

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

April 8, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:10 p.m. on April 8, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by the Reverend Brian Scott from Robertsville Baptist Church.

PLEDGE OF ALLEGIANCE

Mr. Hal Osucha led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

Councilmembers Trina Baughn and Charles J. Hope, Jr. were absent.

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

APPEARANCE OF CITIZENS

Mr. Leonard Abbatiello, 110 Dover Lane, raised several of his concerns to City Council regarding the City's financial relationship with the Department of Energy (DOE). He requested that City Council consider previous Council recommendations to reopen discussions with the DOE under the Atomic Energy Commissions Act of 1955 and the Public Law 221.

Ms. Virginia Jones, 103 Burgess Lane, American Association of University Women (AAUW), called attention that April 9, 2013 is Equal Pay Day. Ms. Jones provided statistical information regarding pay equalities amongst the different genders and urged that residents of Oak Ridge contact their legislators to pass the Paycheck Fairness Act that was before Congress.

Mr. Martin McBride, 954 West Outer Drive, recognized that the 70th Anniversary of the conclusion of WWII would occur in two years. Mr. McBride suggested that City Council research the history of the conflict between now and 2015 and acknowledge the new way that countries settle differences.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating April 19 as "Celebration for the Young Child."

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

The proclamation was accepted by Carol Welch, Executive Director of the Oak Ridge Children's Museum.

A proclamation designating April 14-20 as "Library Week."

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

The proclamation was accepted by Oak Ridge Public Library Director Kathy McNeilly.

A proclamation designating April 2013 as "Fair Housing Month."

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

The proclamation was accepted by Community Development Senior Planner Kahla Gentry.

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

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

- Approval of the March 18, 2013 City Council meeting minutes.
- Approving **Resolution No. 04-23-2013** awarding a contract (COR 13-08) to Rogers Group, Inc., Oak Ridge, for street milling and resurfacing of designated city streets in the estimated amount of \$645,056.61.

(The City Manager noted that the two (2) ordinances listed under "Final Adoption of Ordinances" would need to be removed from the agenda as the Access Agreement had still not been executed. Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to amend the agenda by removing both ordinances—the land use amendment and rezoning—under "Final Adoption of Ordinances." The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye.")

RESOLUTIONS

Resolution No. 04-24-2013

A resolution amending the contract (COR 96-01) between the City and Waste Connections of Tennessee, Inc., to eliminate the rewards portion of the City's recycling program for an annual cost savings of approximately \$123,972.00.

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

Public Works Director Gary Cinder covered a summary of the changes to the program, including the cost savings to the City by eliminating the rewards program.

Councilmember Garcia Garland moved to amend the resolution by adding a stipulation that the savings be returned to the citizens and that the \$.84 no longer be charged on resident's utility bills. The motion was seconded by Councilmember Hensley.

Mr. Cinder explained that the savings was offered to the Public Works Department to assist in covering the additional costs in the City's budget when the waste contract was amended to include hundreds of additional houses.

Finance Director Janice McGinnis clarified that the City had been budgeting the collection amount based

on a historical count of houses. Ms. McGinnis explained that the additionally houses being added would increase the costs next fiscal year, and that the cost savings received by removing the rewards portion would be used to offset those additional costs.

Discussions continued regarding the rewards program and the possible use of the cost savings.

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

Councilmember Garcia Garland moved that the resolution be reconsidered at a future date with the full Council given that the earlier amendment had failed 3:2. The motion was seconded by Councilmember Hensley.

Mr. Doug McGill of Waste Connections suggested that City Council consider terminating the Recycle Bank Program given that Waste Connections was under a strict deadline on a determination of the rewards program, and that the City could determine the usage of the cost savings of the program at the next scheduled meeting.

Councilmember Garcia Garland withdrew her motion.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to accept the recommendation to terminate the rewards portion of the contract and later determine the usage of the cost savings received from the elimination of the program.

The motion to terminate the rewards program was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

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

Mr. Boyce Griffith, 107 Beechwood Lane, commented that he removes a lot of trash and recyclable materials from the greenways and recommended that the rewards program be continued and, if not, consider a per bottle fee with recycling.

Resolution No. 04-25-2013

A resolution approving updated bylaws for the Senior Advisory Board (formerly the Elder Citizens Advisory Board); amending Resolution 7-75-77, as amended, to eliminate representation on the board by the Coalition of Oak Ridge Retired Employees (CORRE) and to add representation by the Anderson County ADA Oversight Committee, with the total number of board members remaining the same; and appointing Lee Roy Gilliam to serve the remainder of his current term on the board as the representative for the Anderson County ADA Oversight Committee.

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

Resolution No. 04-26-2013

A resolution authorizing the Industrial Development Board of the City of Oak Ridge to enter into a five-year one hundred percent (100%) payment in lieu of tax agreement with Protomet corporation for the Phase II expansion of their business.

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

Mr. Hal Osucha, 249 Gum Hollow Road, reviewed Protomet's business history, expansion plan, and

highlighted the benefits of the second phase expansion. Mr. Osucha also responded to questions and comments of City Council.

