

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY
MAY 19, 2014 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on May 19, 2014 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: Krows, Blair, Singer, Cavnar, Roberts, Hamm, Lewis
ABSENT: None

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Finance Director, Jim Corbett; City Attorney, Randy Brink; Assistant City Attorney, K.O. Williams; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Human Resources/Risk Management Director, Gary Benefield; Manager of Information Technology, David Thompson; Parks and Recreation Director, Todd Jenson; Police Chief, Jerry Stillings; Lt. James Fagans; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MAY 5, 2014.
- B) RECEIVE THE MINUTES OF THE REGULAR PARKS BOARD MEETING HELD APRIL 1, 2014.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$3,260,107.99.

Councilman Singer moved to approve the consent docket in its entirety, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 3 being:

CONSIDER REZONING APPLICATION NO. RZ-911 LOCATED IN THE SE/4 OF SECTION 12, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF BRYANT AVENUE, FROM A-1 RURAL AGRICULTURAL DISTRICT TO A-2/PU SUBURBAN AGRICULTURAL DISTRICT/WITH A PERMISSIVE USE; AND APPROVE ORDINANCE NO. 769(14). APPLICATION BY JUDITH TRUSSELL. (PLANNING COMMISSION RECOMMENDED APPROVAL 5-2).

Elizabeth Jones, Community Development Director, stated that subject property was located north of NE 12th Street and west of Bryant. The applicant, Judith Trussell (aka Wendy Musgrove), proposed to remodel the existing home to use as a doggie daycare and boarding business. In order to accommodate this use the property must be rezoned to A-2 with a permissive use for a pet care facility with outdoor runs.

Ms. Jones noted that in review of the application special consideration should be given to potential adverse effects associated with outdoor dog runs such as noise. Although the site is located in a rural area of the City, the daycare building will be located approximately 100-feet away from the Lost Creek Addition. The property does not currently have sight-proof screening to help with noise abatement. Ms. Jones stated that the comprehensive plan designates the area as Urban Density Residential, anticipating further development in the northern portions of the City limits. Because the site will remain agriculture, with the applicant requesting a permissive use, there is no fundamental change in land use designation. Therefore, no comprehensive plan amendment would be required. She advised that permissive uses by definition are uses that may not be appropriate in all areas with the underlying zoning due to potentially undesirable characteristics. Each permissive use application should be viewed as unique and evaluated on its individual merits.

Ms. Jones stated that past experience has shown that dog daycares and boarding businesses require proper noise mitigation in order to be successful. Items such as sight-proof fencing, allowing an adequate distance from sensitive uses, and the presence of existing ambient noises help off-set the barking.

She noted that the play area for the dogs currently has no sight-proof fencing and would be located within 100-feet of the backyards of single-family homes. It is anticipated that the ambient noise from N. Bryant would have minimal effect in masking barking due to light traffic loads.

Ms. Jones stated that although staff believes this use is appropriate in a rural setting, ultimately the City Council must determine if a 100-foot setback from the single-family homes is adequate. However, if the City Council votes to approve the rezoning application staff would recommend that the approval be contingent upon the following:

1. Sight-proof fencing around all outdoor play areas.
2. All dogs must be boarded inside during overnight care.

Ms. Jones noted that the neighbors have submitted an official protest which included 71% of the land area within a 300-foot radius of the subject property. The current owner has two tracts of land that are south of the site. The land area being considered does not include property owned by the applicant. She advised that a neighborhood meeting was held May 1, 2014 to work out a compromise. However, this meeting was unsuccessful. Ms. Jones stated that the applicant was in attendance, as well as the residents of the Lost Creek Addition, to speak on the item.

Mayor Lewis confirmed that all of the property owners except for the applicant were opposed to the application.

Councilman Krows asked if a good effort was made to reach an agreement. Ms. Jones felt that discussion had occurred between the applicant and property owners about what measures could be taken to make this use more agreeable. The only suggestion made was by one resident who suggested moving the building back an additional 100-feet. The remaining residents in Lost Creek were adamant that there was nothing the applicant could do to make this use acceptable to them.

Mayor Lewis asked if the applicant was currently operating this type of business. Ms. Jones advised that the applicant operates an existing boarding facility at 1701 N. Bryant which is immediately south of the subject site.

Councilman Singer asked if the applicant would be able to continue operating her business at the current site if the rezoning application failed. Councilman Singer also asked if the proposed application would be an aesthetic improvement to what currently exists. Ms. Jones indicated that the current boarding facility is an older metal building with fenced in areas for outdoor runs. The City's contention is that this business is "grandfathered in" and the applicant may continue to operate their business as long as they meet the requirements of the "grandfather clause". This ordinance states that they cannot improve the building if it involves more than 50% of the area or value of the building. This would mean that the existing building would essentially stay the way that it is. The applicant will be making a presentation regarding the proposed facility. Ms. Jones believed that the proposed changes would make the site more aesthetically pleasing.

