

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

June 10, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on June 10, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Father Dustin Collins of St. Mary's Catholic 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.

APPEARANCE OF CITIZENS

Ms. Ellen Smith, 116 Morningside Drive, presented a petition regarding a proposal of the Industrial Development Board (IDB) and the Electric Department to install above ground power lines on the Horizon Center Industrial Park addressed to the City Council, IDB, the City Manager, and the Electric Department Director that states that "the proposed above-ground powerline along the greenway/road behind the Horizon Center would permanently destroy the recreational and esthetic value of the greenway and seriously reduce the value of Black Oak Ridge Conservation Easement and the Horizon Center "natural areas" for conservation. Please find alternatives that supply electricity to the Horizon Center without destroying this valuable community asset." Ms. Smith concluded by explaining that an alternative plan had been presented that would be less evasive and expensive and just as effective and requested that City Council consider similar alternatives.

Mr. Bob Cushman, 137 Whippoorwill Drive, Member of Greenways of Oak Ridge, stated his support for the aforementioned petition.

Mr. Robert Kennedy, 209 Whippoorwill Drive, provided statistical data of power provided by the Tennessee Valley Authority (TVA) versus the power that would be provided to the Horizon Center. Mr. Kennedy concluded that he wishes to see the property at Horizon Center maintained in its original state.

Ms. Michelle Thornton, 105 William Lane, Board Member of the Tennessee Citizens for Wilderness Planning (TCWP) spoke about the positive aspects of the greenway located along the Horizon Center and wished for the City to pursue alternatives on electricity.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation proclaiming June 21 and 22, 2013 as "Secret City Festival Time"

Mayor Pro Tem Miller moved, seconded by Councilmember Hope 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."

Mayor Beehan noted that the proclamation would be presented during the Secret City Festival.

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

The City Clerk noted that a correction needed to occur to the May 28, 2013 City Council minutes related to page five to have Councilmember Hensley's vote for the Oak Ridge Municipal Planning Commission reflect Mr. Hugh Ward.

Councilmember Baughn moved, seconded by Councilmember Hope to amend the minutes with the correction as reflected above. The motion was approved by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye." The Consent Agenda as approved by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," approving it as follows:

- The amended May 28, 2013 City Council Meeting minutes.
- **Resolution No. 06-36-2013** extending the current demand-responsive transit system management contract between the City and the East Tennessee Human Resource Agency, INC., (ETHRA) through October 31, 2013 in order to place the contract on the same contract term as the Tennessee Department of Transportation (TDOT) Operating Assistance Grant which provides partial funding of the operating expenses for the City's transit program.
- **Resolution No. 06-37-2013** authorizing the City to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2013 calendar year.
- **Resolution No. 06-38-2013** to encumber approximately \$15,000.00 from City Council's FY2013 budget for replacement and/or upgrades to the media equipment for the courtroom.

(Councilmember Mosby was not present during the vote for the amendment to the minutes, nor the vote for the Consent Agenda.)

RESOLUTIONS

Resolution No. 06-39-2013

A resolution to amend Resolutions 10-103-10 and 7-66-11, which authorized a professional services agreement with Lamar Dunn & Associates, Inc., Knoxville, Tennessee, for assistance with various tasks required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, with said amendment providing for additional engineering services pertaining to East Plant III, East Plant IV, and the Equalization Basins in the estimated amount of \$944,000.00 and to redirect \$488,000.00 of previously approved funds to these services.

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

Public Works Director Gary Cinder provided an overview of the resolution and responded to questions and comments of City Council, specifically regarding services offered under the amended agreement, restructured changes to the plan, and scope and timeframe of projects.

Following additional discussions amongst City Council, the resolution was approved by board vote with

Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

Resolution No. 06-40-2013

A resolution awarding a contract (COR 13-12) to Seelbach & Company, Inc., Lawrenceville, Georgia, for tree pruning, tree removal, and brush control along power lines in the estimated amount of \$1,385,081.71.

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

Electric Department Director Jack Suggs responded to questions and comments of City Council that included number of bids awarded to Seelbach, subcontracting tree work, history of Seelbach's work, as well as the bid process for the tree project.

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

Resolution No. 06-41-2013

A resolution approving a professional services agreement with the Ferguson Group, LLC, Washington, D.C., for the provision of consulting services to provide grant support and to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities for the City in the amount of \$30,000.00 at a maximum rate of \$425.00 per hour with an allowance of \$5,000.00 for expenses.

