

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

July 9, 2012

The regular meeting of the City Council City of Oak Ridge, Tennessee convened at 7:00 p.m. on July 9, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by the Reverend Jake Morrill, Unitarian Universalist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States was given by Ms. Katy Brown, President of the Oak Ridge Convention and Visitors Bureau (CVB).

ROLL CALL

Upon roll call, the following councilmembers were present: Mayor Thomas L. Beehan, Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; Councilmember David N. Mosby; and Councilmember Ellen D. Smith.

Also present were Mark S. Watson, City Manager; Dr. Amy S. Fitzgerald, Ph.D., Government & Public Affairs Coordinator; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

Agenda Amendment

The City Clerk noted that the City Manager had submitted a communication to City Council prior to the meeting requesting that a resolution titled, "Adoption of a resolution to amend the City Manager's Employment Agreement (approved by Resolution 7-73-10 and amended by Resolution 7-72-11) to provide for a two-year contract extension, an equivalent one and one-half percent (1.5%) salary increase, a modification to the severance package, and the addition of an education package" under "Resolutions" be removed from the agenda.

Councilmember Hensley moved to remove the aforementioned resolution. The motion was seconded by Councilmember Mosby and approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

APPEARANCE OF CITIZENS

(NONE)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating July 16-21, 2012 as Anderson County Fair Week.

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

SPECIAL REPORTS

ADA Status Report from Pat Fallon, Public Works Operations and Maintenance Manager.

Mr. Fallon, ADA Coordinator as designated by the City Manager, reviewed a number of projects that staff has undertaken toward updating city properties under the new ADA compliances. These include striping on city parking lots, renovation of municipal building restrooms, and increasing handicapped parking at

other city facilities.

Mayor Beehan briefly noted that the PlanET program was going to be conducting a “Meeting in a Box” for City Council and Commissions on July 11, 2012 at 6:00 p.m. in the Civic Center, A/B Rooms.

CONSENT AGENDA

At the request of Councilmember Mosby item e titled, “Adoption of a resolution to give Fire Department personnel citation authority in accordance with Tennessee Code Annotated §7-63-101 for enforcement of ordinance violations as part of the Not in Our City Campaign Policies & Ordinances Program Initiative” was removed from the Consent Agenda

Following removal of the resolution, Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to approve the remainder of the Consent Agenda as amended. The motion was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye,” thereby:

- Approving the minutes of the June 11, 2012 City Council Meeting.
- **Adopting Resolution No. 7-53-2012 of a resolution approving two amendments to the power contract between the City and the Tennessee Valley Authority (TVA) to extend the electric power services contracts for East Tennessee Technology Park (ETTP) and the Science and Technology Park.**
- **Adopting Resolution No. 7-54-2012 to accept a \$16,000.00 Emergency Management Grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency (TEMA).**
- **Adopting Resolution No. 7-55-2012 amending Resolution 5-31-2012 to delete the SEP requirement and approve a cash settlement in the total amount of \$171,000.00 with the United States Environmental Protection Agency (EPA) for alleged violations.**

RESOLUTIONS

Resolution No. 7-56-2012

Adoption of a resolution to give Fire Department personnel citation authority in accordance with Tennessee Code Annotated §7-63-101 for enforcement of ordinance violations as part of the *Not in Our City Campaign Policies & Ordinances Program Initiative*.

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

Oak Ridge Police Chief James Akagi responded to inquires by Councilmember David Mosby regarding training on issuing citations, and Oak Ridge Fire Chief Darryl Kerley explained that, at this time, only salaried personnel that include the Fire Chief, Deputy Fire Chief, and Assistant Fire Chief of Training and Fire Prevention, will issue citations on an as-encountered basis.

The resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Resolution No. 7-57-2012

Adoption of a resolution awarding a contract (COR 11-13-E1) to Morgan Contracting, Inc., Baker, Florida, for the East Plant Sewer Improvement Project as required for compliance with the U.S.

Environmental Protection Agency Administrative Order, said contract in the total estimated amount of \$899,619.00.

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

City staff responded to questions presented by City Council regarding the bid requirements for the project. City staff noted that the improvements outlined in the bid were extremely specialized for the sewer. Public Works Director Gary Cinder also indicated that staff had received positive remarks from the bidder's provided references.

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

Resolution No. 7-58-2012

Adoption of a resolution authorizing the City to purchase a replacement vehicle for the Fire Department, in an amount not to exceed \$50,000.00, provided such vehicle is purchased under the City's bidding requirements.

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

Oak Ridge Fire Chief Darryl Kerley responded to Councilmember Mosby's inquiries regarding uses and the pursuance of other vehicle options by explaining that the recommended vehicle met the department's requirements for carrying the additional necessary equipment of the Fire Department, and has the power to tow and haul such equipment.

