

MINUTES OF THE OAK RIDGE CITY COUNCIL

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on January 14, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Dr. Tim Borchert of First Baptist Church.

PLEDGE OF ALLEGIANCE

Ms. Ellen Smith 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)

Mayor Beehan suggested an agenda amendment to consider the following ordinance after approval of the Consent Agenda:

AN ORDINANCE TO AMEND A USE DESIGNATION OF PARCEL 3.01, MAP 100J, GROUP B, IN HENDRIX CREEK PLANNED UNIT DEVELOPMENT, PHASE IV, LOCATED AT THE CORNER OF HENDRIX DRIVE AND HERITAGE DRIVE, FROM OPEN SPACE TO RESIDENTIAL, WITH THE OVERALL ZONING DISTRICT REMAINING R-1-C/PUD, ONE-FAMILY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY.

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley that the agenda be amended as referenced above. 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

Mr. Martin McBride, 954 West Outer Drive, requested that the City consider generating a total cost estimate of Environmental Protection Agency (EPA) Administrative Order (AO). Mr. McBride indicated that there are three (3) missing elements: operating and maintenance costs, laterals costs, and money spent by the City prior to the Order.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating the month of January 2013 as "Free Medical Clinic of Oak Ridge Month."

Councilmember Hensley moved, seconded by Councilmember Hope that the proclamation 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."

The proclamation was accepted by Ms. Theresa Britton, Executive Director of the Free Medical Clinic of Oak Ridge.

Mayor Beehan requested that the minutes reflect his comments regarding the late Mr. Kerry Trammell. Mayor Beehan noted that he Mr. Trammell had provided a great service to the community, especially as a board member of Elder Citizens Advisory Board. No opposition expressed by the councilmembers to

include these remarks.

SPECIAL REPORTS

Presentation and public meeting to provide information concerning the City of Oak Ridge's application for a Clean Water State Revolving Loan Fund (SRF).

The City Manager noted that the State of Tennessee required a public meeting to receive public comments before consideration of the City's application for the Clean Water State Revolving Loan Fund could begin. Mr. Watson explained that funds were being sought to help with the rehabilitation of the waste water system as a result of the EPA's AO.

For informational purposes, Public Works Director Gary Cinder and Finance Director Janice McGinnis reviewed a presentation with the following key points of the City's possible Clean Water State Revolving (SRF) Loan Fund application: purpose, history, loan process, rehabilitation project description, as well as long-term benefits, short-term impacts, funding, debt instrument comparison, advantages of the SRF loan, and impact of wastewater rates. During and following the presentation, both Mr. Cinder and Ms. McGinnis responded to questions and comments of City Council.

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley to open the floor for the scheduled public meeting. The following residents participated:

Mr. Don Quinley, 125 Barrington Drive, explained that he does not have any issues with the City Council applying for the loan, but that he was interested in receiving additional information regarding the rehabilitation plan. Specifically, Mr. Quinley asked several questions regarding the construction, implementation, and maintenance of the new basins would be installed as part of the City's plan. Mr. Cinder provided explanations regarding the basins construction, use, and possible locations.

Mr. Martin McBride, 954 West Outer Drive, suggested that City Council explore negotiating with the EPA and exploring other means to fund the AO, particularly the utilization of the Department of Energy (DOE), given the AO's significant impact on the community.

The following residents expressed their support in the City pursuing the SRF:

Ms. Ellen Smith, 116 Morningside Drive
Mr. Joseph Lee, 99 East Pasadena Road
Mr. Aditya Savara, 109 Trinton Drive

Councilmember Baughn moved that City Council direct the City Manager to immediately cease pursuit of these loans and, instead, direct him to ensure that all appeals to the both EPA and the DOE have been exhausted before committing any further funding toward these projects. Additionally, she requested that Council direct the City Manager to seek alternative funding solutions that do not further obligate the rate payers, increase the City's debt, or increase the tax rate.

Before addressing Councilmember Baughn's motion, the Mayor requested a motion to close the public meeting to which Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the public meeting be closed. The motion was approved by unanimous voice vote Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Baughn's motion was not seconded.

(The Mayor requested that the ordinance on the agenda be considered before the Consent Agenda. No opposition was expressed by City Councilmembers.)

(Agenda Amended)

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of an Ordinance

AN ORDINANCE TO AMEND A USE DESIGNATION OF PARCEL 3.01, MAP 100J, GROUP B, IN HENDRIX CREEK PLANNED UNIT DEVELOPMENT, PHASE IV, LOCATED AT THE CORNER OF HENDRIX DRIVE AND HERITAGE DRIVE, FROM OPEN SPACE TO RESIDENTIAL, WITH THE OVERALL ZONING DISTRICT REMAINING R-1-C/PUD, ONE-FAMILY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY.

