

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

October 14, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on October 14, 2013, in the Courtroom of the Municipal Building with Mayor Pro Tem D. Jane Miller presiding.

INVOCATION

The Invocation was delivered by the Reverend Dale Crank with the Oak Ridge Alliance Church.

PLEDGE OF ALLEGIANCE

Mr. Kevin Rice 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; Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; and Councilmember David N. Mosby.

Mayor Thomas L. Beehan was 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

(NONE)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating October 2013 as "National Disability Employment Month."

Councilmember Hensley 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, and Mayor Pro Tem Miller voting "Aye."

The proclamation was presented at a later point in the meeting.

A proclamation designating October 11, 2013 as "Day of the Girl."

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

The proclamation was accepted by Ms. Alanna Hunsaker with Girls Inc.

Presentation of a Tennessee Valley Authority (TVA) certificate to the City of Oak Ridge declaring the City as a platinum level sustainable community.

Ms. Heidi Smith Global Business TVA Economic Development General Manager presented the certificate to the City Manager.

SPECIAL REPORTS

(NONE)

Agenda Amendment

The City Clerk explained that since the agenda's posting on Monday, October 7, 2013, city staff was requesting that two (2) additional resolutions be added to the October 14, 2013 City Council Agenda:

- 1) Add a resolution titled "A resolution approving an amendment to the Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures approved by Resolution 12-112-11" to the *Consent Agenda*.
- 2) Add a resolution titled "A resolution to adopt the City of Oak Ridge, Tennessee 2014 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" to *Resolutions*.

Councilmember Hensley moved, seconded by Councilmember Hope to amend the agenda as suggested by staff. The motion to amend the agenda was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting "Aye."

CONSENT AGENDA

Councilmember Baughn requested to remove "a resolution approving an amendment to the Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures approved by Resolution 12-112-11" from the Consent Agenda.

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

- Approving the September 9, 2013 City Council Meeting minutes.
- Approving the September 17, 2013 City Council Special Meeting minutes.
- Approving the September 23, 2013 City Council Special Meeting minutes.
- Approving the September 23, 2013 City Council Work Session meeting minutes.
- Adopting a Proclamation in recognition of Informational International Association, Inc. (IIA)'s 25th Anniversary.
- Adopting **Resolution No. 10-97-2013** to accept a grant from the State of Tennessee, Department of Transportation, Governor's Highway Safety Office, in the amount of \$25,299.40 to be used for traffic enforcement and safety improvements.
- Adopting **Resolution No. 10-98-2013** awarding a bid in the estimated amount of \$70,185.00 to Wesco Distribution, Inc., Chattanooga, Tennessee, for the furnishing of single-phase pole mounted transformers for use by the Electric Department.

Item Removed from the Consent Agenda

Resolution No. 10-99-2013

Adoption of a resolution approving an amendment to the Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures approved by Resolution 12-112-11.

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

The City Manager and the City Attorney noted that due to recent changes to state statute the Industrial Development Board's (IDB) Policies and Procedures required a necessary update, particularly with TIF (tax increment financing) proceeds now being allowed for private infrastructure and improvements. Additionally, it was explained that the IDB was restructuring their fees and approval process for the economic impact plan applications.

Mr. Ray Evans, City Consultant, clarified that the approval of the economic impact plan without appointing an Application Review Committee, as inquired by Councilmember Mosby, was merely a means of a single step process given that the IDB could act as a committee as a whole.

Following an in-depth discussion regarding Section 3.9 "Approval of the Board," the City Attorney offered a solution to clarify the section to read "Notwithstanding anything to the contrary herein, the Board may elect to consider a proposed economic impact plan without appointing an Application Review Committee."

Mr. David Wilson, 1079 West Outer Drive, Chairman of the IDB, responded to various inquiries of the City Council and specifically noted that the intent was to bring the TIF Policy in compliance with the State of Tennessee and that the language in 3.9 was to allow for flexibility when projects needed be completed expeditiously. Additionally, Mr. Wilson explained that the reason for the fee reduction was to be accommodating to applicants.

