

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

August 12, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on August 12, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Pastor Robert May, Oak Ridge Family Bible Church.

PLEDGE OF ALLEGIANCE

Mr. Len Hart led the Pledge of Allegiance to the Flag of the United States of America.

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; Janice E. McGinnis, Finance Director; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

Agenda Amendment

Councilmember Hensley moved, seconded by Councilmember Hope to amend the agenda to include the Report on Debt Obligations Forms—CT 0253—for the City's two (2) State Revolving Fund Loans under "Special Reports," as well as add the "Wildcat Day" Proclamation to the Consent Agenda for approval as recommended by City Staff. 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."

APPEARANCE OF CITIZENS

Ms. Kay Williamson, 420 Jefferson Avenue, discussed the possibility of a program to require that animals in the City of Oak Ridge be spayed or neutered, or be fined for noncompliance to better assist with the abandonment of animals at the Animal Shelter.

Mr. Johnny Mathis, 221 Loggers Lane, Clinton, remarked about recent incident involving himself and the Oak Ridge Police Department.

Mrs. Casey Mathis, 221 Loggers Lane, Clinton, described her past experiences with the police force in Atlanta, Georgia and noted a situation that occurred between her family and the Oak Ridge Police Department.

Mr. Don Bell, 100 Panama Road, expressed his positive comments about the revitalization of Jackson Square, the Alexander Inn, and other notable developments happening in the community.

Mr. Aditya Savara, 109 Trenton Drive, requested further information about the expenditures of the library and asked the City Council to request such information regarding the library's services with a reduction that does not reduce its operation.

Mr. Martin McBride, 954 West Outer Drive, stated that the potential with the Oak Ridge Mall presents a good opportunity to serve other economic developments in the community and noted statistics related to Oak Ridge residency and Department of Energy employees.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

(NONE)

SPECIAL REPORTS

City Attorney Evaluation Committee Chair Anne Garcia Garland

Resolution No. 08-69-2013

A resolution to amend the City Attorney's Employment Agreement to provide for an equivalent one percent (1%) salary increase retroactive to March 3, 2013.

Committee Chair Garcia Garland provided an overview of the City Attorney Evaluation Committee's recommendation which was a 1% salary increase commensurate to that received by all of the city employees retroactive to the effective date of the City Attorney's contract with no further contract extensions given the current term of his agreement.

Councilmember Baughn moved, seconded by Councilmember Hope to approve the resolution. 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."

Presentation of State Forms CT-0253 Report on Debt Obligation for the 2013 State Revolving Fund Loans 324 and 325

Finance Director Janice McGinnis reviewed the contents of the forms, noting the interest rates, debt issued, and amortization of the loans while responding to questions and comments of the City Council. Ms. McGinnis noted that a presentation at a public meeting was part of a new requirement from the State of Tennessee Comptroller's Office when a city issues debt and that the item was presented for informational and discussion purposes of City Council.

CONSENT AGENDA

Councilmember Hensley requested that the Proclamation paying tribute to Dr. Liane B. Russell in celebration of her 90th birthday be removed from the Consent Agenda.

Mayor Pro Tem Miller moved, seconded by Councilmember Baughn to approve the remainder of the Consent Agenda. 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 July 8, 2013 City Council meeting minutes.
- Adopting **Resolution No. 08-70-2013** authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Michael Marion Marsh, Elks Lodge No. 1684.
- Adopting **Resolution No. 08-71-2013** granting a renewal permit to Scott E. Garriott to engage in the retail sale of alcoholic beverages for one year; waiving the residency requirement for the nonresident applicant; and authorizing the Mayor to sign said permit on behalf of the City.
- Adopting **Resolution No. 08-72-2013** authorizing the Mayor to sign and issue on behalf of the City of Oak Ridge a Certificate of Compliance for Scott E. Garriott to engage in the retail sale of alcoholic beverages at Oak Ridge Package Store, 971 Oak Ridge Turnpike.
- Adopting **Resolution No. 08-73-2013** approving a termination of Lease Agreement with

Learning Ally (formerly Recording for the Blind and Dyslexic) to terminate the existing Lease Agreement with the City of Oak Ridge for 205 Badger Road.

