

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

May 12, 2014

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on May 12, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by the Reverend Joseph Westfall, West Village Christian Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Mr. James Powers.

ROLL CALL

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

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; Diana R. Stanley, City Clerk.

Item Not Listed on the Agenda

The City Manager addressed the Council regarding the zoning ordinance under "Final Adoption of Ordinances" indicating that he had recently been made aware of a correspondence from the Oak Ridge Sportsman's Associations (ORSA) legal representation addressing the proposed changes for indoor and outdoor shooting ranges. Mr. Watson requested that the item be removed from the agenda entirely so that the City Attorney could better review the correspondence received. No opposition was expressed from the City Council.

APPEARANCE OF CITIZENS

Dr. James and Rebecca Horton, 106 Carson Lane, spoke to the recent change in the property tax due date and delinquency date collection and expressed their opposition to the change.

Mr. Alexander Waters with Long, Ragsdale, and Waters, P.C., 1111 Northshore Drive, Knoxville, Tennessee, explained that his firm represents ORSA, and that they had submitted a correspondence to City Council expressing concern about the proposed amendments to the Oak Ridge Zoning Ordinance relating to sport shooting ranges. Specifically, Mr. Waters explained that the organization is concerned about interpretation of the ordinance by future City Council and other bodies who would be interpreting these provisions.

Mr. Lee Roy Gilliam, 108 Tracy Lane, address the Council regarding his concern about the enforcement of cars parked illegally in designated handicapped lots.

Item Not Listed on the Agenda

The City Manager requested time to introduce two (2) visitors from Indonesia as part of the International City Manager's Association (ICMA) International Legislative Process and Governance Professional Fellows Program—Ms. Irma Mutiahsari, Pangkalpinang, Bangka Belitung, Sub Division Head of Inter Institutional and Overseas Relations, General Government Administration Division, Pangkalpinang Municipality, Indonesia; and Ms. Hera Nugrahayu, Palangka Raya, Kalimantan Tengah, Head of Industry, Trade and Cooperation Agency Office, H.M. Riban Satia, Mayor of Palangka Raya City, Indonesia.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation paying tribute to B&W Y-12.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the proclamation be adopted. The proclamation is to be presented at a later event for the Secret City Festival.

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

A proclamation designating June 13 and 14, 2014 as "Secret City Festival Time" in the City of Oak Ridge.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the proclamation be adopted.

The proclamation was accepted by Ms. Jane Gibson with the Secret City Festival Executive Committee.

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

A proclamation paying tribute to High Places Community Church.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the proclamation be adopted.

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

The proclamation was accepted by Mr. David Allred with High Places Community Church.

Proclamations from the Consent Agenda

Mayor Beehan requested that the following proclamations be removed from the Consent Agenda and be recognized during the meeting. No opposition was expressed by City Council.

Adoption of a proclamation designating May 11, 2014 through May 17, 2014 as "National Women's Health Week."

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the proclamation be adopted.

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

Adoption of a proclamation designating May 11, 2014 through May 17, 2014 as "Police Week," and May 15, 2014 as "Police Memorial Day."

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the proclamation be adopted.

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

Item Not Listed on the Agenda

The Mayor made an announcement that the City of Oak Ridge had recently received the Tennessee Valley Authority (TVA) Green Power Switch Program Award for Leader of the Year for 2014. This award was presented to the City Council by Electric Department Director Jack Suggs.

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

Councilmember Hensley moved, seconded by Councilmember Garcia Garland that the Consent Agenda be approved. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby:

- Approving the April 14, 2014 City Council meeting minutes.
- Approving the April 28, 2014 City Council Work Session minutes.
- Adopting **Resolution No. 05-32-2014** granting renewal permit for Scott E. Garriott to engage in the retail sale of alcohol beverages for one year and waiving the residency requirement for said applicant.
- Adopting **Resolution No. 05-33-2014** to accept a \$16,000.00 emergency management grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency (TEMA) for on-site and off-site emergency response planning, notification and equipment.

RESOLUTIONS

Resolution No. 05-34-2014

A RESOLUTION TO APPROVE A CONTRACT WITH FOUR ADDITIONAL ONE-YEAR RENEWAL OPTIONS WITH COULTER AND JUSTUS, P.C., KNOXVILLE, TENNESSEE, TO CONDUCT AN AUDIT OF THE CITY'S ACCOUNTS AND FUNDS FOR FISCAL YEAR 2014 IN THE ESTIMATED AMOUNT OF \$55,250.00.