Councilmember Mosby moved, seconded by Councilmember Hensley to amend 3.9 as recommended by the City Attorney above. The motion to amend the TIF Policies and Procedures was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting "Aye."

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

(The presentation of the National Disability Month proclamation was given at this time.)

RESOLUTIONS

Resolution No. 10-100-2013

A RESOLUTION AWARDING A CONTRACT (FY2014-35) TO MORGAN CONTRACTING, INC., BAKER, FLORIDA, 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 \$4,205,603.00.

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

Following brief introduction by the City Manager, the resolution was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting "Aye," and Councilmember Baughn voting "Nay."

Resolution No. 10-101-2013

A RESOLUTION TO APPROVE AN AGREEMENT WITH STEVE JONES FOR ECONOMIC DEVELOPMENT SERVICES FOR THE REMAINDER OF FISCAL YEAR 2014 IN THE AMOUNT OF \$28,000.00.

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

Following a brief discussion with the City Manager and City Council regarding other contract variables, the resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting "Aye."

Resolution No. 10-102-2013

A RESOLUTION TO ADOPT THE CITY OF OAK RIDGE, TENNESSEE 2014 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.

The City Manager provided an overview of the legislative agenda, specifically detailing the Homeowners Bill of Rights as listed under the state agenda, and responded to inquiries of City Council.

Ms. Ellen Smith, 116 Morningside Drive, suggested that the agenda include a provision for improved equity to PILT programs that host nuclear facilities, and encouraged that City Council to pursue control over the Department of Energy (DOE) land fill property.

Mr. Kenneth Beyer, 92 Royal True Circle, member of the River's Run Homeowners Association explained the subdivision's history and status, and expressed his support for the City's proposal to include the Homeowner's Bill of Rights on the legislative agenda.

Following additional discussions of City Council regarding the legislative agenda, the resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting "Aye."

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 10-2013

AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY DELETING SECTION 5.1, TITLED "COMPENSATION PHILOSOPHY AND POLICY," AND SUBSTITUTING THEREFOR A NEW SECTION 5.1 TITLED "COMPENSATION PHILOSOPHY AND POLICY"; BY ADDING A NEW SECTION 6.11, TITLED "BONUSES"; BY DELETING SUBSECTION B OF SECTION 7.3, TITLED "APPOINTMENTS," AND SUBSTITUTING THEREFOR A NEW SUBSECTION B; AND DELETING ARTICLE 10, TITLED "GRIEVANCE PROCEDURE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW ARTICLE 10, TITLED "GRIEVANCE PROCEDURE," ALL FOR THE PURPOSE OF UPDATING THE PERSONNEL PLAN.

Councilmember Baughn moved, seconded by Councilmember Hope that the ordinance be adopted.

Following brief introduction by the City Manager, the ordinance was adopted on second reading by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor

Pro Tem Miller voting "Aye."

Ordinance No. 11-2013

AN ORDINANCE TO AMEND ORDINANCE NO. 19-82, AS AMENDED, BY DELETING THE PROVISION OF SECTION 2 PERTAINING TO THE SCHEDULE OF WATER RATES FOR COMMODITY CHARGES AND MINIMUM MONTHLY BILLING IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WATER RATES.

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

Councilmember Baughn requested that the following statement be included in the minutes for the record and attributed solely to her:

This increase in water rates is completely unrelated to the EPA Administrative Order.

With the approval of both water and sewer ordinances, rates will have increased, on average, 62% over a 34 month period. Additional increases are still to come. By 2019 residential water rates will have increased, on average, by 87% and sewer rates by 110%. Council refuses to pursue alternatives that could alleviate the burden off of our ratepayers.

Councilmember Hope requested that the numbers presented in Councilmember Baughn's statement be verified if it were to be included in the minutes (See "Addendum to October 14, 2013 City Council Meeting Minutes"). Councilmember Hensley requested that the statement presented by Councilmember Baughn be clarified that it is of her opinion.

Following brief discussions on the increased water rates, the ordinance was adopted on second reading by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting "Aye," and Councilmember Baughn voting "Nay."