Councilman Krows asked if the applicant sold the property would the next owner be able to open a doggie daycare. Ms. Jones stated that the property must remain vacant for more than six months for the grandfather clause to expire.

Dennis Box, attorney at law, appeared to represent the applicant. Mr. Box thanked the City Council for agreeing to continue the rezoning application since he was out of town and unable to attend on May 5, 2014. Mr. Box noted that this was a nonconforming use and his clients would be able to continue operating their business under this use. In the past there have been as many as 60 dogs boarded within the existing building. The applicant would like to tear the existing metal structure down and utilize the existing home, which is located north of the current site, as the pet care facility. He stated that the applicant lives just south of the existing facility. Mr. Box explained that his client owns three buildings. The home that they live in, the metal building, and the home they would like to use for the pet care facility. The metal building is approximately 1,920 square feet. The home that they would like to utilize for the relocation of their business is approximately 1,934 square feet. It is insulated, attractive, and provides the opportunity to upgrade the facility and be a nice asset to the community. Since they plan to live nearby they would not do anything to negatively impact their neighbors or themselves. Mr. Box felt it was important to address the concerns of the protestors. His client would like to make a short presentation and there are a number of individuals in support of the rezoning and have signed up to speak.

One of the protestors' concerns was that the daycare would infringe on the neighborhood and cause a nuisance. Mr. Box presented three aerial photographs for Council's review. He indicated that the first aerial was dated February 19, 1995. The facility has been in existence since the 1970s and has changed ownership several times. The photo shows that the business was in existence long before Lost Creek was constructed. The second aerial photograph shows the facility and the beautiful parkland located to the west which contains ball fields and parking. From a land use standpoint they believe the facility should continue at its present location but should be upgraded by tearing down the metal building and renovating the existing brick home. The third aerial photograph shows where his clients live, the metal building, and the home that they would like to renovate into the doggie daycare. They believe this would be an upgrade from the existing facility. The facility has been there for some time and can provide a service to the residents in the area and to the other residents of Moore and Oklahoma City. Mr. Box indicated that they made an attempt to work out something that was acceptable to the protestors;

however, in this case the protestors simply do not want this use. He stated that his client was flexible. She was planning to erect acoustiblok fencing which would assist with any noise issues. In addition, there was a concern regarding the potential for odors. The applicant is offering to have their dumpster picked up twice a week as a possible solution, or to consider another solution the Council believes would be beneficial to the situation. They will agree to cap the number of dogs at the facility at one time to 35. Mr. Box felt that it was unusual in a situation involving this type of use to have the owners living on site and want to make the facility better. Although there is a substantial protest they believe the City is better served allowing them to upgrade their facility. The applicant will not have dog runs but four exercise areas in which the dogs will be supervised to ensure there isn't a noise issue. The dogs will not be allowed outside after 8:00 p.m. The fencing will be erected. On the front and along the frontage they will put in a berm with trees and vegetation which will enhance the look of the area and prevent noise issues. To his knowledge there has not been any problems involving the existing facility. Mr. Box felt that the existing situation would only be made better with the proposed improvements. They will be happy to make the concessions as conditions of approval.

Applicant, Judith Trussell, stated that they have worked their whole lives to be able to develop this type of business. They are happy to be in Moore. Their goal is to provide quality, affordable pet care for the residents of Moore and the surrounding areas. She prepared a short presentation about who they are, the history of the property, and where they want to go from here. Ms. Trussell indicated that they purchased the property in the fall of 2010 with the intent of continuing the pet boarding services provided by the previous kennels. She stated that they have operated uninterrupted with a limited customer base from the first day. They incorporated their business in 2013 under the registered name of the Hairy Paw Group, LLC, and began moving forward with a more traditional business model. Ms. Trussell indicated that she and her husband Chuck Trussell have been involved with dogs since 1986. During that time they have worked with community leaders and state legislators in drafting laws to make life better for our canine companions, including the first Puppy Mill Bill in the 1990s. They have been active members of the Oklahoma City Kennel Club for 24 years and she served as Vice-President for several of those years. They have been involved in many dog charities and organized dog events. Ms. Trussell advised that they have taught training classes, rehabilitated problem animals, judged dog shows, and operated the first local magazine devoted to pets. All while holding down full time jobs in television news management and customer service training. They have also competed at the top level of American dog shows. Their bloodhound, Barkley, was the number one bloodhound, number three bloodhound, and number 22 overall dog in the country in the American Kennel Club competitions for several years. Their dog was shown around the country and was featured in numerous local and national publications bringing positive attention to the City of Moore. Barkley was the first dog to be invited to the State Senate to receive commendation and was featured in Oklahoma Today magazine. They understand canine behavior and they have worked tirelessly during the last three decades promoting responsible dog ownership. They have hundreds of hours of practical training in the operation of a dog hotel combined with their experience in the media, customer service, management, studying dog laws, and extensive experience working with people to make this their ideal business. They have not entered into the venture without extensive research.