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

Resolution No. 7-59-2012

Adoption of a resolution to approve an agreement with Ray Evans for economic development services in the estimated amount of \$42,000.00.

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

The City Manager explained that he has requested City Council to approve an agreement with Mr. Evans to work directly with him and to serve as a main point of contact for the City for economic development. Mr. Watson noted that Mr. Evans' assistance would streamline the City's response time to potential business customers.

Mr. Parker Hardy, President of the Oak Ridge Chamber of Commerce (ORCC), 123 Amanda Drive, expressed his support for the resolution and commented that the partnership between the two organizations—ORCC and the City of Oak Ridge—is important when dealing with economic development. Mr. Hardy indicated that having a highly responsive contact at the City is an important element for addressing matters beyond the expertise or authority of the Chamber. Mr. Hardy concluded that the partnership between the City and the Chamber is twofold in regard to economic development.

Councilmember Smith proposed an amendment to item 10 in the agreement to make explicit reference to rules and regulations regarding conflicts of interest and ethics by adding the following language to item 10: ". . . and would be subject to all the same laws, ordinances, codes, and policies related to ethics and conflicts of interests as applies to regular city employees." The motion was seconded by Councilmember Garcia Garland, and approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Mr. Jerry Marrow, 105 Regent Circle, commented about the possibility of hiring a subordinate to assist the City Manager and raised several questions about possible conflicts of interest regarding the contractor working for the City.

Mr. Joe Lee, 99 East Pasadena Road, complimented the City Manager's work and expressed his support of the resolution and hiring contractors.

Mr. Walter Wise, 3804 Maloney Road, Knox County Tennessee, reviewed his business history with the City of Oak Ridge. Mr. Wise commented that since Mr. Evans has begun working with the City, he has provided relief to his busy schedule, and that Mr. Evans has been beneficial to his development projects.

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

Resolution No. 7-60-2012

Adoption of a resolution approving a contract between the City and the Oak Ridge Convention and Visitors Bureau (CVB) for the provision of services and materials to promote tourism in Oak Ridge for the period July 1, 2012 through June 30, 2013 (FY2013) in an amount not to exceed \$410,000.00.

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

Ms. Katy Brown, President of the Oak Ridge Convention and Visitors Bureau (CVB), responded to several questions and comments of City Council.

Councilmember Garcia Garland proposed an amendment to the resolution that the compensation amount be the same as last year's amount, given that there were not any noted increases in revenue from the Hotel/Motel Occupancy Tax. The motion was seconded by Councilmember Smith.

The motion to amend the resolution failed by board vote with Councilmembers Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmember Garcia Garland voting "Aye."

The main motion was approved unanimously by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution 7-61-2012

Adoption of a resolution to amend the City Manager's Employment Agreement (approved by Resolution 7-73-10 and amended by Resolution 7-72-11) to provide for a two-year contract extension, an equivalent one and one-half percent (1.5%) salary increase, and a modification to the severance package.

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

Councilmember Mosby, Chairman of the City Manager Evaluation Committee, briefly reviewed the recommendations of the Committee while noting the evaluations reflected an above average performance for the year.

Mr. Bill Henry, 104 Davidson Lane, expressed his objections toward the Committee's recommendations. Mr. Henry asked that City Council consider waiting until next year's performance review before extending the City Manager's contract, and suggested that the Manager's emergency leave buyback, included in his proposed severance package, mirror that of other city employees.

Ms. Trina Baughn, 119 Newport Drive, reviewed some of the compensation benefits received by the City Manager while closing that she is not in favor of the emergency leave being included as part of the City Manager's severance package.

Councilmember Mosby proposed an amendment to the resolution to decrease the contract extension from two years to one year since the majority of the evaluation recommendations completed by City Council indicated a one-year extension. The amendment was seconded by Councilmember Garcia Garland.

Councilmember Smith, who served on the City Manager's Evaluation Committee, explained that it was discussed during the Committee meeting that the longer extension would serve to symbolically make the statement that his employment would be endorsed by the community, and would provide stability through the next election cycle. Councilmember Hope added that the two-year contract extension was a representation of passing a "probationary period."

The motion to amend the resolution failed by board vote with Councilmembers Hensley, Hope, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmembers Garcia Garland and Mosby voting "Aye."

Councilmember Garcia Garland moved to amend the resolution by removing the "emergency leave" compensation as part of severance, which was seconded by Councilmember Mosby, to make the benefit more equitable with other city employees.

Councilmember Smith explained that according to explanations provided during the City Manager Evaluation Committee meeting, the City Manager's pension exists in the Tennessee Consolidated Retirement System (TCRS) which vests after five (5) years of service.

Mr. Bill Henry, 104 Davidson Lane, proposed a compromise to City Council to leave the "emergency leave" clause in the agreement until he has become vested in the TCRS.