Ordinance No. 12-2013

AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY DELETING THE PROVISION OF SECTION 13 PERTAINING TO THE SCHEDULE OF WASTEWATER RATES IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WASTEWATER RATES.

Councilmember Henley moved, seconded by Councilmember Hope that the ordinance be adopted.

The City Manager noted a correction that needed to occur in Section 13, Item 3, last sentence regarding the charge of 8,000,000 gallons that should be corrected to read \$9.80 as opposed to the listed \$8.91. Finance Director Janice McGinnis explained that the error was typographical in nature.

Councilmember Hensley moved, seconded by Councilmember Hope to amend the ordinance with the aforementioned correction as presented by staff. The motion to amend the ordinance was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting "Aye," and Councilmember Baughn abstaining.

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

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Election of one (1) applicant to the Oak Ridge Heritage Railroad Authority for a three (3) year

term of office commencing on October 10, 2013.

Councilmember Garcia Garland moved, seconded by Councilmember Hensley to elect Mr. Gordon Fee to the Oak Ridge Heritage Railroad Authority by acclamation for a three (3) year term of office commencing on October 10, 2013.

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

Presentation of the 2013 Election Notice for the end-of-year vacancies and expiring terms.

The 2013 Election Notice was presented to City Council for informational and discussion purposes. City Council and City Staff discussed potential future topics that included terms, attendance policies, the future of the Highland View Redevelopment Board, and membership limits related to city boards.

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Garcia Garland requested discussions on the Highland View Redevelopment Board and the Land Bank Board of Directors be the primary focus for the October Work Session.

Councilmember Hensley remarked that he had attended the TDOT Summit in Knoxville and noted his conversations that he had at this meeting regarding SR-95 project, the Summit Interchange, and the future of TDOT projects in 2014.

Councilmember Mosby requested information from the City Manager on activates pending or not-started by the City Manager. Additional, Councilmember Mosby wished to consider cataloging actions, both failed and approve, for lesson observation purposes of the Council.

Councilmember Baughn requested information/discussions with City Council regarding three (3) avenues related to the school debt issue: First, Councilmember Baughn requested that City Council receive regular updates on the maintenance of efforts of the schools. Secondly, she discussed possible amendments to the Oak Ridge City Charter language as it pertains to the Oak Ridge School's Budget, so that potential amendments to the Charter to be presented during the 2014 election. Lastly, Councilmember Baughn requested information regarding mediation versus legal, civil action to resolve the school debt issue.

Related to the civil action information requested, Councilmember Hensley requested consideration of binding arbitration related to the school debt issue.

Councilmember Hope requested that the staff consult with the Election Commission to clarify deadlines for amendment to the 2014 election and stressed resolving the school debt issue between City Council and the Board of Education.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

The City Manager announced that a new General Manager, Barrett Tanner, was working at the Centennial Golf Course.

CITY ATTORNEY'S REPORT

The City Attorney indicated that he would be publishing the tax delinquent property sales to City Council in the near future.

ADJOURNMENT

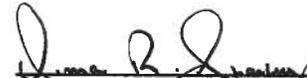
The meeting adjourned at 9:25 p.m.

ADDENDUM TO THE OCTOBER 14, 2013 CITY COUNCIL MEETING MINUTES

At the November 11, 2013 City Council meeting, a motion was approved to include a statement in the October 14, 2013 City Council meeting minutes regarding a percent range related to the water rate increases (Ordinance No. 11-2013) for accuracy purposes. The statement was presented by city staff in the November 11, 2013 agenda packet at the request of Councilmember Hope.

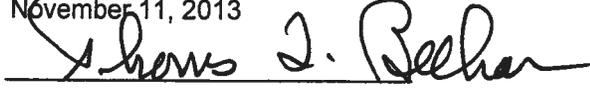
The statement reads as follows and has been included in these minutes per the approved motion of City Council:

A better representation for the rates would be a range of percentages beginning with first rate increases experienced in May of 2012. The impact on the rate increases would range from 66% to 101% for water and 102% to 135% for wastewater, with the combined utilities impact ranging from 95% to 106% as the level of usage would cause the percent increase to vary.



Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
November 11, 2013



Thomas L. Beehan