Ms. Trussell stated that historically boarding kennels were nothing more than chain link cages. Now people want more for their pets and are expecting higher quality upscale services. They want to deliver those services to provide a more homelike setting for their clients. The brick building in question will be equipped with comfortable dog suites. Dogs will play in supervised groups in one of the indoor/outdoor play areas. To accommodate commuters, their hours will be from 7am to 6:30pm daily and from noon to 2pm will be closed for doggy nap time.

She indicated that they own three parcels of land that make up 5 acres at 1701 N. Bryant and 1705 N. Bryant. The parcels were divided by the Carlson family when the house at 1701 N. Bryant was built in 2006. Until then the entire property was zoned A-1 by the City. The kennel parcel is registered as

commercial with Cleveland County. On the west side of Bryant it is mostly agricultural from 27th to 12th Street. The Sierra Ridge subdivision at 27th and Bryant is now under construction. For the most part the area is zoned agricultural or is undeveloped through the entire block. Buck Thomas Park abuts the back half of their property to the west. The Huddleston's 20-acre farm is to the north. Mr. Patterson's unimproved pasture is to the south. The Lost Creek Addition is directly across Bryant to the east of their property. Ms. Trussell provided photographs to put the layout of the area in perspective.

Ms. Trussell wanted to give some history of the property. In 1977 Jim Armor purchased the original five-acre property and built the kennel to housing his hunting dogs. He began charging other hunters to keep their dogs at the kennel. At that time there were 15 outdoor runs, 34 indoor runs, and 4 indoor/outdoor runs for a total of 53 runs. In 1983 Ron Buxton, a dog show handler, bought the property. He supported his dog show business by boarding dogs from the Moore and Oklahoma City area. Mr. Buxton lived on the site in a mobile home. He had a 50-50 mix of show dog clients and public boarding clients. In fact, Mr. Buxton cared for several of the City's police dogs there. In 1993 Mr. Buxton left the business and his apprentice Mr. Carlson and his mother, Rosemary Carlson, took over. They continued the business under the name of Blue Sky Kennel. Mr. Carlson added 28 kennels to the existing facility and operated a small pet grooming business out of the same building. Mr. Carlson's focus was on his show dogs and his mother ran a boarding operation. In 1999 Rosemary Carlson built a home at 1705 N. Bryant. Mr. Carlson continued living in the mobile home on the south side of the property. Water service for both homes was supplied from a well for the kennel. It was rural at that time with a pasture across the street containing two oil pump jacks. In 2005 Mr. Carlson decided to build his own home. In order to get a mortgage he had to divide the property in order to separate the business from the residential property. They had to comply with A-2 zoning regulations and it was divided into two acre parcels. The parcel at 1705 N. Bryant was left unchanged.

Ms. Trussell stated that before they considered purchasing the property from Mr. Carlson they did research with their realtor and even called the City to make certain they could continue to operate the current business. They were assured that a kennel was an appropriate use of the property. So it was with this information that they decided to buy the property and the business. She noted that forty years of use with very little improvement really taken its toll on the infrastructure. It was clear that they would be forced to remodel or rebuild the facility. They took two years to plan, design, and discuss what they wanted to include in the facility. While working through the process they had several discussions with Shane Speegle in the Building Permits department to make sure their plans coincided with the City Code. They met with Mr. Speegle and a contractor with Morton Buildings at City Hall and presented their plans to build an upscale dog hotel on their property to serve the people of Moore. They were met with no resistance or questions regarding the zoning. They presented a preliminary plan for a 15' tall 60' x 100' Morton building that would contain 58 suites suitable for just over 100 dogs. Mr. Speegle gave his verbal agreement to the concept and they began working to find financing in order to move on with the project. At no time was nonconformity, grandfather clauses, or inappropriate zoning mentioned in any of their discussions. In fact, they were told that a boarding facility was an appropriate use for agricultural property and there were no restrictions on operations or building size. They have continued to use the indoor portions of the old kennel for their pets. Mrs. Carlson's nine dogs spent a great deal of time in the kennel, especially during bad weather. They have accepted a limited number of boarded dogs. In December 2010 they entered into an agreement to board multiple game dogs. They have also boarded dogs from 40 other clients in the kennel and adjacent property. She advised that the May 20, 2013 tornado did damage to their building and made it unusable. In 2013 Mrs. Carlson moved to Minnesota due to health reasons. They were faced with a decision to either purchase Mrs. Carlson's property or to continue with the building project. They opted to purchase Mrs. Carlson's property. They were under the impression that the entire five acres was similarly zoned and would fit into their plans. At that point they decided to convert Mrs. Carlson's home into the kennel instead of building a new structure. In using the existing structure they will reduce their potential guests by 75%. They came to the conclusion that a more homelike atmosphere with a smaller more loyal client base would be better.