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

Information Services and Government Affairs Director Amy Fitzgerald provided information to Councilmember Hensley inquiries regarding the usage of the primary consultant under the hourly rate structure indicating the Kareem Murphy and/or a partner has been a primary consultant and briefed City Council on the benefits of having a federal lobbyist, as well as the new payment structure for the lobbyists.

Councilmember Hensley moved to amend the language of the resolution to indicate that the hourly rate would be set at a maximum of \$425.00 pending a provided rate structure provided from the Ferguson Group. Mayor Pro Tem Miller seconded the motion which was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

After brief discussions, the resolution, as amended, 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. 06-42-2013

A resolution awarding bids in the grand total estimated amount of \$1,281,620.00 for the furnishing of various materials as required by the City during Fiscal Year 2014.

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

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. 06-43-2013

A resolution waiving competitive bids and making awards in the grand total estimated amount of \$862,600.00 based upon written quotations and negotiated agreements with suppliers for the furnishing of routine materials, equipment, and services as required by the City during Fiscal Year 2014.

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

Public Works Director Gary Cinder responded to inquires of Councilmember Mosby regarding the bio solids utilized on the Oak Ridge Reservation. City staff indicated the criticality of the presented contract extensions and the deadlines for continuing with purchasing supplies.

City Council discussed the best means to approve the resolution given that the bid waiver for the items listed required a unanimous vote of City Council given that Councilmember Baughn had indicated that she could not vote in favor for all items listed in the resolution.

Following procedural discussions on how to best handle the resolution presented, Councilmember Baughn moved to amend the resolution to separate the approval of the following categories: Sole Provider and Partnership Contract. The other remaining category, Best Provider, would be delayed until the next meeting. The motion was seconded by Councilmember Hope. (Sole Provider category would include SirsiDynix (\$22,000); Infor Global Solution (\$27,000); ESRI (\$17,600); Oracle America, Inc. (\$24,000); Motorola (\$75,000); Waste Management (\$100,000); Stuart C. Irby and Sensus Metering Systems, Inc., Elster, Tantalus Systems Corp, and other suitable companies (\$100,000); Badger Meter and Elster AMCO Water Inc., and Sensus Metering Systems Inc., Elster, Tantalus Systems Corp., and other suitable companies (\$250,000); Insight Public Sector (\$55,000); and Teledyne/ISCO (\$45,000). Partnership Contract category would include the State of Tennessee Contract Provider for sale (\$67,000).

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

Resolution No. 06-44-2013

A resolution of the City Council of the City of Oak Ridge, Tennessee authorizing the extension of its Waterworks Interfund Loan Capital Outlay Note.

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

Following a brief overview by Finance Director Janice McGinnis and Mr. Chris Bessler, Senior Vice President of Cumberland Securities Company, Inc., 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. 06-45-2013

Initial resolution authorizing the issuance of not to exceed three million seven hundred thousand and no/100 dollars (\$3,700,000) general obligation bonds of the City of Oak Ridge, Tennessee.

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

Mr. Chris Bessler reviewed the purpose of the general obligation bond related to providing project funds for both the wastewater and water systems of the City.

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

Resolution No. 06-46-2013

A resolution authorizing the issuance of general obligation bonds, series 2013, in the aggregate principal amount of not to exceed twenty-four million five hundred thousand and no/100 dollars (\$24,500,000) of the City of Oak Ridge, Tennessee; making provision for the issuance, sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal of, premium, if any, and interest on the bonds.

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

Finance Director Janice McGinnis provided an overview of the refunding of the bonds, and reviewed the two (2) different options for the Sewer Fund Debt Service Debt Structure as provided by Cumberland Securities Company.

Councilmember Garcia Garland moved, seconded by Councilmember Hensley that City Council approve, for the record, Option 2 of the Sewer Fund Debt Service as direction for staff to pursue that will allow for a slower pace for sewer rate increases and achieves a near breakeven in net present value with an estimated loss of \$10,017.00. The motion 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."

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

Resolution No. 06-47-2013

A resolution adopting updated City Council Rules and Procedures.

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

Councilmember Baughn, Chair of the Rules and Procedures Committee, provided an overview of the proposed changes of the City Council Rules and Procedures, including those changes that occurred during the June 10, 2013 Rules and Procedures Committee that occurred prior to the City Council Meeting.