- Adopting **Resolution No. 08-74-2013** opposing a reduction or elimination of the tax exemption on municipal bond interest, urging the Tennessee Congressional Delegation to strongly oppose a reduction or elimination of the tax exemption on municipal bond interest, and urging the Tennessee Delegation to the United States House of Representatives, particularly Congressman Chuck Fleischmann, to support House Resolution 112 celebrating the history of municipal bonds.
- Adoption a proclamation declaring August 24, 2013 as "**Wildcat Day**."

Item Removed from the Consent Agenda

Adoption of a Proclamation paying tribute to Dr. Liane B. Russell in celebration of her 90th birthday.

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley to adopt the proclamation.

Mr. Jimmy Groton, 87 Outer Drive and President of the Tennessee Citizens for Wilderness Planning, expressed his admiration for Dr. Russell, as well as noted that a ribbon cutting for informational kiosks would be featured on August 17, 2013 at the Cedar Barrens.

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."

Amended Agenda- "Wildcat Day" Proclamation

Mr. Len Hart, President of the Oak Ridge High School Quarterback Club, reviewed the charter of the Quarterback Club and announced that a community-wide pep rally would take place on August 24, 2013 to celebrate the football season in Oak Ridge.

RESOLUTIONS

Resolution No. 08-75-2013

A RESOLUTION AWARDING A CONTRACT (COR 13-06) TO HURST EXCAVATING, LLC, KNOXVILLE, TENNESSEE, FOR THE REHABILITATION OF PORTIONS OF THE WASTEWATER COLLECTION AND TRANSPORTATION SYSTEM AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER, SAID CONTRACT IN THE ESTIMATED AMOUNT OF \$3,334,437.50.

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

Following a brief introduction by the City Manager, 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. 08-76-2013

A RESOLUTION AUTHORIZING A DEMAND-RESPONSIVE TRANSIT SYSTEM MANAGEMENT CONTRACT BETWEEN THE CITY AND THE EAST TENNESSEE HUMAN RESOURCE AGENCY, INC., EFFECTIVE NOVEMBER 1, 2013, CONTINGENT UPON THE CITY'S RECEIPT OF GRANT FUNDING FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR PARTIAL FUNDING OF THE CITY'S OPERATING EXPENSES FOR THE TRANSIT PROGRAM, AND TO INCREASE THE GENERAL PUBLIC ONE-WAY FARE FROM \$1.50 TO \$2.00 EFFECTIVE WITH THE NEW CONTRACT.

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

Community Development Specialist Athanasia Senecal-Lewis and the City Manager responded to inquires of City Council regarding the rules of service, transit schedule, and the future of the transit program.

Mr. Mike Patterson, East Tennessee Human Resource Agency (ETHRA) employee, provided information regarding the services and the publication of this information, as well as contact information for the agency.

Ms. Kay Williamson, 420 Jefferson Avenue, requested that City Council learn more about the services of ETHRA and its processes.

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

Resolution No. 08-77-2013

A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN THE U.S. DEPARTMENT OF ENERGY, ELECTRIC POWER RESEARCH AGENCY, AND TENNESSEE VALLEY AUTHORITY JOINT PROGRAM WHICH WILL RESULT IN THE ACQUISITION OF A PLUG-IN HYBRID BUCKET AND CHARGING STATIONS UTILIZING THE CITY'S BIDDING REQUIREMENTS AND WAIVING COMPETITIVE BIDDING FOR THE ACQUISITION OF A HYBRID PICKUP TRUCK THROUGH VIA MOTORS.

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

Electric Department Director Jack Suggs discussed the City's cost for participating in the program and the value of the equipment that the City will receive, as well as outlined the intended service use of the hybrid vehicles.