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

Following brief discussions with City Council and City Staff, the resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 05-35-2014

A RESOLUTION APPROVING THE CDBG CONSOLIDATED PLAN 2014-2017, INCLUDING A CITIZEN PARTICIPATION PLAN; THE FY2015 ANNUAL ACTION PLAN; AND PROPOSED ALLOCATIONS OF COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS FOR FY2015 ESTIMATED AT \$498,911.00.

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

Community Development Director Kathryn Baldwin explained that the City is continuing to address vacant blighted housing issues; a major component of the Annual Action Plan.

Councilmember Garcia Garland moved to amend the resolution by assigning approximately \$34,000.00 or 15% to TORCH to serve the needs of the homelessness in the community. The motion was seconded by Councilmember Baughn for discussion purposes.

The City Council discussed the motion introduced by Councilmember Garcia Garland at great length, with the primary discussion focusing on the City's priorities related to housing initiatives as a CDBG effort.

Mr. Joe Lee, 99 East Pasadena Road, commented that owner-occupied housing is a substantial issue in

the community and that current efforts have made a difference, and that TORCH is receiving support from other funding source.

Ms. Ellen Smith, 116 Morningside Drive, commented that TORCH and ADFAC submitted applications for CDBG funding and that TORCH receives monies as part of the Emergency Solutions Grant.

Community Development Specialist Athanasia Senecal Lewis explained that if City Council were to approve the plan and then amend the priorities in said plan, it would begin a new 30-day comment period. Additionally, Ms. Lewis commented that the deadline for submission of the plan to HUD was May 15, 2014, and if Council were to amend the priorities in the plan then an automatic extension would apply with HUD for submission of the revised plan.

Ms. Zabrina Minor, Executive Director of TORCH, confirmed that TORCH submitted an application for the CDBG program, and explained that the application was denied as the City's focus was acquisition and demolition of vacant blighted houses.

The amendment failed by board vote with Councilmember Hensley, Councilmember Hope, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmembers Baughn, Garcia Garland, and Mosby voting "Aye."

Councilmember Hope moved to amend the plan to set aside 15% of the annual contract for social service programs and extend the 30-day comment period for applications to be submitted and reviewed. The motion was seconded by Councilmember Hensley.

The motion was approved by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, and Mosby voting "Aye," Mayor Pro Tem Miller and Mayor Beehan voting "Nay."

Community Development Director Kathryn Baldwin commented that since the original 30-day comment period is still open, staff would amend the plan to change the demolition and acquisition allocation with a 15% reduction and specify that social programs would be receiving the new amount.

Councilmember Garcia Garland requested the plan include verbiage regarding Council's consideration of the applications of social programs with staff acknowledging the request.

Ms. Ellen Smith, 116 Morningside Drive, commented that it unclear which budgeted funds would be reduced by the 15%, but it is not necessarily the demolition of dilapidated housing.

The City Manager noted that it was staff's understanding that the demolition and acquisition would be reduced by 15% or approximately \$34,000.00 would be allocated to social service programs per the discussions held.

The resolution, as amended, was approved by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Beehan voting "Aye," and Mayor Pro Tem Miller voting "Nay."

Resolution No. 05-36-2014

A RESOLUTION AWARDED A CONTRACT (FY2014-128) TO OLAMETER CORPORATION, CONROE, TEXAS, TO PROVIDE ELECTRIC AND WATER METER READING SERVICES IN THE ESTIMATED AMOUNT OF \$718,065.22.

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley that the resolution be adopted. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 05-37-2014

A RESOLUTION AWARDED A CONTRACT (FY2014-98) TO PORTLAND UTILITIES

CONSTRUCTION COMPANY, LLC, PORTLAND, TENNESSEE, FOR THE WASTEWATER SYSTEM REHABILITATION PROGRAM CENTRAL CITY I PROJECT AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER, SAID CONTRACT IN THE ESTIMATED AMOUNT OF \$2,507,093.41.

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

Following a briefing by the Public Works Director Gary Cinder regarding the remainder of available funds to complete remaining projects, the resolution was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

Resolution No. 05-38-2014

A RESOLUTION AUTHORIZING THE CITY TO MOVE FORWARD WITH THE COMPETITIVE BIDDING PROCESS FOR IMPROVEMENTS TO THE LOWER PARKING LOT AT BLANKENSHIP FIELD AND AUTHORIZING FUNDS IN THE ESTIMATED AMOUNT OF \$180,000.00 FROM THE SPECIAL PROGRAMS FUND FOR SAID PROJECT.

