

**OAK RIDGE CITY COUNCIL
WORK SESSION MINUTES**

July 28, 2014

The Work Session of the Oak Ridge City Council convened at 7:00 p.m. on July 28, 2014 in the Multipurpose Room in the Central Services Complex.

Present: Trina Baughn, Councilmember
Tom Beehan, Mayor
Anne Garcia Garland, Councilmember
Charlie Hensley, Councilmember
Chuck Hope, Councilmember
David Mosby, Councilmember (arrived later in the meeting)

Jane Miller, Mayor Pro Tem Miller, was absent.

Also Present: Mark S. Watson, City Manager
Ken Krushenski, City Attorney
Diana Stanley, City Clerk

DISCUSSION AND REVIEW OF STATUS OF CLARK CENTER PARK ON MELTON HILL LAKE AND DOE INQUIRY ABOUT CITY OF OAK RIDGE INTEREST IN THE PARK. DISCUSSION WILL CENTER ON CITY COUNCIL KNOWLEDGE OF THE PARK AND ITS AMENITIES, AND STRATEGIC INFORMATION NEEDS OF CITY COUNCIL TO MAKE A DECISION ON THIS REQUEST.

The City Manager and the Recreation and Parks Director Josh Collins provided a photo overview of Clark Center Park. The City Manager noted the many variables that the City needed to consider including cost, infrastructure, property transfer, and maintenance, and that this was the early stages of discussion with the Council.

During these discussions, many of Council wished to obtain additional information from the Department of Energy (DOE) regarding the transfer and/or sale of the property and the maintenance costs to possibly take a position on the interest of the property.

UPDATES AND DISCUSSION FROM CITY MANAGER:

Mr. Watson provided the following updates:

- *Progress on Blankenship Field project*
City staff has met with the Oak Ridge School and the Oak Ridge Blankenship Revitalization Committee and bid awards will be presented in accordance with city purchasing guidelines. Also, the City will bring forward a formalized document on the three entities process related to the design phase.
- *Equalization basin review process*
Basins are currently out for bid to begin the process with bid award coming to City Council possibly in September.
- *Jackson Square Revitalization Project*
The Jackson Square Revitalization Project has been redesigned to fall within budget parameters.
- *TPO update on TDOT activities/funding/bus programs*
Public area bus services may be facing federal funding shortages.
- *Scarboro Reunion*
City personnel spent time recruiting in the neighborhood for the City of Oak Ridge.
- *Review of July 17, 2014 Work Session, by Anne Garcia Garland*

City staff provided City Council with previous reports for possible discussion at the July 31, 2014 Work Session—one from former City Manager James O'Connor on goals; and the second report provided was an assessment by Mr. Watson three-weeks into his employment.

REVIEW OF PROCESS ON AMSE PROJECT AND COMMUNITY MEETINGS.

The City Manager noted that the next Community Meeting was scheduled for August 19, 2014 with topics to potentially change based on scheduling with guest speaker.

City Council also held discussions on the future operation of the AMSE museum.

UPCOMING RECOMMENDATIONS BY THE PLANNING COMMISSION ON SHOOTING RANGES AND SIGN TEXT AMENDMENTS (SCHEDULED FOR CONSIDERATION AT THE AUGUST 11, 2014 COUNCIL MEETING).

Community Development Director Kathryn Baldwin reviewed the zoning changes for shooting ranges and sign text amendments.

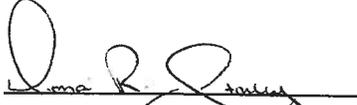
Ms. Baldwin noted that the Oak Ridge Sportsman's Association had been offered the opportunity to provide suggestions to staff to include language in the amendments for consideration. Additionally, she noted that the organization is, and has been, grandfathered for permitted use. She also noted that city staff had also met with the indoor shooting range prospect to allow an opportunity for that company to provide suggested language for consideration as well.

During explanations, Ms. Baldwin responded to questions and comments of City Council regarding these text amendments. During discussions of the sign text amendments, several comments were raised by Council as to the restrictive nature of the sign text amendments, the practicality of enforcement for staff, and utilization in the community. Based on these discussions, city staff would not be bringing forward sign text amendments for consideration at the August 11, 2014 City Council meeting.

(At the August 11, 2014 City Council meeting, City Council amended the July 28, 2014 Work Session Minutes to include a communication from the attorneys for the Oak Ridge Sportsmen's Association regarding their involvement in the proposed zoning ordinance for sport shooting ranges. That communication is attached to the subsequent pages of these minutes.)

ADJOURNMENT

The meeting adjourned at 9:50 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
August 11, 2014

Thomas L. Beehan, Mayor



Long, Ragsdale & Waters, P.C.
ATTORNEYS AT LAW

David Wilson Long
Dennis B. Ragsdale
John B. Waters III
J. Michael Ivens
R. Louis Crossley, Jr.†
C. Paul Harrison

J. Randolph Miller
Garrett P. Swartwood*
Jennifer Milligan Swindle**
Lee A. Popkin
Alexander O. Waters

Of Counsel
John B. Waters, Jr.