In August 2013 they moved forward with their plan to open for the upcoming holiday season. In September 2013 she went to the City to get a building permit to convert the existing well to City water.

Ms. Trussell indicated that one of the issues the protestors have is sound. The previous owners operated out of a metal building which concentrated and amplified the sounds. They would often arrive home late at night from dog shows. When dogs were taken from the truck to the kennel there was a significant amount of noise. The difference between the two operations is that they will not be transporting dogs in and out of the facility. There is very little sound from a daycare environment. In fact, sounds from the ballgames coming from the nearby park are louder than the dogs would be. They anticipate four playgroups each with a handler or supervisor. If a dog begins to bark the animal is taken indoors to address the stress or allow it to relax. Barking is not an issue in playgroups. They will address noise concerns with the installation of landscape berms not only to reduce sound but to beautify the property. After landscaping is installed, and if the space is available, they might include a water feature to provide more ambient sounds. They did some research on various sound absorbing materials and discovered a fencing called acoustiblok fencing that they plan to use.

Ms. Trussell stated that a daycare provides an energy release for dogs while their owners are at work. Common neighborhood problems can be reduced by utilizing daycares several times a week. Issues caused from boredom like barking, digging, and roaming can be solved by using daycare. After playing all day pets go home tired allowing pet owners to rest after a long day of work and enjoy their animal companions rather than spending time entertaining and exercising dogs. Cities with active dog daycare participants experience fewer neighbor complaints and less dog at large calls. They will also encourage responsible pet ownership and work with clients to create good canine citizens.

One of the benefits to the neighborhood would be the removal of the existing metal structure. Landscaping and beautification would increase property values, fencing will be disguised, and buffer zones created. It is possible that crime could be reduced since staff will be at the facility when neighbors are at work. Residents will have a quality local facility to care for their pets during the day or when owners have to leave their pets overnight. She felt that a city this size was in need of this type of service. The City's tax base will be increased because of retail sales. They have already begun using City water and will be paying utility fees. They support several organizations through their foster program and transportation services. They would like to offer the same type of program to the City of Moore Animal Shelter.

Ms. Trussell stated that the issue at hand is a permissive use variance to move their current operation a few yards north into a building that they own on property they own that was left in zoning limbo when the City changed the zoning on the remaining property.

Mayor Lewis asked where the new metal building they originally planned to erect was going to be located. Ms. Trussell stated that they planned to replace the original metal structure. That changed when they had the opportunity to purchase Ms. Carlson's home. Mayor Lewis asked how they intend to remodel the interior of the home. Ms. Trussell responded that they plan to construct suites or small rooms within the home. Councilman Roberts asked how many total dogs they plan to have at one time. Ms. Trussell estimated they might have 28 or 30 dogs overnight, and approximately 30 to 40 for daycare purposes. Councilman Roberts asked how many they have now. Ms. Trussell stated that seven are there constantly. They have 40 clients that bring their dogs to the facility on an ongoing basis although they do not stay there all of the time. Councilman Hamm asked what they plan to do if their application is denied. Ms. Trussell indicated that they would have to make repairs to the existing structure due to the storms. This would be a hardship to them since they purchased the adjoining structure. They would not be able to create the suites. It would simply be a kennel with no opportunity to reduce the noise. Councilman Hamm

indicated that they plan to have a kennel there regardless. Ms. Trussell responded that they would either occupy the current building or remodel the house they purchased.

Citizens to Speak:

Marie Ryan, 1008 NW 24th, stated that she did not live close to the applicant; however, she has known Ms. Musgrove for many years and she felt her business would be beneficial to the City of Moore. She trusts her with her animals and it was helpful to have the business close by.