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

Public Works Operations Maintenance Manager Pat Fallon explained that staff performed some preliminary estimates using previous project data to provide a cost estimate for this project.

City Council discussed funding options for this project, particularly with regards to the use of the Special Programs Fund, and the need to move forward with improving the lower parking lot beyond the installation of an ADA compliant ramp.

Mr. James Powers, 103 Center Park Lane, discussed the motivators for this project which included enhancements to Jackson Square, accessibility and safety enhancements, and the impact of potential contributions from the community for Blankenship as part of this support.

The City Manager noted that this project would not deplete the Special Programs Fund in anticipation of future projects it could fund.

Mr. Mike Mullins, 118 Claremont Road, stressed that the safety enhancements that are a part of the overall improvements of the parking lot would benefit the community.

Discussions occurred regarding the use of the special programs fund and the specific enhancements that were being pursued or could be pursued, such as the installation of only an ADA complaint ramp, lighting, sidewalks, and clear paths from vegetation.

Councilmember Baughn moved to amend the resolution to reduce the amount of authorized funds to \$69,000.00 as requested by the Board of Education (BOE) from documentation provided earlier in the year, and still use the designated Special Programs Fund. The motion was seconded by Councilmember Garcia Garland.

The amendment failed by board vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmembers Baughn and Garcia Garland voting "Aye."

During the discussions of the \$69,000.00 request from the BOE, the City Manager explained that amount was for a ramp to a location that has now moved that the City believes the ramp installation can now be accomplished for less.

Councilmember Garcia Garland moved to amend the resolution to change to amount to \$30,000.00 to

fund the ramp from the Special Programs Fund and that the enhancements to the parking lot be referred to the Capital Improvement Program (CIP). The motion was seconded by Councilmember Baughn.

The amendment failed by board vote with Councilmember Hensley, Councilmember Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmembers Baughn, Garcia Garland, and Hope voting "Aye."

The original motion to approve the resolution as presented passed by board vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn and Garcia Garland voting "Nay."

(Resolution below was deferred to June 2, 2014)

A RESOLUTION AUTHORIZING THE CONVERSION OF EAST MADISON ROAD FROM A ONE-WAY STREET TO A TWO-WAY STREET.

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

Mr. Ken Hollbrook, Representing Owner of Jackson Square Apartments, commented regarding the impact of the change to the Jackson Square Apartment occupants and the property owners, and asked to allow additional time to evaluate the impacts of this change.

Mr. Rick Dover, General Manager of Family Pride Corporation, explained that infrastructure improvements, notably access to the Alexander Inn, were a part of the PILOT that was issued by the City for the remodeling of the Alexander Inn. Mr. Dover noted that his organization would be willing to extend a driveway to Broadway for improved access to Alexander Inn, at the expense of Family Pride Corporation, and the deed could be turned over the Jackson Square Apartment owners for maintenance if they were willing to accept it.

Mr. Ray Evans, City Consultant, explained that public infrastructure needs were included in the PILOT which included a driveway for the Alexander Inn and that a general idea was constructed at the time of the PILOT. The general idea of the driveway, once further explored, explained Mr. Evans, was not feasible, so city staff explored other ideas with neighboring property owners involved and the feasible alternative formed by staff was to convert the road to a two-way street with parallel parking.

Following discussions of deferring the item, Mayor Pro Tem Miller moved, seconded by Councilmember Hope to defer consideration of the item to the June 2, 2014 City Council meeting so as to allow the nearby property owners to discuss access issues to their properties and the proposed change of East Madison Road to a two-way street. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 05-39-2014

A RESOLUTION TO APPROVE POLICY GUIDANCE STATEMENTS FOR THE CITY MANAGER'S CONSIDERATION IN PREPARATION OF THE FY2015 BUDGET.

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

Councilmember Garcia Garland moved to amend the resolution by changing the language of policy guidance number 6 by changing the word regionals to regionally while omitting the remainder of the verbiage after regionally, so as to read "support continued economic development efforts regionally." Councilmember Garcia Garland explained that this would allow the Council to revisit the process for economic development broadly. The motion was seconded by Councilmember Baughn, and approved by board vote with Councilmembers Baughn, Garcia Garland, Hope, and Mosby voting "Aye," and Mayor Beehan, Mayor Pro Tem Miller, and Councilmember Hensley voting "Nay."

