

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING**

December 12, 2011

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on December 12, 2011, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Matt Reed of Faith Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was given by Joshua L. Waldo, Assistant Chief of Fire Prevention and Training Division.

ROLL CALL

Upon roll call, the following councilmembers were present: Mayor Thomas L. Beehan, Councilmember Anne Garcia Garland; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; Councilmember David N. Mosby; and Councilmember Ellen D. Smith.

Councilmember L. Charles Hensley was absent.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Diana R. Stanley, City Clerk.

APPEARANCE OF CITIZENS

Mr. Rodney Parrish, 152 Wade Lane, representing Grove Center Merchant's Association expressed his appreciation of the City of Oak Ridge's support of the Holiday Market for use of the Grove Center parking area. Mr. Parrish also provided a brief report of the success of the Market, including marketing, services, partnerships, and sponsorships.

Mr. Parker Hardy, President of the Oak Ridge Chamber of Commerce, commented on the support the Chamber received for the annual Christmas parade from city staff.

AGENDA ADDITION

Councilmember Hope moved, seconded by Councilmember Smith, that the agenda be amended to add a resolution titled, "A resolution to direct city staff to move forward with the bid process for construction of a pavilion at Melton Lake Park and to approve the Oak Ridge Recreation and Parks Advisory Board's recommended design and site location" under the "Resolutions" portion of the agenda. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating the month of January 2012 as *Free Medical Clinic of Oak Ridge*.

Councilmember Hope moved, seconded by Councilmember Smith, that the proclamation be adopted. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Dr. Tanya Vargas, Co-Medical Director of the Free Medical Clinic of Oak Ridge, accepted the Proclamation.

City Manager Mark S. Watson swore-in Joshua L. Waldo, Assistant Chief of Fire Prevention and Training Division position for the City of Oak Ridge Fire Department.

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

City Attorney Ken Krushenski explained that item (c.) titled, "Adoption of a resolution approving the Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures for continued use by the Oak Ridge Industrial Development Board with the Tax Incentive Policy" needed to be amended by adding a quarter (1/4) percent to a section in the policy and requested a motion. Councilmember Smith requested to remove item (c.) for procedural purposes.

Councilmember Smith requested to remove item (a.) titled, "Approval of the minutes of the November 14, 2011 City Council Meeting."

Councilmember Hope moved, seconded by Councilmember Miller to approve the remainder of the Consent Agenda. That motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby approving:

Resolution No. 12-111-11

Adoption of a resolution approving a grant agreement with Prevent Child Abuse Tennessee for use in the Healthy Start of Anderson County Program and authorizing the disbursement of budgeted funds in the amount of \$31,850.00 for this purpose.

ITEMS REMOVED FROM THE CONSENT AGENDA

Mayor Pro Tem Miller moved, seconded by Councilmember Hope to approve the November 14, 2011 City Council Meeting minutes.

Councilmember Smith submitted a communication from Ms. Susan Gawarecki, Local Oversight Committee Executive Director, to be recorded in the December 12, 2011 minutes. Following discussion from Councilmembers and the City Manager, a suggestion was agreed upon to move the discussion of the communication to the "New Business" section of the agenda.

The minutes were then approved without amendment by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 12-112-11

Adoption of a resolution approving the Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures for continued use by the Oak Ridge Industrial Development Board with the Tax Incentive Policy.

Councilmember Hope moved, seconded by Councilmember Smith that the resolution be adopted. A second motion was made by Mayor Pro Tem Miller, seconded by Councilmember Mosby to amend the resolution to include a quarter (1/4) percent in the blank field of Section 5.4 of the Policy. After brief deliberation, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

RESOLUTIONS

Resolution No. 12-113-11

A public hearing and adoption a resolution authorizing a water line easement across City-owned greenbelt Lots 41.00 and 42.00, tax map 99g, group c, located on the east side of North Illinois Avenue just north of Irene Lane in accordance with Zoning Ordinance §9.01(c).