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

Community Development Director Kathryn Baldwin explained that the item was deferred from the December City Council meeting to allow City Council to receive and review an Ordinance No. 34-87 that removed open space designation from other lots in Hendrix Creek in the 1970s.

Mr. Ken Peters, 100 Hollbrook Lane, remarked that the Open Space Designation adds value to his property, which was a main selling point for acquiring the property when explained by his realtor explained the zoning designation. Mr. Peters concluded that he is requesting that City Council not make any changes to the zoning and leave the space as Open Space Designation.

Mr. Lyn Cardwell, 104 Hollbrook Lane, noted that he had received information from the developer of the property that the parcel was designated for greenbelts and would not be developed, and that during the property's selling transition, he thought that he would be unable to pursue purchasing. He concluded that if greenbelts add value to one's home, then conversely, removing the designation would have a negative effect on his home value and requested that City Council not approve the request.

Mr. Bill Simpson, 102 Hollbrook Lane, commented that the previous homeowners of his property had also thought that the lot was City-owned greenbelt. Mr. Simpson noted that zoning is a protection for those buying property and for existing homeowners. Mr. Simpson questioned about the sustainability of rezoning statutes, and requested that City Council uphold the previous denial decisions.

Mr. Robert Wilkinson, 100 Carson Lane, representing the adjacent property owners, raised some concerns of rezoning from the Open Space Designation. Mr. Wilkinson explained that Planned Unit Development (PUD) allows for a concentrated development of residential dwellings and still has value for residents to locate to said dwellings. He cautioned that if the rezoning occurred, then the City could have to consider the prospect of selling greenbelts, and asked that City Council not allow the rezoning.

Mr. Aditya Savara, 109 Trenton Drive, explained that it was the responsibility of the property owners to learn about the designation of the parcel next to them, and that the rezoning request should be approved.

Councilmembers Hensley, Baughn, Garcia Garland, and Mayor Pro Tem Miller discussed the amendment with staff responding to their questions.

Before City Council began the voting process, the City Clerk noted that the City had received a letter at the beginning of the meeting from Mr. and Mrs. Will and Janet Livingston, 101 Hardwick Place expressing their opposition to the development on the designated property.

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

CONSENT AGENDA

Following an inquiry from Councilmember Mosby on the memo accompanying Resolution No. 1-3-2012, Oak Ridge Fire Chief Darryl Kerley clarified that the Oak Ridge Fire Department was purchasing sixty (66) flashlight at \$95.00 per flashlight.

Councilmember Hensley moved, seconded by Councilmember Hope that the Consent Agenda be approved as presented. 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:

- o The December 10, 2012 City Council Meeting minutes.
- o The December 17, 2012 City Council Special Meeting minutes.
- o Adopting **Resolution No. 1-1-2013** approving updated Rules and Procedures for the Board of Building and Housing Code Appeals.
- o Adopting **Resolution No. 1-2-2013** authorizing the transfer of the ActFast Public Education Trailer to Morgan County at no cost.
- o Adopting **Resolution No. 1-3-2013** to accept a \$91,660.00 Assistance to Firefighter Grant Award from the Federal Emergency Management Agency (FEMA) for safety equipment.
- o Adopting **Resolution No. 1-4-2013** amending the bylaws for the Oak Ridge Municipal Planning Commission to change the regular meetings to the third Thursday of each month and to change the annual meeting to January.

RESOLUTIONS

Resolution No. 1-5-2013

Adoption of a resolution authorizing the City to apply for a grant from the Tennessee Department of Environment and Conservation (TDEC), Clean Tennessee Energy Program, in the amount of \$250,000.00 with a sixty percent (60%) local match, and accepting said grant if awarded.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted, and 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. 1-6-2013

Adoption of a resolution to adopt the *City of Oak Ridge, Tennessee 2013 State and Federal Legislative Agenda* to inform state and federal officials of key projects, policies, and priorities in the City of Oak Ridge, and to help secure funding for agreed upon priorities of the community.

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

Councilmember Hensley noted that project "Oak Ridge General Aviation Airport" under the State Legislative Agenda should have Metropolitan Knoxville Airport Authority (MKAA) listed as a responsible agency, and that the benefit is to increase the commercial flight space at McGhee Tyson Airport while moving general aviation operations to a general aviation airport that can enhance the business communities access. The City Manager noted that he would coordinate language with McGhee Tyson Airport.