Maggie Shirk, 1061 SW 81st, Oklahoma City, advised that she has been a realtor for 19 years and assisted the Musgroves with the purchase of the property. Ms. Shirk stated that she has known the Musgroves over 25 years and was also a member of the Oklahoma City Kennel Club. She believed it was a service that would be an asset to the community. She did not believe it would have a detrimental effect on the surrounding residential property values. Ms. Shirk stated that the Musgroves were professionals who are long-term dog owners and want to operate a responsible business.

Steve Hardeman, 2101 NE 18th, stated that he was approximately 320 feet from the subject property. Mr. Hardeman believed that the City Code states that all lot improvements in an A-2 zoning district must have a minimum depth of 50 feet with a minimum setback of 75 feet from any section line road. He noted that the applicant's house was 42 feet from the easement making it 33 feet too close to Bryant. He did not believe there was adequate room to construct a berm, driveway, and fence, and have 42 feet. Mr. Hardeman stated that Oklahoma City's regulations prevent a kennel from being located within 2,500 feet of a school or daycare. They are approximately 835 feet from a daycare and 2,200 from an elementary school. He did not know if Moore had any regulations regarding this. Mr. Hardeman brought up several Facebook comments from supporters of the rezoning application which he felt were threatening and asked if that was the type of individuals we wanted in the City.

Mayor Lewis asked Ms. Jones to address issues Mr. Hardeman brought up regarding Code regulations. Ms. Jones stated that she did not have her Code book with her but was aware of larger setbacks on arterial roadways to allow for potential improvements in the future. Ms. Jones stated that the home is existing and was constructed prior to her tenure with the City. The property in question is zoned agricultural.

John McDonald, 616 Hedgewood, stated that he was familiar with the individuals who owned the property beginning with Mr. Armor. He is an employee of the American Kennel Club. The doggie daycare is becoming popular all across the country because owners want their dogs tended to and managed and not in runs all of the time. He has been friends with the Musgroves for 25 years. They were clients of the Buxtons, the Carlsons, and now the Musgroves at this facility. He travels over 200 days a year running dog shows. He felt it was the future of the industry. Mr. McDonald commented that he does not understand the protests by the neighbors since the kennel was in existence long before the area developed. It was operating commercially with an agricultural use. He has been at the facility for several hours and did not feel the dogs were loud. Mr. McDonald felt the situation was far better than in his neighborhood where individuals leave their dogs outside for hours a day. He can't go to the north side of his yard because he has a dog that is terrorizing him.

Kristen Corey, 2635 N. Markwell Avenue, Bethany, Oklahoma, stated that she met the Musgroves in 1996 or 1997. She is impressed with how responsible they have been. Ms. Corey indicated that they would be an asset to any community where they are located. They are professional and they take the utmost care of their dogs.

Janice Turner, 2101 NE 15th, stated that their property runs the entire 325 feet adjacent to the applicants and are located on the east side of Bryant. Ms. Turner indicated that she has lived in Moore for 34 years. She has been active in various civic and religious organizations. Now that now that their children are

grown they want to enjoy their evenings in their backyard. Ms. Turner stated that they knew a kennel was located over 175 feet from their fence. The proposed location would be half as far away. She felt that would cause an issue because they can hear the dogs barking in the evening. They don't call the police because they know it will end and they did not have a problem with the Musgroves'. Ms. Turner has animals and know that the facility is important to people; however, they feel the home they want to renovate is too close to their backyard. Ms. Turner commented that Ms. Musgroves plan to install berms as a noise deterrent likely would not be feasible since the City removed some existing berms behind their home because they believed it was creating a drainage issue. She knew the City was anticipating widening Bryant and that would affect any berms and trees planted in close proximity to the roadway. Ms. Turner stated that a suggestion from Mr. Baldwin was to sell the existing house and build a new one further west. She commented that they would not be opposed to have the doggie daycare if it was located further west they simply don't want it closer east to their homes. The noise from the park is a joyful noise and they were part of that crowd at one time with their children. The barking is not so loud that they can't stand it. It is the intermittent low pitched barking going on in the background. She felt that they have the right to the peaceful enjoyment of their property. Most of the property owners grew up in Moore and chose to remain here. Councilman Hamm reminded Ms. Turner that the applicant stated that they would continue operating in their current facility without some of the sound barriers they proposed with their application if the item was denied. Ms. Turner stated that they don't have that now and they haven't complained up to this point. She felt sound barriers would be beneficial along with beautification efforts for their own enjoyment and as a business owner.

Councilman Roberts stated that the current City Code prevents them from doing very much improvement. They can't spend more than 50% of the value of the building. Ms. Turner knew that was true on the building itself but asked if that included landscaping. She asked Ms. Trussell why, in the two year planning period, she did not approach the neighbors to ask their opinion. Ms. Trussell had commented that she wished in hindsight that she had.

