. Mayor Lewis asked if the response time could be extended to 30 days. Mr. Eddy stated last time they were given 30 days with a 30 day extension. Councilman Roberts asked if the intent of the notice was to establish a line of communication. Mr. Eddy stated that is the initial intent; however, eventually it will lead to legal action if the property owner does not do anything.

Mayor Lewis stated that the State Insurance Commissioner's Fraud Unit has been a huge help.

**Agenda Item Number 3 being:**

ADJOURNMENT

**Councilman Cavnar moved to adjourn the special meeting, second by Councilman Roberts. Motion carried unanimously.**

Ayes: Blair, Singer, Cavnar, Roberts, Hamm, Lewis  
Nays: None  
Absent: Krows

**The meeting was adjourned at 7:41 p.m.**

TRANSCRIBED BY:

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RHONDA BAXTER, Executive Assistant

RECORDED BY:

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JIM CORBETT, City Clerk

FOR:

\_\_\_\_\_  
DAVID ROBERTS, MPWA Secretary

These minutes passed and approved as noted this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

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JIM CORBETT, City Clerk