Councilmember Mosby requested that additional language be added to the legislative agenda that the Tennessee Department of Environment and Conservation (TDEC) provide routine updates to the City on the status of the \$18 million Environmental Management Waste Management Facility (EMWMF) Perpetual Care Fund. Government Affairs and Information Services Director Amy Fitzgerald provided City Council with a brief overview of the EMWMF.

The City Manager noted that City Staff would incorporate discussions from City Council into the legislative agenda.

Mr. Bill Nolan, Oak Ridge Consultant, responded to questions and comments of City Council regarding the "Fast Track" program and the Tennessee Basic Education Program.

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."

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

YAB Screening Panel

Councilmember Garcia Garland moved, seconded by Councilmember Hensley to accept Councilmember Hope as City Council's representative on the Youth Advisory Board (YAB) Screening Panel for a one (1) year term. 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."

EPA Committee

No opposition was expressed by councilmembers to expand the current membership of the Committee to four (4) City Councilmembers. The following councilmembers—Garcia Garland, Hensley, Hope, and Mosby—were unanimously elected to serve by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Anderson County Development Corporation

Councilmember Hope moved, seconded by Mayor Pro Tem Miller to confirm the Mayor's appointments of Councilmember Hensley and Ms. Louise B. Dunlap to serve as the City of Oak Ridge representatives on the Board of Directors for a term of office that is concurrent with the Mayor's current term. The motion was approved by voice vote with Councilmembers Hensley, Hope, Mosby, and Mayor Pro Tem Miller, and Mayor Beehan voting "Aye." Councilmember Baughn voted "Nay," and Councilmember Garcia Garland abstained.

Anderson County Tourism Council

Mayor Beehan noted that Councilmember Baughn was not accepting the original nomination to serve on the Tourism Council. Councilmember Garcia Garland volunteered to fill the position. Councilmember Hope moved, seconded by Councilmember Hensley to elect Councilmember Garcia Garland to the Advisory Board for a one-year term of office. 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."

Oak Ridge Municipal Planning Commission

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to confirm the Mayor's appointment of Mr. Terry C. Domm as the Mayor's designated representative for a term of office that is concurrent with the Mayor's current term. 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."

Highland View Redevelopment Board

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the Mayor continue his service on the Board for the duration of his term of office. 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."

Oak Ridge Economic Partnership

Councilmember Hensley moved, seconded by Councilmember Hope to confirm the Mayor's appointment of Mayor Pro Tem Miller for a term of office of two (2) years of office or the remainder of her elected City Council position, whichever is the shortest. 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."

City Attorney's & City Manager's Evaluation Committee

The Mayor noted that he was requesting that Councilmember Baughn serve in his place, and Councilmember Baughn accepted the request. Mayor Pro Tem Miller moved, seconded by Councilmember Hope to approve the nominations of Councilmember Garcia Garland (Chair), Mosby, and Baughn to serve on the City Attorney's Evaluation Committee, and Councilmember Hope (Chair), Mayor Pro Tem Miller, and Councilmember Hensley to serve on the City Manager's Evaluation Committee. 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."

Mayor Beehan request that since the City was beginning preparation in selecting an auditor, he would like for Councilmember Baughn to work with city staff during that process as the City Council's representative. No opposition was expressed by City Councilmembers.

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Beehan requested that the City Clerk assemble documents from previous City Council meetings regarding economic development and City Council goals. Mayor Pro Tem Miller suggested that the documents begin when Mr. Darrell Akins served as a facilitator to present. Additionally, Mayor Pro Tem Miller suggested that Mr. Akins serve, again, as a facilitator.

Councilmember Hope noted that work produced from the above mentioned meetings should become finished products for use as a reference tool to City Council.

Councilmember Hensley requested that City Council set a meeting to discuss and establish policies to help with the City's future direction.

Councilmember Mosby suggested that City Council determine a clear goal before these meetings commence.

Councilmember Baughn inquired about the coordination for the Rules and Procedures Committee to begin meeting.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

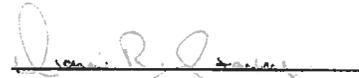
The City Manager noted that, currently, he was interested in having discussions with City Council to pursue two regular City Council meetings a month to help move city business faster.

CITY ATTORNEY'S REPORT

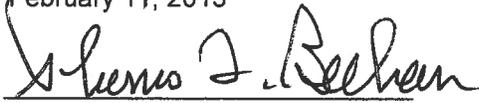
The City Attorney noted that the Industrial Development Board (IDB) was holding a special meeting to discuss the Alexander Inn Payment In Lieu of Taxes (PILT) on January 15, 2013 at 5:00 p.m. in the City Manager's Conference Room.

ADJOURNMENT

The meeting adjourned at 10:25 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
February 11, 2013


Thomas L. Beehan, Mayor