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted. Public Works Director Gary Cinder responded to Councilmember Smith's inquiries regarding the building state of the private lots and kudzu eradication. Ms. Smith requested that staff consult Pat Parr with the Oak Ridge National Laboratory (ORNL) for kudzu eradication.

Mayor Beehan opened the meeting for the public hearing and with no participation, the public hearing was closed.

The City Manager clarified the parameters of Councilmember Smith's request of staff by explaining that staff could obtain information and make initial contact with ORNL, and that the Public Works Director would have discretion to determine the suitability of kudzu eradication on the area discussed.

The resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 12-114-11

Adoption of a resolution authorizing the purchase of control panels for various sewer pump stations from Nedrow & Associates, Murfreesboro, Tennessee, in the estimated amount of \$444,889.00.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted. After brief explanations from City Manager Mark Watson and Public Works Director Gary Cinder regarding funding and contract phases, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 12-115-11

Adoption of a resolution awarding a contract with Industrial Technologies, Calhoun, Georgia, to upgrade the control room at the Water Treatment Plant, in the estimated amount of \$49,400.95.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted. After brief deliberation, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 12-116-11

Adoption of a resolution approving two agreements between the City and TVA for pilot programs, specifically the Green Power Switch® Pure Solar Agreement and the Green Power Switch® Southeastern REC Agreement.

Councilmember Smith moved, seconded by Mayor Pro Tem Miller that the resolution be adopted. The City Manager provided a brief over view of the pilot programs. Upon inquiry from Councilmember Smith, Electrical Engineering Division Manager, Margaret Elgin clarified that the Tennessee Valley Authority (TVA) is adding an additional price offering for energy than the previous program, and that the higher cost associated with the energy is because it is pure solar energy.

The resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 12-117-11

Adoption of a resolution establishing the schedule of meetings of the Oak Ridge City Council during calendar year 2012 and providing that regular meetings shall be held on the second Monday of each month at 7:00 p.m. in the Municipal Building Courtroom, except during the months of March and May.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller that the resolution be adopted. After brief deliberation, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 12-118-11

Adoption of a resolution authorizing the abandonment of Quincy Avenue between South Illinois Avenue and South Purdue Avenue to further the development of Woodland Town Center contingent upon the developer deeding the appropriate amount of real property to the City at no cost for construction of a new roadway to align Phillips Lane with the entrance to the former Dean Stallings Ford location.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller that the resolution be adopted. The City Manager briefly reviewed the project and explained the strict construction timeframe as the project would need to be completed in September of 2012.

Councilmember Mosby made a motion to amend the resolution by adding language that stipulated the abandonment of Quincy Avenue would continue subject to the conditions associated with the construction of Woodland Town Center. Councilmember Mosby's motion was seconded by Councilmember Smith and approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution 12-119-11

Adoption of a resolution authorizing the submittal of a grant application to the Tennessee Department of Transportation (TDOT) for an Operating Assistance Grant to reimburse the City for up to fifty percent (50%) of the net operating expenses of the City's Public Transportation Program in the estimated amount of \$268,424.00, and to accept said grant if approved by TDOT.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted.

Mayor Beehan requested that staff review a potential regulation or policy to prohibit smoking by the operators in the vehicles.

The resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution 12-120-11

Adoption of a resolution to approve the Tax Increment Financing (TIF) Economic Impact Plan for the S. Illinois Avenue Economic Development Area.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted. The City Manager provided an overview of the Tax Increment Financing (TIF) Economic Impact Plan for the S. Illinois Avenue Economic Development Area. The City Manager noted that the Plan is structured so as to use the new property taxes earned to pay off the loan used for public improvement of the area first and that sales tax would also be generated the entire time.