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 04-2014

AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.

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

(Ordinance was removed from the agenda)

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING THE FOLLOWING: ARTICLE II, TITLED "DEFINITIONS" TO UPDATE THE DEFINITION OF "BUSINESS SERVICES" AND TO ADD DEFINITIONS FOR "SPORT SHOOTING RANGE, INDOOR," AND "SPORT SHOOTING RANGE, OUTDOOR"; ARTICLE III, TITLED "GENERAL PROVISIONS," TO ADD A NEW SECTION 3.26, TITLED "SPORT SHOOTING RANGES"; SUBSECTIONS 5.07(C), 5.08(C), 6.01(C), 6.02(C), 7.01(C), 7.02(C), 7.03(C), 7.04(C), 7.05(C), 8.01(D), 8.02(D), 8.03(D), 9.02(C), 9.03(C), AND 9.04(F) TO CHANGE THE PHRASE "USES REQUIRING BOARD OF APPEALS PERMIT" TO "SPECIAL EXCEPTION REQUIRING BOARD OF ZONING APPEALS APPROVAL"; SECTION 5.05, TITLED "R-3, MEDIUM RESIDENTIAL DISTRICT" TO CHANGE THE TITLE TO "R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT," TO REVISE THE PERMITTED PRINCIPAL USE OF BUSINESS AND PROFESSIONAL OFFICES IN SUBPART 4; SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," TO REVISE THE PERMITTED PRINCIPAL USE OF OFFICE BUILDINGS; SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," TO REVISE THE PERMITTED PRINCIPAL USE OF OFFICE BUILDINGS AND TO ADD "SPORT SHOOTING RANGES" AS A USE REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; AND SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," TO CLARIFY THE SIDE AND REAR SETBACK REQUIREMENTS FOR R-1-C AND R-2 IN SUBSECTION (E)(2)(A); ALL FOR THE PURPOSES OF ADDRESSING ITEMS THAT WERE ABSENT FROM THE ORDINANCE AND TO UPDATE PROVISIONS IN NEED OF CLARIFICATION.

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Elect one (1) Oak Ridge High School student representative to the Environmental Quality Advisory Board for a one-year term of office beginning on June 1, 2014.

Ms. Emma Milloway was elected by ballot to the Environmental Quality Advisory Board for a one (1) year term of office receiving the votes of Councilmembers Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller. Councilmember Baugh and Mayor Beehan voting for Mr. Alexander Crutchfield.

Elect one (1) Oak Ridge High School student representative to the Traffic Safety Advisory Board for a one-year term of office beginning on June 1, 2014.

Mr. Alexander Crutchfield was unanimously elected by ballot to the Traffic Safety Advisory Board for a one (1) year term of office receiving the votes of Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan.

Announcements

The Mayor stated that he and the City Manager had received recent communications regarding an interest in participating in the White House Initiative Mayor's Makers Challenge in coordination with the Oak Ridge National Laboratory for advance manufacturing (3-D printing). The Mayor further explained that the City Manager and he would be learning more about this opportunity.

Scheduling

Discussions of scheduling a mid-year election for City Boards and Commissions during the July 12, 2014 City Council meeting.

The City Clerk explained that the staff had developed a process to discuss with City Council about running a small recruitment to fill current vacancies of City Boards and Commissions at the July 14, 2014 City Council meeting so as to allow boards to move forward with full membership for the remainder of the year and beyond. No opposition was expressed by City Council to move forward with this procedure.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Request from Councilmember Garcia Garland to schedule meetings of the City Council twice a month for discussion of policy and planning over the next four (4) months.

Councilmember Garcia Garland explained that she would like to bring a resolution before City Council at the June meeting that sets two (2) meetings a month to allow for policy setting over a four month period.

Members of City Council discussed this issue with a determination to be made at the next Council meeting for meeting schedule, agenda, and purpose.

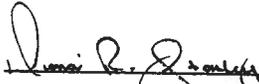
SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

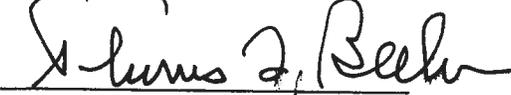
CITY ATTORNEY'S REPORT

ADJOURNMENT

The meeting adjourned at 11:00 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
June 2, 2014


Thomas L. Beehan, Mayor