Councilmember Baughn moved, seconded by Councilmember Hope to amend the resolution to include the new amendments from the Committee's June 10, 2013 meeting as follows:

Under "Proclamations" (Section G): Alter the second sentence of the overview to read "Political, religious, or controversial positions will not be supported by the City of Oak Ridge." Include the verbiage "usually" on item 3 of the guidelines to read "requests for proclamations should usually be submitted," and add the word "approximately" under item 1 under preparation to read ". . .to the City Clerk's Office approximately sixty (60) days prior to the event."

Under "Work Sessions and Other Miscellaneous Meetings of City Council" (Section B): Alter the language of the last sentence so as to read that "An agenda shall be made available to all Council members, along with supporting information/documentation usually be close of business one (1) week prior to the meeting."

City Council discussed the recent amendments at great length, specifically with regards to the Proclamation section.

Mayor Pro Tem Miller moved to table the discussions until the next meeting for a review of the City Council Rules and Procedures document. The motion was seconded by Councilmember Hensley. The motion failed by board vote with Mayor Beehan, Mayor Pro Tem Miller, and Councilmember Hensley

voting "Aye," and Councilmembers Baughn, Garcia Garland, Hope, and Mosby voting "Nay."

Following additional discussions of City Council regarding the Proclamation guidelines, Councilmember Hensley moved to remove the sixty (60) day advance notice from the procedures section of the proclamations. The motion was seconded by Mayor Pro Tem Miller. The motion was approved by board vote with Councilmember Hensley, Councilmember Hope, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn, Garcia Garland, and Mosby voting "Nay."

Mayor Pro Tem Miller moved to strike the verbiage "political or religious" from second sentence of the proclamation overview section. The motion was seconded by Councilmember Hensley.

Ms. Ellen Smith, 116 Morningside Drive, commented about providing some practical judgment to the amendments for the proclamation.

Following discussions of City Council, the motion presented by Mayor Pro Tem Miller passed by board vote with Councilmembers Hensley, Councilmember Hope, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn, Garcia Garland, and Mosby voting "Nay."

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller, to allow proclamations to be issued without City Council approval.

Following discussions regarding the authorization of proclamations, the amendment failed by board vote with Mayor Beehan, Mayor Pro Tem Miller, and Councilmember Hensley voting "Aye," and Councilmembers Baughn, Garcia Garland, Hope, and Mosby voting "Nay."

Mayor Pro Tem Miller moved to amend the retention period for the video recordings of City Council meetings (Publication of Minutes, Section 3) from one-year to a five-year period. The motion was seconded by Councilmember Hensley and approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The resolution, as amended, was approved by unanimous board 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

First Reading

AN ORDINANCE TO AMEND TITLE 10, TITLED "ANIMAL CONTROL" OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 4, TITLED "DOG PARKS," TO ESTABLISH PERMISSION FOR DOGS TO BE OFF-LEASH IN CITY-OWNED DOG PARKS AND TO ESTABLISH CERTAIN REQUIREMENTS FOR USE.

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

Recreation and Parks Director Josh Collins responded to a few inquiries of City Council regarding separate areas for different sized dogs.

The ordinance passed on first reading 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

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Beehan requested consideration of a resolution supporting state legislation that would mandate that on-line retailers pay sales tax.

Ms. Ellen Smith, 116 Morningside Drive, clarified that sales tax would be collected based on the customer's residency.

Councilmember Hope requested that City Council meet with the new Superintendent of Schools and meet with the Board of Education for discussions regarding the recent state legislation on the school's budget.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

The City Manager explained that the June 17, 2013 Work Session had been rescheduled to June 18, 2013 at 6:00 p.m., and clarified that there would not be a meeting on June 24, 2013. Mr. Watson added that a Work Session was also scheduled for July 1, 2013 beginning at 7:00 p.m. related to economic development and staff briefings.

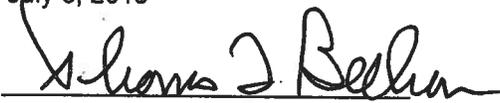
CITY ATTORNEY'S REPORT
(NONE)

ADJOURNMENT

The meeting adjourned at 10:30 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
July 8, 2013


Thomas L. Beehan, Mayor