

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

May 28, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on May 28, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by the Reverend Sharon Youngs from First Presbyterian Church.

PLEDGE OF ALLEGIANCE

Mr. Chuck Spencer, President and General Manager of B&W Y-12, 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

Mr. Martin McBride, 954 West Outer Drive, suggested that City Council contemplate developing a top 10 list of competitive advantages of living in the City of Oak Ridge, as well as a separate list of competitive advantages of the schools.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating May 2013 as Building and Safety Month

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

The proclamation was accepted by City Manager Mark Watson on behalf of the Codes Enforcement Staff.

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."

SPECIAL REPORTS

Secret City Festival Sponsorship Presentation by Chuck Spencer, President and General Manager of B&W Y-12.

Mr. Spencer presented the City of Oak Ridge with a \$25,000.00 sponsorship donation.

FY 2014 Budget Presentation from Mr. Keys Fillauer, Chairman of the Board of Education.

The Chairman of the Oak Ridge Board of Education, Mr. Keys Fillauer, gave a verbal budget presentation for the Oak Ridge Schools. Mr. Fillauer briefly expressed his appreciation to various school staff and for city resources, reviewed the history of the school's budget, as well as their budget process. Additionally, he noted some of the constricted budget situations that the school is encountering, particularly with staffing and encouraged earlier meetings with the City Council on the topic of budget.

Mr. Bob Eby, Vice-Chairman of the Board of Education, spoke about the benefits of School Resource Officers and requested funding assistance from the City to help with adding two (2) additional officers.

CONSENT AGENDA

The City Clerk noted that two updates needed to occur to the May 13 and May 16 City Council meeting minutes. First, on page four of the May 13, 2013 minutes, the final vote of Councilmember Baughn needed to reflect an "Aye" vote on the fifth proposal/amendment. Second, on page two of the May 16, 2013 minutes, the City Clerk suggested an amendment for clarification pertaining to the motion offered by Councilmember Mosby that would read: "Following the in-depth discussions of Councilmember Hope's motion, Councilmember Mosby moved to make an amendment to the motion. Councilmember Mosby proposed to increase the partnership funding with the Chamber of Commerce for FY 2014 by \$50,000.00 to an amount of \$175,000.00. Funds to be encumbered from FY 2013 sources shall remain in a reserve at \$25,000.00. The proposed increase of this reserve to \$125,000.00 for the FY 2014 budget was eliminated as a contingency per Councilmember Mosby's motion. Councilmember Hope seconded the amendment to the motion for discussion purposes. City Council discussed the proposed amendment to the motion."

Councilmember Garcia Garland moved to accept the corrections and amendments as presented above. 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."

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to approve the Consent Agenda as follows:

Approved the corrected May 13, 2013 City Council meeting minutes.

Approved the amended May 16, 2013 City Council special meeting minutes.

Adopted **Resolution No. 05-32-2013** approving a contract with the Tennessee Department of Transportation (TDOT) for maintenance of State highways within the corporate city limits whereby the City is reimbursed by TDOT for said services in the amount of \$141,176.00.

Adopted **Resolution No. 05-33-2013** authorizing the transfer of tax equivalents from the Electric and Waterworks Funds to the General Fund for the fiscal year ending June 30, 2013, and to authorize its distribution between the City of Oak Ridge and Anderson and Roane counties in accordance by State Law.

RESOLUTIONS

Resolution No. 05-34-2013

A resolution authorizing a sixteen month extension to the Municipal Services Agreement between the City and the U.S. Department of Energy to provide water and sewer services to the East Tennessee Technology Park.

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

Public Works Director Gary Cinder provided a brief overview of the utility services, as well as responded to questions and comments of the Council regarding the agreement.

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. 05-35-2013

A resolution authorizing the City Manager and City Attorney to negotiate the transfer of the real property located at 148 Hillside Road to Habitat for Humanity of Anderson County at no cost.

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

Councilmember Mosby indicated that he would not be participating in the discussions or vote due to a possible conflict of interest.

Community Development Director Kathryn Baldwin and the City Manager responded to inquiries of City Council that included the City's total cost of the property, the timeline of transfer, and condition of the property.

City Council continued to discuss the real property transfer in great detail, including discussions on future establishment of policies and guidelines.

Mr. Mike Harber, 142 Hillside Road, reviewed his history of ownership and condition of the property, and indicated that there were previous purchasing interests from private owners.

Mr. Joe Lee, 99 East Pasadena Road, explained that he thought if City Council were to determine a policy to address blighted houses then it would be advantageous to determine if the properties in question were owner occupied or rentals.

Ms. Jennifer Sheehan, Executive Director for Habitat for Humanity, 111 Randolph Road, provided an overview of the goals of Habitat for this house, residency intent, and the process for residency ownership. Ms. Sheehan also explained that Habitat requests donated properties as part of a grant requirement.

The resolution passed by board vote with Councilmembers Hensley, Hope, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn and Garcia Garland voting "Nay." Councilmember Mosby was not present for the vote.

A resolution transferring \$35,535.62 from the Special Programs Fund to the Oak Ridge Schools for necessary repairs to the soccer field at the Oak Ridge High School for damage caused by a sinkhole.