August 25, 2014

Kenneth R. Krushenski, Esq.
City Attorney
City of Oak Ridge
200 South Tulane Avenue
Oak Ridge, Tennessee 37830

VIA ELECTRONIC MAIL

**Re: The Zoning Ordinance of the City of Oak Ridge, Tennessee;
Proposed Amendments Concerning Sport Shooting Ranges**

Mr. Krushenski:

In response to your earlier inquiry, I emailed the Shooting Range Amendments (as attached to this letter) to Tobias Albrecht, President of the Oak Ridge Sportsmen's Association ("ORSA"), in June 2014. Tobias and I both concurred that the provisions sent to us by the City mirrored the amended language we had agreed upon at our meeting this past June. Further, we had agreed at the June meeting that the City of Oak Ridge would issue a zoning letter to ORSA that outlined and confirmed ORSA's preexisting nonconforming use status under the Oak Ridge Zoning Ordinance. We received the City's zoning letter this past week.

Again, we appreciate the City's willingness to have a meaningful discourse with ORSA about these matters and for being open-minded to many of our recommended changes to the proposed zoning ordinance. If you have any further questions or concerns on this matter, please feel free to contact Tobias or me at your convenience.

Very truly yours,

Long, Ragsdale & Waters, P.C.
Attorneys for the Oak Ridge Sportsman's Association

By: 
Alexander O. Waters, Esq.

CC: Tobias Albrecht, ORSA President (via electronic mail)

* Also admitted in Florida ** Also admitted in New York † T.S.C. Rule 31 Civil Mediator

1. Add the following definitions to Article II:

◆ Outdoor Sport Shooting Range

An outdoor area, ~~not enclosed in a building~~, designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military firing ranges operated by any level of government, and does not include occasional not-for-profit charitable events (commonly called "turkey shoots"); *provided, however, that the presence of "Buildings, Unenclosed" and/or "Buildings, Accessory," including, but not limited to, sheltered firing lines, firing ports, stations, pavilions, sheds and canopies, on or within the outdoor area shall be permitted and the presence of such structures shall not cause a sport shooting range to be considered an indoor range.*

◆ Indoor Sport Shooting Range

A fully enclosed building or part of a *fully enclosed* building specifically designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military indoor firing ranges operated by any level of government. ~~As used in this section, means any public place or range for shooting and discharging firearms for which a fee is charged.~~

2. Add the following supplementary regulations to Article III General Provisions regarding commercial indoor sport shooting ranges.

(a) License Required.

No person shall conduct, maintain, operate, or cause to be conducted, maintained or operated, any indoor or outdoor sport shooting range without being licensed through the State of Tennessee Department of Safety and Homeland Security and meet all other applicable state and federal regulations for operating a *sport* shooting range. Any license or permits required for shooting range activity by any level of government shall be submitted as supporting documentation with the site plan.

(b) All sport shooting ranges shall be planned, constructed and maintained according to standards that are at least as stringent as the standards contained in the National Rifle Association range manual and the standards set forth by the State of Tennessee Department of Safety and Homeland Security *Handgun Safety School Firing Range Requirements*. The proposed sport shooting range shall be shown on a site plan showing all buildings, firing lines or stations, shooting related activity areas and other areas or structures.

(c) Location.

Sport shooting range shall be designed to minimize noise to surrounding properties. No indoor sport shooting range shall be located closer than 1,000 feet (measured from property line to property line) from any school, church, hospital, or other indoor sport shooting range, nor in any location that would constitute a nuisance under the Municipal Code, common law or any other applicable law, statute or regulation, or in a location such that the noise from the indoor sport shooting range would constitute such a nuisance or other violation under the Municipal Code.

(d) Hours of Operation.

No indoor sport shooting range shall be operated between the hours of 10:00 p.m. and 7:00 a.m. These hours of operation coincide with allowable decibel levels as defined in Section 12.04 of the Zoning Ordinance.

(e) **Safety Rules.** In the operation of any *indoor* sport shooting range, the following safety rules shall at all times be observed:

1. Sport shooting ranges shall contain all projectile and shot fall within the property of the sport shooting range.
2. A lead mitigation plan meeting requirements of the Environmental Protection Agency (EPA) shall be submitted with the site plan.
3. It is the *sport shooting* range operator's responsibility to determine if a shooter is of appropriate age and has the physical and mental ability to safely utilize the *sport shooting* range and provide their shooters with appropriate qualified supervision.
4. The sport shooting range shall be properly and adequately ventilated and filtered at all times and comply with all applicable OSHA, NIOSH, EPA standards and any other applicable local, state or federal codes, standards, laws and regulations.

3. Amend Section 7.04 (c) to add the *Indoor Sport Shooting Range* as a use requiring Board of Zoning Appeals (BZA) approval