Following additional discussions by Mr. Suggs and City Council, the resolution was approved unanimously by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 08-78-2013

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BILL NOLAN AND ASSOCIATES, OAK RIDGE, TENNESSEE, FOR THE PROVISION OF CONSULTING SERVICES IN THE AREA OF RELATIONS WITH THE TENNESSEE GENERAL ASSEMBLY AND THE EXECUTIVE BRANCH OF THE STATE OF TENNESSEE FOR AGREED UPON PRIORITIES FOR THE CITY IN THE AMOUNT OF \$40,000.00 WITH AN ALLOWANCE OF \$5,000.00 FOR EXPENSES.

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

Councilmember Hensley expressed his concern about supporting a reduction in compensation based on the level of services that the City has been receiving and wanted to ensure that Mr. Nolan was amply compensated for his services. Councilmember Hensley moved to amend the resolution by reinstating Bill Nolan's contract by \$10,000.00. The motion was seconded by Councilmember Garcia Garland.

City Council discussed Councilmember Hensley's motion and the agreement parameters that the City has with Mr. Nolan.

Mr. Bill Nolan expressed his appreciation for the opportunity to serve as the City's lobbyist and briefly outlined that the role that he played to the City during his service.

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

Resolution No. 08-79-2013

A RESOLUTION TO APPROVE AN AGREEMENT WITH RAY EVANS FOR ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2014 IN THE AMOUNT OF \$42,000.00.

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

Following brief discussions, 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."

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading of an Ordinance

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE XIV, TITLED "SIGN REGULATIONS," TO ADD A NEW SECTION 14.21, TITLED "MOVING COPY (ELECTRONIC MESSAGE CENTER) SIGNS," FOR THE PURPOSE OF ESTABLISHING CRITERIA FOR OPERATION OF MOVING COPY (ELECTRONIC MESSAGE CENTER) SIGNS.

Councilmember Hope moved, seconded by Councilmember Hensley that the ordinance be approved on first reading.

The Mayor opened the floor to receive comments for the public hearing. The following residents provided comments:

Mr. Parker Hardy, President of the Oak Ridge Chamber of Commerce, remarked that he was pleased with the progress made toward the amendment of the sign regulations. Mr. Hardy noted two concerns regarding the current amendment: (1) that one of the regulations require a letter from the manufacturer/installer regarding luminosity and time frame intensity, as opposed to just a letter; and (2) that animation or video is not allowed as part of the advertising message.

Mr. Martin McBride, 954 West Outer Drive, commented that digital signs have two positive aspects: services provided to the retailers during hard economic times and that it could be a mechanism to reach out to the Department of Energy work force about Oak Ridge. Mr. McBride concluded by indicating his opinion that the sign ordinance was too broad.

Mr. Kimberley Fisher, 103 Case Lane, inquired about studies available on traffic safety related to sign animation and wished to have a medium regarding possible animation in relation to public safety.

Mr. Terry Domm, Chairman of the Oak Ridge Municipal Planning Commission, discussed the three considerations of the Planning Commission when developing the amendment: travel/distraction component; the need of the business, and the residential needs. Mr. Domm stressed that the ordinance needs to be both measurable and enforceable and movable copy was difficult to achieve both.

Mr. Peter Scheffler, 117 Brentwood Drive, inquired about a presentation regarding luminosity examples.

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

Community Development Director Kathryn Baldwin discussed, at length, inquires of City Council regarding

the definition of animation and a means to measure such indicating that staff nor the Planning Commission, upon research, had been able to determine a way to measure animation and, as such, animation would not be allowed because of its lack of quantitative measurement.

Mayor Pro Tem Miller moved to amend the ordinance presented by removing the last sentence in Section 14.21, Item 1 "animated video or continuous scrolling of messages is prohibited." The motion was seconded by Councilmember Baughn.

Upon request from Councilmember Mosby, Ms. Baldwin indicated that the statement requested to be removed was a critical component of the ordinance and greatly considered with the Planning Commission. Following additional discussions amongst City Council regarding sign animation, the motion to amend the ordinance failed by board vote with Councilmembers Baughn, Hope, and Mayor Pro Tem Miller voting "Aye," and Councilmembers Hensley, Garcia Garland, Mosby, and Mayor Beehan voting "Nay."