Rocky Pollock, 9501 S. I-35 Service Road, Apt. 514, stated that he had been a resident of Moore for 31 years. He indicated that he was currently boarding his dogs with the Musgroves and had been for some time. He believed that their plan would greatly improve their facility. It is currently run down and they hope to beautify it and implement noise and odor prevention methods. They want to be responsible business owners. He believed it would benefit Moore through additional revenues and service to the citizens.

Don Turner, 2101 NE 15th, stated that he has not heard anything that assures him that noise from the kennel would not be a problem for the residents of Lost Creek. He felt this business would affect their quality of life. They are not dog haters, many residents own dogs, they just feel there is a more appropriate place for this type of business. He commended Ms. Jones for her assistance throughout the process. The Planning Commission suggested calling the police if there is an issue with barking; however, Mr. Turner did not feel that he should contact the police department on this type of matter. He pleaded with the City Council to not set them up for future failure by approving the application.

Sarah Pierce, 344342 E. 890 Road, Chandler, Oklahoma, advised that she wanted to speak from a professional level as someone who has worked in the doggie daycare industry. From her experience the big issues being presented with regard to barking and odors are common to this type of facility. Owners work endlessly to prevent these issues from becoming a problem to the surrounding neighbors. She advised that playgroups are supervised 100% of the time. Any time there is a problem there is an experienced handler who takes care of the situation by removing the animal. The facility where she worked was spotless. They always had cleaning products on hand and the situation was monitored so that odors were not an issue. Accidents are taken care of immediately. She felt it was cleaner, safer, and a much more dog friendly environment than a traditional kennel where someone comes through a couple of times a day to clean up. On a personal level she stated that she has known the Musgroves since 2001.

She was new to dog shows and they took her under their wing and taught her an infinite number of things. They are good people who love dogs and will go out their way to ensure every day in their care are taken care of to the best of their ability.

Sandi McDonald, 616 Hedgewood Drive, stated that she lived in Moore for 19 years. She considered Moore a dog friendly city and, as such, she felt that we need a facility to care for their dogs when they are vacationing. She would much rather have them in a suite than a kennel. Ms. McDonald advised that she had been involved with showing dogs for the past 25 years and a licensed AKC Superintendent for 17 of those years. She felt the Musgroves were good professional people. Ms. McDonald stated that their neighborhood was hit by the May 20, 2013 tornado. They have a lot of debris and it has been very difficult to walk their dogs. Knowing this the Musgrove's have allowed her to run her dogs on their property. They also offered to take them in after the tornado and are very good people.

Tammy Evans, 2100 NE 18th, stated that she addressed the City Council regarding this application at the May 5, 2014 City Council meeting. She did not want to repeat herself so she would be brief with her comments. Ms. Evans felt that the Musgroves were good people and had a good cause but their facility should not be situated near the park, daycare, and school. It is not a rural area and that is where this type of facility should be located. Ms. Evans asked what documents were used to make a determination of them being "grandfathered in". She stated that the supporters who came to speak on the Musgroves behalf will be not forced to live with the potential problems. Ms. Evans asked the City Council to deny the rezoning application.

Councilman Krows commented that his parents owned a dog kennel when he was growing up and he is a dog lover. He believed that the proposed business was fantastic. However, he felt that he should represent his constituents and vote accordingly. He did not believe that the Musgroves were able to convince the residents of Lost Creek that the doggie daycare would not result in issues with noise and odors.

Councilman Hamm expressed his appreciation to both sides of the issue by participating in the process and expressing their views and concerns. He had hoped that a palatable solution could be found. Unfortunately, a decision must be made and someone will leave unhappy over the outcome. Councilman Hamm asked for staff's opinion regarding Mr. Hardeman's contention that the structure the Musgrove's plan to use for the doggie daycare did not have an adequate setback from the roadway. Mr. Eddy stated that he did not know the history of the home and how it came to be at its present location. However, the house is there and the current owners are asking permission to use it through a permissive use. They have been very clear in their plans for the property. It was staff's opinion the City Council can grant their request if they so choose.

Councilman Roberts felt that there were good people on both sides of the issue. His personal feeling is that approval of the application would result in an enhanced facility that was so much better than what is currently there. By not approving the application he believed the City Council would be putting the neighborhood at greater risk. He realizes that once opinions are formed it is all but impossible to change minds. Councilman Roberts believed that sometimes the City Council had access to additional facts and data than some of the residents which causes them to vote against what the constituents would like for them to do. It is the difference in political philosophy. He hated to see this impasse. He believed that a good boarding facility is needed and not always easy to come by.