Following presentation requests from Councilmember Smith and Mayor Beehan regarding the Economic Impact Plan, Mr. Walter Wise, Developer, explained the history of the project which began as a shopping center, but due to the economy was transformed into a restaurant venture. Mr. Wise indicated that there are two (2) restaurants of interest and that they would only construct if both would locate in the area. He outlined additional benefits of the development which included the sales tax received from the restaurants for both the City and the County, the potential for other business ventures at one of the other locations, the possible use of the former Dean Stallings Ford site, and the presence of the National Oceanic and

Atmospheric Administration (NOAA). Mr. Wise closed by explaining his thoughts on the great potential of this development.

Deputy City Manager, Steve Jenkins also outlined the expected property tax and sales tax values of the restaurants for the City and the County.

The resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution 12-121-11

Adoption of a resolution to direct city staff to move forward with the bid process for construction of a pavilion at Melton Lake Park and to approve the Oak Ridge Recreation and Parks Advisory Board's recommended design and site location.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted. Gerry Palau, Chairman of the Recreation and Parks Advisory Board, provided information to City Council regarding the Parks Board's choice for the pavilion. Mr. Palau explained per Councilmember Smith's inquiries that the structure would be approximately 2,400 square feet and that the pavilion could include an apron to accommodate approximately 240 people and possible additional amenities.

Recreation and Parks Director, Josh Collins, responded to Councilmember's Smith inquiries regarding design of the pavilion by explaining that the Parks Board has a general concept of the pavilion design and add-on amenities, and the Parks Board would develop a plan and accept the best fit proposals.

The resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

PUBLIC HEARINGS AND FIRST READING OF NEW ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 19-11

AN ORDINANCE TO AMEND A USE RESTRICTION REGARDING FAST FOOD RESTAURANTS IN WOODLAND TOWN CENTER PLANNED UNIT DEVELOPMENT PLAN, WHICH FRONTS ON SOUTH ILLINOIS AVENUE AND BACKS UP TO SOUTH PURDUE AVENUE BISECTED BY QUINCY AVENUE ACROSS FROM THE FORMER DEAN STALLINGS FORD SITE, WITH NO CHANGE TO THE ZONING DISTRICT WHICH REMAINS UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT DISTRICT OVERLAY.

Mayor Pro Tem Miller moved, seconded by Councilmember Smith that the ordinance be adopted.

Joy Henderson, 103 Paris Lane, commented that she is concerned of flooding near the area and inquired about what action would be done to counteract the flooding. City Manager Watson responded that part of the public improvements associated with the financing for the project includes drainage, and there is a proposal for "green" parking lots that allow for absorption. Ms. Henderson also commented about the possibility of including signage in the development that indicated that the public was entering a neighborhood and not a business area.

Larry Lewis, 232 Briarcliff Avenue, speaking on behalf of his mother's property. Mr. Lewis explained that his mother is excited about the project, but that she has drainage concerns with the development as she has experienced flooding issues on the property in the past. He expressed an interest in paying attention to details to water management on surrounding properties and keeping in mind that there are residential areas nearby.

Mary Henderson, 231 S. Purdue Avenue, expressed concern over the verbiage "fast-food" in the publicity.

Councilmember Smith commented about her concerns of the existing water control problem of the area to be developed. Ms. Smith explained that if a TIF would be used for future development of nearby sites that drainage improvements be a part of the plan.

Terry Wheeler, Developer, responded to Councilmember Mosby's inquiries regarding the site layout by explaining that the layout was for functional purposes. Additionally, Mr. Wheeler elaborated that the developed property would have underground storm water storage that would remove approximately four (4) acres of water from asphalt.

The ordinance was approved on second reading by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

City Council took a brief break and upon return, Mayor Beehan recognized that Representative John Ragan was in attendance and invited him to speak. Representative Regan commented that he is anticipating the City's Legislative Agenda inputs and reminded City Council and staff about the filing deadline.

(RETURNING TO AGENDA)

Ordinance No. 20-11

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 1.09, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS ED-45, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL.