The ordinance, as presented, was approved on first reading by board vote with Councilmembers Hensley, Garcia Garland, Mosby, and Mayor Beehan voting "Aye," and Councilmembers Baughn, Hope, and Mayor Pro Tem Miller voting "Nay."

First Reading of Ordinances

AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "OAK RIDGE LAND BANK CORPORATION," TO CREATE A LAND BANK CORPORATION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §13-30-101 ET SEQ.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller that the ordinance be approved on first reading.

Following discussions and comments from the City Council regarding the Land Bank, Councilmember Garcia Garland moved to amend Section 13-610 "Priorities for the Use of Real Property in the Land Bank" to amend the second sentence to read "City Council will establish such priorities by resolution prior to the conveyance of any properties from or to the Land Bank." The motion was seconded by Councilmember Baughn.

Councilmember Garcia Garland withdrew her motion upon Councilmember Hensley's explanation that the City would establish the enabling legislation of the Land Bank which can contain the details and goals of the City Council upon forming the corporation.

Ms. Pat Fain, 926 West Outer Drive, commented that City Council has not heard comments from the public regarding the Land Bank policies.

Ms. Ellen Smith, 116 Morningside Drive, remarked that the ordinance would set the framework for the Land Bank and that the ordinance was not the right avenue to consider the policy of the Land Bank. Additionally, she commented that the Council may consider asking the Land Bank to work closely with citizens to help the actives of the neighborhoods.

Mr. Joe Lee, 99 East Pasadena Road, voiced his support for the Land Bank Program and indicated his wishes for the City to begin to move forward with the program to help with housing.

The ordinance, as presented, was approved on first reading by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," CHAPTER 5, TITLED "RESIDENTIAL RENTAL DWELLING UNIT INSPECTIONS," BY DELETING

SUBSECTION 13-503(3), TITLED "DIRECTOR," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 13-503(3), TITLED "CITY MANAGER"; BY DELETING SUBSECTION 13-504(2)(A), TITLED "HIGHLAND VIEW REDEVELOPMENT AREA," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 13-504(2)(A), TITLED "MANHATTAN DISTRICT OVERLAY"; AND TO REPLACE ALL REFERENCES WITHIN THE CHAPTER TO "DIRECTOR" TO NOW BE "CITY MANAGER," WITH ALL CHANGES FOR THE PURPOSE OF EXPANDING THE RESIDENTIAL RENTAL INSPECTION DISTRICT AND OTHER HOUSEKEEPING UPDATES.

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley to approve the ordinance on first reading.

The City Manager provided an overview of the program including the program's intent, the inspection process, and the community benefits of the rental inspection. The City Manager also responded to inquiries of City Council.

Mrs. Kimberley (Fisher) Bell, 103 Case Lane, stated that City Council consider planning for a five-year strategic plan for the program. Ms. Fisher expressed her support for the program, but stated she had some concerns about the implementation of the inspection process from its original creation in 2007.

Mr. Joe Lee, 99 East Pasadena Road, commented that housing is a prominent issue in Oak Ridge and stated that the program would be a great tool to help improve housing.

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

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Baughn expressed her appreciation for the completion of the Memorandum of Understanding (MOU) between the City and the Oak Ridge School and asked that the City Council consider a quarterly joint meeting with the Board of Education.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

The City Manager reported that a special-called meeting would be scheduled on the same day as the August Work Session for two (2) business items. Additionally, Mr. Watson, informed City Council that he would not be present for the September Work Session, but would have the Government and Information Services Director present the City's Legislative Agenda. Lastly, the City Manager announced that the City had been a recipient of a scholarship for a team to attend Virginia Tech ISO program for environmental management.

CITY ATTORNEY'S REPORT

(NONE)

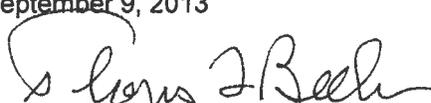
ADJOURNMENT

The meeting adjourned at 10:40 p.m.



Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
September 9, 2013



Thomas L. Beehan, Mayor