Councilman Cavnar stated he does not know anyone involved in the issue personally. He was pleased that both sides were willing to come to the meeting to express their feelings. Councilman Cavnar commented that he had no doubt the Musgroves were great people who have a dream; however, he would have a difficult time voting to approve the item when 100% of the surrounding property owners were opposed to the rezoning.

Mayor Lewis indicated that the official protest would require a supermajority for passage.

Councilman Singer moved to approve Rezoning Application No. RZ-911 located in the SE/4 of Section 12, T10N, R3W, being south of NE 27th Street and west of Bryant Avenue, from A-1 Rural Agricultural District to A-2/PU Suburban Agricultural District/with a Permissive Use; and approve Ordinance No. 769(14), second by Councilman Roberts. Motion failed.

Ayes: Singer, Roberts
Nays: Krows, Blair, Cavnar, Hamm, Lewis

Mayor Lewis called a short recess while individuals who appeared on the item left the Chambers.

Agenda Item Number 4 being:

AUTHORIZE STAFF TO SOLICIT REQUEST FOR PROPOSALS FOR ENGINEERING AND DESIGN SERVICES FOR THE SOUTHMOOR ADDITION INTERSTATE BARRIER SOUND WALL TO BE FUNDED THROUGH THE CDBG-DR PROGRAM.

Elizabeth Jones, Community Development Director, stated that this item is a part of the Disaster Recovery Program. Staff was requesting authorization to solicit bids for the engineering and design of a barrier sound wall between the Southmoore Addition and I-35. The wall would be designed to withstand winds of 135 mph. A side benefit would be that it would provide a sound barrier from the sounds emanating from the interstate. Some design elements such as landscaping and signage would be included to assist with the aesthetics of the wall. If the item is approved staff anticipated a contract award date of August 18, 2014. Ms. Jones advised that the wall would be funded using CDBG-DR monies.

Councilman Krows asked where specifically the wall would be located. Ms. Jones advised that the ¾ mile wall would run from SW 5th to SW 16th.

Councilman Singer wanted to know what the wall would look like. Ms. Jones indicated that the design of the wall hasn't been determined yet. She stated that citizen input could be obtained along with recommendations from a design company. Mayor Lewis suggested having the Moore Beautiful Committee make recommendations regarding the look of the wall.

Councilman Krows moved to authorize staff to solicit Request for Proposals for engineering and design services for the Southmoor Addition interstate barrier sound wall to be funded through the CDBG-DR Program, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF "DR. CURTIS BERRY – CENTRAL PARK" AS THE NAME FOR THE NEW PARK TO BE LOCATED AT S. 4TH AND BROADWAY.

Todd Jenson, Parks and Recreation Director, stated that an agenda item for consideration of the name "Dr. Curtis Berry – Central Park" for the new park to be located at S. 4th and Broadway was tabled from

the May 5, 2014 meeting. Backup information was included at that time which explained why this particular name was being proposed.

Councilman Roberts commented that at the groundbreaking ceremony held May 9, 2014 the park was referred to as the “Dr. Curtis R. Berry Family – Central Park”. Mr. Jenson wondered if that was something contained in the proclamation presented by Representative McBride. The name as proposed was what the family had requested.

Councilman Singer asked if naming the pavilion after Dr. Curtis Berry and naming the park Central Park would be acceptable to the family. Mr. Jenson felt that there was an expectation by the family on the name based on discussions that were held with staff regarding the property. The Berry family sold the land to the City at a greatly reduced price resulting in a donation of approximately \$1 million to \$1.5 million. Staff believes that the park should be named as presented to honor that donation.

Councilman Cavnar felt that the Berry family’s generous donation enabled the City to move forward with the park. He felt it was appropriate since that is what we told them we would do and we should honor that commitment.

Mayor Lewis felt that most people would refer to it as Central Park. Councilman Roberts was reconciled with the Berry portion of the name. However, he was not particularly pleased with the name Central Park. He suggested “Legacy Park” as another option.

Steve Eddy, City Manager, suggested tabling the item and implementing a committee that can make a recommendation on the name for the park that all of the council members could support. Councilman Krows volunteered to sit on the committee. Councilman Hamm suggested including some citizens. Councilman Roberts felt it would be beneficial to have some younger individuals sit on the committee too. He recommended that the same committee discuss the name of the Community Center and Aquatic Center. Councilman Krows suggested that two high school seniors who sat on another committee might be willing to help.

Councilman Singer moved to table Agenda Item No. 5, second by Councilman Hamm. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 8:12 P.M.

Agenda Item Number 6 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MAY 5, 2014.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$374,914.72.