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

Based on an inquiry from Councilmember Baughn regarding the school's fund balance, Dr. Bob Smallridge, Interim Superintendent, 108 Carnegie Drive, explained that the schools are experiencing a tight budget and have established restrictions on using the fund balance based on emergencies. Dr. Smallridge ended by stating that the Board of Education requested that the Superintendent make this request to the City Council.

Mr. Alan Thacker, Supervisor of Maintenance and Operations at Oak Ridge City Schools, responded to questions of Councilmember Hope regarding the geo-thermal systems located on the soccer field and indicated there was no damage to said system.

Mr. Keys Fillauer, Chairman of the Board of Education, responded to questions of City Council regarding the urgency of the sinkhole given that soccer season was on-going and explained that the timeline of the request was earlier and that with the reduction in the School's Capital Maintenance Budget had affected the School's approach to addressing repairs.

City Council continued to discuss the issue, specifically with regards to use of the Special Programs (traffic camera) Funds and use of city-owned fields.

Mr. Bob Eby, Vice-Chairman of the Board of Education, noted that the Capital Maintenance Budget, at one time, was funded at \$750,000.00, but was reduced to \$250,000.00 and the City explained that if emergencies arise to bring the request to the City Council.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 05-2013

AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

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

Finance Director Janice McGinnis explained that an amendment needed to occur to the ordinance since the school adopted a lower appropriation for the General Purpose School Fund. The appropriation amendment would decrease the appropriation of the General Purpose School Fund by \$1,050,173 for a total appropriation of \$55,485,152.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller to amend the appropriation ordinance as stated above by staff. The amendment was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Also, the Finance Director briefly reviewed the amendments to the appropriation ordinance that occurred as a result of the May 16, 2013 special-meeting of City Council which budgeted an additional \$50,000.00 to the Oak Ridge Chamber of Commerce with \$25,000.00 coming from the General Fund and the other \$25,000.00 coming from the Electric Fund with each fund receiving an equal \$25,000.00 to reflect the change.

At the request of Councilmember Hensley, the City Manager reviewed the costs associated with the addition of two (2) School Resource Officers (SROs) for the Oak Ridge Schools, including the resources and equipment needed for the SROs.

Police Chief James Akagi responded to inquiries of Councilmember Hope regarding equipping SROs with police cars and transportation alternatives, as well as explained the benefits of providing vehicles.

Councilmember Baughn moved to reduce property tax rate one-cent to \$2.38 with reduction of \$90,000.00 in the budget. The motion was seconded by Councilmember Garcia Garland for discussion.

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

The ordinance, as amended, 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."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Appoint a City Council Representative to the TVA Valley Sustainable Communities Program

Councilmember Mosby volunteered to serve as the City Council Representative for the TVA Valley Sustainable Communities for approximately a six-week period beginning around June 18, 2013.

Community Development Director Kathryn Baldwin provided an overview of the program.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to accept Councilmember Mosby's nomination. 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."

Elect a High School Student Representative on the Environmental Quality Advisory Board for a two-year term of office beginning June 1, 2013.

Councilmember Hope moved, seconded by Councilmember Baughn to elect Aditya Chourey by acclamation to the Environmental Quality Advisory Board for a two-year term of office beginning June 1, 2013.

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."

Elect a High School Student Representative on the Traffic Safety Advisory Board for a one-year term of office beginning June 1, 2013.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller to elect Emeline Brown by acclamation to the Traffic Safety Advisory Board for a one-year term of office beginning June 1, 2013.

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."

Elect an applicant to the Oak Ridge Municipal Planning Commission for a balance of an unexpired term ending on December 31, 2015.

Mr. Sheldon Green was elected by ballot to the Oak Ridge Municipal Planning Commission for a balance of an unexpired term ending on December 31, 2015 receiving the votes of Mayor Beehan, Councilmember Hope, Mayor Pro Tem Miller, and Councilmember Mosby. Councilmember Baughn voted for Mr. Martin McBride, Councilmember Garcia Garland voted for Mr. Andrew Howe, and Councilmember Hensley voted for Mr. Hugh Ward.

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Beehan indicated that he wished to have discussions on housing and would like to develop

processes and procedures regarding the issue.

Councilmember Hope wanted to include the topic of blighted properties, as well as land use to incorporate into City Council policy discussions.

Councilmember Hensley requested consideration to establish a similar committee to the Budget and Finance Committee, and begin meetings on budget in December, particularly with the School Board.

(The City Manager explained that the City will begin to move forward with discussions on land bank and landlord ordinances and potentially begin budget discussions in October.)

Councilmember Mosby expressed that he would like to begin budget discussions sooner rather than later.

Councilmember Garcia Garland expressed that she wished to begin policy discussions soon.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

(The City Manager's Report was presented as part of the Council Request for New Business)

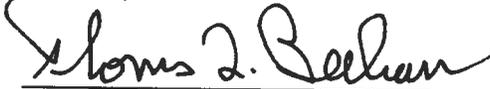
CITY ATTORNEY'S REPORT

ADJOURNMENT

The meeting adjourned at 9:36 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
June 10, 2013


Thomas L. Beehan, Mayor