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

Personnel Director Penelope Sissom noted that the salary amount listed in the resolution is the correct amount, as opposed to the amount listed in the evaluation summaries.

Ms. Trina Baughn, 119 Newport Drive, commented that she is not in favor of the compensation packages that the City Manager has received by the resolution.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY AMENDING SECTION 11.1, TITLED "GENERAL LEAVE," SUBSECTION B., TITLED "CREDITING GENERAL LEAVE," TO ADJUST THE LEAVE ACCRUAL RATES FOR POLICE DEPARTMENT PATROL SHIFT EMPLOYEES AND FIRE DEPARTMENT STATION-BASED SHIFT EMPLOYEES, AND BY AMENDING SECTION 11.3, TITLED "HOLIDAY LEAVE," TO ADD A NEW HOLIDAY, PRESIDENTS' DAY, IN CHRONOLOGICAL ORDER.

The ordinance was unanimously approved on first reading by voice vote with Councilmembers Garcia

Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Election of sixteen (16) members to the Youth Advisory Board for one year term of office commencing on August 1, 2012.

Councilmember Smith moved to approve the recommendation of the Youth Advisory Board Screening Panel by acclamation, which was seconded by Councilmember Hensley. The motion was approved unanimously by vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby, electing the following students to the Youth Advisory Board (YAB) for a one-year term of office beginning August 1, 2012: Monil Mehta, Aaron Chasan, Patrick Williams, Hannah Magill, Ross Landenberger, Kelsey Warmbrod, Richard Goyette, Lara de Almeida, Hannah Craig, Caroline Bradshaw, Shane Harris, Shelby Chambers, Lauren Collier, Laura Skipper, Peter Magill, and Dalysa Webb.

Election of one (1) applicant to the Traffic Safety Advisory Board for a balance of an unexpired term ending on December 31, 2013.

Councilmember Smith moved, seconded by Councilmember Hensley to elect Mr. Richard Raridon by acclamation to the Traffic Safety Advisory Board for a balance of an unexpired term ending on December 31, 2013.

The motion was approved unanimously by vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Announcements

The City Clerk requested that recruitment efforts for future board and commission vacancies cease, so that the City Clerk's Office can begin to plan and prepare for the end of year election, and that any vacancy from this point forward would be filled as a result of that election unless there are quorum issues.

Discussion took place among City Council with Councilmember Smith asking to exempt the Elder Citizens Advisory Board, given that many of those members represent specific constituencies and so as to remain fully engaged.

The City Attorney advised that this item not be voted on as a "Resolution" since it was not advertised as such, to which Mayor Beehan requested that the information be presented again to City Council as applicable.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Garcia Garland requested traffic accident reports for the Jefferson Avenue intersection. Additionally, she requested a meeting of City Council to discuss policy for economic development.

Councilmember Smith identified the following reports or items for possible action: reports on status of completion of construction of western part of Highway 95; pursuance of accepting property tax payments

on-line; reports on spending expenditures of the City in the range of \$10,000.00 to \$20,000.00.

Electric Department Director Jack Suggs responded to Councilmember Smith's information request about accepting property tax payments on-line by explaining that staff was pursuing possible options.

Councilmember Mosby inquired about the status of the "parking lot" of items requiring information or feedback, and the possibility of receiving that information once a month or once a quarter.

Councilmember Hensley requested that the recommendations from the recent Council retreat not be lost, and that City Council build on the ideas presented during the retreat. He also commented that the retreat facilitator, Darryl Akins, volunteered to provide suggestions based on comments received from said retreat.

Councilmember Hope requested a summary report from the City Council retreat and congratulated those involved in the July 4th community event.

Councilmember Garcia Garland wanted to ensure that a City Council session on economic development not replace a City Council retreat, which can be facilitated by City Council.

"Executive Time": Policy discussion on recently adopted land bank legislation by City Council, including updates from land bank conference held this week. Discussion shall center on the initial goals and vision for this program

Community Development Director Kathryn Baldwin gave a presentation about Land Bank use that included explanations about the definition, barriers to overcome, and creating and operating Land Banks.

Additionally, Mr. Charlie Jernigan, 118 Claymore Lane, noted additional information and assessments regarding Land Bank use.

Following the presentation, city staff and Mr. Jernigan responded to questions and comments from City Council.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

(NONE)

CITY ATTORNEY'S REPORT

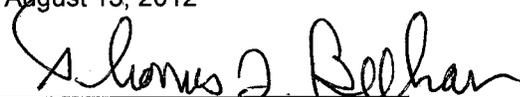
(NONE)

ADJOURNMENT

The meeting adjourned at 10:35 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
August 13, 2012


Thomas L. Beehan, Mayor