Trustee Krows moved to approve the consent docket in its entirety, second by Trustee Cavnar. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER THE TRANSFER OF THE ADMINISTRATIVE SERVICES AGREEMENT BETWEEN C.L. FRATES AND THE MOORE PUBLIC WORKS AUTHORITY TO RMJP EQUITY, INC. D/B/A FRATES BENEFIT ADMINISTRATORS.

Gary Benefield, Risk Manager, advised that Frates Benefit Administrators has gone through a change of ownership. The assets have been transferred to RMJP Equity, Inc. d/b/a Frates Benefits Administrators. C.L. Frates has been the City's third-party administrator on the City's health plan for many years. The existing management team and employees will continue to run the business and all of the terms and duties between the new owners and the Moore Public Works Authority will remain the same. Mr. Benefield felt that services will remain at the same level. Therefore, he would recommend approval of the transfer of the administrative services agreement to RMJP Equity, Inc. He advised that he contacted David Fleet with Gallagher, the City's health benefits consultant, in order to obtain his opinion. Mr. Fleet recommended transfer of the agreement. Mr. Benefield stated that Rick Franklin with RMJP was in attendance at the meeting to answer any questions.

Trustee Roberts moved to approve the transfer of the Administrative Services Agreement between C.L. Frates and the Moore Public Works Authority to RMJP Equity, Inc. d/b/a Frates Benefit Administrators, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 8 being:

MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 8:15 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MAY 5, 2014.
- B) APPROVE PAYMENT OF A COURT APPROVED WORKER'S COMPENSATION SETTLEMENT IN THE AMOUNT OF \$39,339.45 TO MICHAEL LEONARD FOR CLAIM NO. 2013-02778-F, AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLL, AND SUPPLEMENT THE BUDGET ACCORDINGLY.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$199,845.86.

Trustee Singer moved to approve the consent docket in its entirety, second by Trustee Krows. Motion carried unanimously.

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH VICE-CHAIRMAN DAVID ROBERTS PRESIDING AT 8:16 P.M.

Agenda Item Number 9 being:

ROLL CALL

PRESENT: Krows, Blair, Singer, Lewis, Roberts, Hamm, Cavnar
ABSENT: None

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD APRIL 21, 2014.

Trustee Krows moved to approve the consent docket in its entirety, second by Trustee Roberts. Motion carried unanimously.

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

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 8:17 P.M.

Agenda Item Number 11 being:

NEW BUSINESS:

- A) CITIZENS' FORUM FOR ITEMS NOT ON THE AGENDA.

There were no citizens to speak.

- B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilman Hamm asked if a council retreat was planned. Mr. Eddy commented that a retreat would be beneficial; however, he has not had the opportunity to setup anything.

Councilman Singer stated that he received complaints regarding residential parking. Some individuals are parking contrary to what the ordinance allows. He asked if the police department or code enforcement could track those complaints. Mr. Eddy stated that the police department could respond on a complaint basis.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Mr. Eddy announced the Remembrance Ceremony to be held at 10:00 a.m. on May 20, 2014 which marks the one year anniversary of the tornado. He then clarified a Red Cross press release regarding additional storm shelter funding. Mr. Eddy advised that the announcement was for the implementation of a Storm Shelter Rebate Program for several other communities, but it did not include additional funds for Moore.

Mr. Eddy asked for the citizens' indulgence regarding the repair of main breaks throughout the City. There has been a significant problem of late due to the dry ground and shifting of water mains. It may take a little longer for crews to repair the lines and make repairs to the yards.

Agenda Item Number 12 being:

EXECUTIVE SESSION:

- A) DISCUSS POTENTIAL ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF MOORE AND AUTHORIZE STAFF TO PROCEED AS APPROPRIATE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(3).
- B) CONVENE INTO EXECUTIVE SESSION

Councilman Krows moved to convene to executive session, second by Councilman Hamm. Motion carried unanimously.

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

The City Council convened into executive session at 8:22 p.m.

- C) RECONVENE FROM EXECUTIVE SESSION

PRESENT: Krows, Blair, Singer, Cavnar, Roberts, Hamm, Lewis
ABSENT: None

The City Council reconvened from executive session at 8:36 p.m.

- D) ACTION.

- A) DISCUSS POTENTIAL ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF MOORE AND AUTHORIZE STAFF TO PROCEED AS APPROPRIATE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(3).

Councilman Krows moved to authorize staff to proceed as directed in executive session, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 13 being:

ADJOURNMENT

Councilman Blair moved to adjourn the City Council meeting, second by Councilman Singer. Motion carried unanimously.

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 8:37 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

DAVID ROBERTS, MPWA Secretary

FOR:

JASON BLAIR, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2014.

ATTEST:

JIM CORBETT, City Clerk