Mr. Jeff Bohanan, President of Protomet Corporation, 5500 Chatsworth Court, Powell, Tennessee, reviewed his history of establishing Protomet, his future business plans, and the benefits that the tax abatement would provide for the expansion of his business. Mr. Bohanan responded to several inquiries presented by City Council.

Mr. Robert Humphries, 500 Michigan Avenue, urged Council to vote against this PILOT and consider voting against future tax abatements presented to City Council as he does not believe that venture capital should come from the government.

Mr. Parker Hardy, President of the Oak Ridge Chamber of Commerce (ORCC), 123 Amanda Drive, noted that the ORCC Board of Directors had supported the IDB's PILOT agreement. Mr. Hardy explained the importance of follow-on PILOT arrangements as he has seen success of follow-on abatement arrangements with other businesses in another state. Mr. Hardy noted that expansions are continuous by utilizing the working "seed money" provided from a PILOT.

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

A resolution adopting updated City Council Rules and Procedures.

Councilmember Mosby moved, seconded by Councilmember Hensley that the resolution be adopted.

The City Clerk briefly reviewed some of the major changes that the Rules and Procedures Committee was recommending, such as proclamation guidelines, boards and commission's election processes, meeting definitions, minutes, etc.

Councilmember Garcia Garland presented suggestions and inquiries to be considered for the City Council Rules and Procedures: (1) increasing the deadline of agenda materials for Work Sessions and Miscellaneous Meetings from three (3) business days to five (5) business days; (2) no mention of Council voting on Proclamations for the procedures; (3) the City Manager should inquire of Council for use of a sergeant of arms; and (4) adding that the members of the public have a "right" to speak before City Council under "Right to Speak."

Mayor Pro Tem Miller requested that the suggestions be brought back to the Rules and Procedures Committee along with others of the Council. Councilmember Hensley moved, seconded by Councilmember Garcia Garland to take Councilmember Garcia Garland's suggestions back to the Rules and Procedures Committee, as well as others from the councilmembers, for review. The motion passed by voice vote with Councilmembers Garcia Garland, Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Mosby voting "Nay."

Resolution No. 04-27-2013

A resolution requesting the State of Tennessee to develop a uniform approach to school security using the City of Oak Ridge as a pilot project to conduct necessary risk assessments and provide accompanying recommendations to improve school security.

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

Mr. Keys Fillauer, Board of Education Chairman, 17 Palisades Parkway, explained that the Board of Education is aware of TetraTech's proposal and that they support the recommendation of the City Manager. Mr. Fillauer emphasized that the Board of Education had passed a resolution supporting school resource officers in all the Oak Ridge schools and stressed the value of this resource.

Mr. Joe Wood, 100 Broton Lane, explained the value of performing a security evaluation before implementing a security plan and highlighted some of those evaluations main points. Mr. Woods emphasized that if resources were going to be expended, an evaluation with data would help to determine how best to expend those resources that could be used in schools.

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

In response to the City Manager's request, Oak Ridge Police Chief James Akagi gave a brief overview on the usage of school resource officers. He stated that there is currently one school resource officer in the High School, and that the Police Department is researching the most effective means of providing school security. Chief Akagi explained a method of providing officers to schools with no additional duties being added to the officers' jobs, by instituting unplanned walk-throughs by officers. Additionally, he outlined a plan to incorporate school security into the research and dialogue of police officers.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing

A public hearing for the Program Year 2013/Fiscal Year 2014 Community Development Block Grant (CDBG) Annual Action Plan.

The Mayor opened the floor for public comments to which no citizens participated. Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to close the public hearing. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

FINAL ADOPTION OF ORDINANCES

(Consideration for the below ordinances was canceled per the earlier motion to amend the agenda to remove the ordinances.)

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM R, RESIDENTIAL TO B, BUSINESS, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

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 A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM RG-1/, RESIDENTIAL OPEN SPACE AND RESERVED AND RG-1/FLOOD FRINGE, TO UB-2, UNIFIED GENERAL BUSINESS AND UB-2/FLOOD FRINGE, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Hensley requested future discussions of the Department of Energy's (DOE) property tax payments at a Work Session. The Mayor added that, if discussed, all relevant information be discussed as a whole.

Councilmember Garcia Garland indicated that the City may receive a letter from the Oak Ridge Housing Authority (ORHA) requesting participation at a future work session to bring ideas of supporting the City and opening dialog with the Council.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

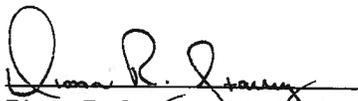
The City Manager noted the April 22, 2013 Work Session would be used as the City Manager's Budget Presentation, and noted that the first reading of the appropriation ordinance would occur on May 13, 2013 and second reading on May 28, 2013.

CITY ATTORNEY'S REPORT

The City Attorney explained that the SARM museum project received higher bids than were originally estimated and funding does not exist for those bids, and was awaiting receiving information that details the problem. Mr. Krushenski indicated that the Tennessee Department of Transportation is aware of the museum's problem.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
May 13, 2013


Thomas L. Beehan, Mayor