Mayor Pro Tem Miller moved, seconded by Councilmember Smith that the ordinance be adopted. Community Development Director, Kathryn Baldwin provided a brief overview of the ordinance. Councilmember Smith expressed concern over the construction of a solar array project near a potential airport site. Jeff Deardorff, Chief Operating Officer for Heritage Center, L.L.C., explained that the purchasers of the property are aware of the airport feasibility study and would be accommodating of their project in relation to the possible airport.

The ordinance was approved on second reading by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Ordinance No. 21-11

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 10.06 AND 10.07, ROANE COUNTY TAX MAP 29, ALSO KNOWN AS K-792 AREA, LOCATED AT HERITAGE CENTER, FROM FIR., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).

Councilmember Smith moved that the ordinance be adopted. The motion was seconded by Councilmember Hope and after a brief explanation by Community Development Director Kathryn Baldwin was approved on second reading by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Mayor's Appointments

The Mayor's announced that he is retaining his designated seats on the Anderson County Economic Development Association, the Highland View Redevelopment Advisory Board and the Local Oversight Committee (LOC). The terms of office are concurrent with the Mayor's current term.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller that the Mayor's reappointments be confirmed for the following boards and members:

Mr. David R. Bradshaw and Ms. Louise B. Dunlap to serve as City of Oak Ridge representatives on the Board of Directors of the Anderson County Development Corporation for a term of office that is concurrent with the Mayor's current term.

Mayor Pro Tem Miller to serve as the City of Oak Ridge representative on the Anderson County Tourism Council's Advisory Board for a one (1) year term of office commencing January 1, 2012.

Mr. Terry C. Domm to serve as the Mayor's designee on the Oak Ridge Municipal Planning Commission for a term of office that is concurrent with the Mayor's current term.

Confirmations of the Mayor's appointments were approved by voice vote with Councilmembers Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Garcia Garland abstained.

Oak Ridge Municipal Planning Commission

Councilmember Hope moved, seconded by Mayor Pro Tem that Councilmember Charles L. Hensley's be reappointed to serve as the City Council's representative on the Oak Ridge Municipal Planning Commission to serve for two (2) years or until his term on Council expires, whichever occurs first.

The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Announcements

The City Manager explained that the City Clerk has been instructed to verify the comments presented by Councilmember Smith from Ms. Susan Gawarecki for inclusion with the December 12, 2011 minutes for official record keeping purposes.

Councilmember Mosby made a motion to receive for the record subject to the City Clerk verifying the comments, the City Manager's instruction regarding Ms. Gawarecki's communication. The motion was seconded by Councilmember Smith and carried by unanimous voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

(see attachment; official communication received from Ms. Susan Gawarecki dated December 12, 2011 and received by the City Clerk on December 27, 2011)

Scheduling (NONE)

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Hope requested considering having boards and commissions provide briefings at Council Work Sessions.

Councilmember Smith inquired about adopting a formal vision and mission statement that was drafted at a previous City Council Retreat.

Councilmember Mosby commented about supporting another session to discuss visioning and inquired about the dates to discuss the budget with the School Board that was explained by the City Manager.

SUMMARY OF CURRENT EVENTS

City Manager's Report

The City Manager presented information to City Council regarding Council convening as the Oak Ridge Emergency Communication District's Board of Directors at 6:45 p.m. on December 19, 2011 to approve a User Agreement and Acceptable Use Policy for Next Generation 911.

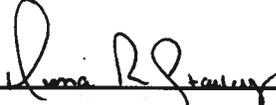
The City Manager also discussed City Council reviewing the Rules and Procedures as a committee in January. Additionally, Mr. Watson commented about addressing the Boards and Commissions' agendas to ensure they are drafted in accordance with Council's objectives and that the boards are participating in civic engagement.

City Attorney's Report

(NONE)

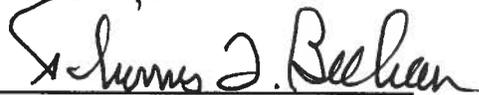
ADJOURNMENT

The meeting adjourned at 9:37 p.m.



Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
JANUARY 9, 2012



Thomas L. Beehan, Mayor