

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

June 11, 2012

The regular meeting of the City Council City of Oak Ridge, Tennessee convened at 7:00 p.m. on June 11, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Sean Pennington, Oak Ridge Police Department Chaplain.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States was given by Ms. Candy Seay, Vice President for the Aid to Distress Families of Appalachian Counties (ADFAC) Board of Directors.

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; Janice E. McGinnis, Finance Director; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

APPEARANCE OF CITIZENS

(NONE)

(diverting from the original order of the agenda)

SPECIAL REPORTS

Councilmember Hope commented that he had attended and completed the Elected Officials Academy Level II Class, in addition to completing Level I at an earlier date.

Youth Advisory Board State of the Youth Address 2012 presented by Ms. Sarah Stokely

Ms. Sarah Stokely, Chair of the Youth Advisory Board, presented the Board's 2012 *State of the Youth Address*.

(reverting back to the original order of the agenda)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating the year of 2012 as ADFAC's 25th Anniversary Year

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

The proclamation was presented to Ms. Candy Seay, Vice President for the Aid to Distress Families of Appalachian Counties (ADFAC) Board of Directors

Agenda Addition

City Manager Mark Watson noted that staff proposed an addition to the agenda on June 8, 2012 to

include an additional resolution titled "a resolution supporting citizen efforts to establish a dog park and obtain a PetSafe grant for its development and if Oak Ridge wins a grant will dedicate a portion of Big Turtle Park and allocate other resources to support a dog park there." Mr. Watson requested that Council consider amending the agenda to include said resolution toward the end of the "Consent Agenda." Councilmember Hensley moved, seconded by Councilmember Smith to amend the agenda by including the additional resolution. The motion was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

CONSENT AGENDA

At the request of Councilmember Mosby, item e titled, "adoption of a resolution to renew the contract with Pugh & Company, P.C., Knoxville, Tennessee, approved by Resolution 5-44-08, to conduct an audit of the City's accounts and funds for fiscal year 2012 and for preparation of financial statements in the Comprehensive Annual Financial Report, in the estimated amount of \$53,800.00" was removed from the Consent Agenda.

Following removal of the item, the remainder of the Consent Agenda was unanimously approved, as amended, 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 May 29, 2012 City Council Meeting.
- **Adopting Resolution No. 6-38-2012 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 2012 calendar year.**
- **Adopting Resolution No. 6-39-2012 authorizing a change order to contracts approved by Resolution 9-88-11 (COR 11-14-E2 and COR 11-15-E2) 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, in order to expand the scope of work to be citywide.**
- **Adopting Resolution No. 6-40-2012 to renew the contract with Pugh & Company, P.C., Knoxville, Tennessee, approved by Resolution 5-44-08, to conduct an audit of the City's accounts and funds for fiscal year 2012 and for preparation of financial statements in the Comprehensive Annual Financial Report, in the estimated amount of \$53,800.00.**
- **Adopting Resolution No. 6-41-2012 supporting citizen efforts to establish a dog park and obtain a PetSafe grant for its development and if Oak Ridge wins a grant will dedicate a portion of Big Turtle Park and allocate other resources to support a dog park there.**

Item Removed from the Consent Agenda

Resolution No. 6-42-2012

Adoption of a resolution awarding a contract (COR 12-12) to C.M. Henley Co., LLC, Knoxville, Tennessee, for the Fire Station #3 roof replacement project in the estimated amount of \$53,200.00.

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

Councilmember Mosby inquired regarding the disparities of the bids received, which was addressed by Public Works Operations and Maintenance Manager Pat Fallon. Mr. Fallon explained that one bidder had submitted a quote as a courtesy to the City, and noted that staff is comfortable with the selected bidder and the reports received about them.

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

RESOLUTIONS

Resolution No. 6-43-2012

Adoption of a resolution 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.

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

Resolution No. 6-44-2012

Adoption of a resolution awarding a contract (COR 12-05) to Richardson Turner Construction Company, Knoxville, Tennessee, for the Police Department security upgrade project in the estimated amount of \$277,088.00 and authorizing an additional \$20,000.00 to Bankston Architectural Group, Knoxville, Tennessee, for construction oversight services.

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

The City Manager briefly reviewed the security upgrades included in the project and noted that the presented phase is a scaled down version of the overall plan. The City Manager responded to several questions from Council regarding funding and future improvements, which would include rearranging office spaces to better accommodate staffing.

Councilmember Garcia Garland expressed that while she normally sees police expenditures as justified, she has not received enough information that the requested project is financially warranted, especially in light of some of the City's current financial situations.

Councilmember Hope commented that future consideration be given to the exterior portions of the Police Department for safety reasons. Mayor Beehan expressed his support for the safety improvements to the Police Department and would like for future consideration to be examined regarding the security of the Municipal Building.

Councilmember Mosby inquired about the selection of Bankston Architectural Group, to which Pat Fallon responded that the company has performed several architectural projects for the City, related to the Police Department, and that the company has an agreement with the City to provide architectural services as needed.

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

Resolution No. 6-45-2012

Adoption of a resolution awarding bids in the grand total estimated amount of \$1,271,600.00 for the furnishing of various materials as required by the City during fiscal year 2013.

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

Staff responded to questions from City Council about the bid awarding, as well as provided additional clarification on the process. Councilmember Garcia Garland expressed confidence in both the Public Works Department and the Electric Department for their outstanding purchasing performance, and commented that their items could be placed on the "Consent Agenda." 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. 6-46-2012

Adoption of a resolution waiving competitive bids and making awards in the grand total estimated amount of \$5,321,600.00 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 2013.

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

Councilmember Smith suggested exploring the use of consultant services that can reduce procurement costs for the City for similar items listed in the resolution.

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. 6-47-2012

Adoption of a resolution urging Congress to establish the Manhattan Project National Historical Park in the communities of Oak Ridge, Tennessee; Los Alamos, New Mexico; and Hanford Site, Washington.

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

Councilmember Smith suggested urging citizens to become involved in public support of this project by communicating with their elected officials. Councilmember Mosby proposed that the three communities come together for a public event, as an example of the cities' collaboration.

Mr. Lloyd Stokes, 131 Orchard Lane, began by commenting that he is an active proponent for the preservation of Oak Ridge's history. Mr. Stokes lauded the resolution for showing support in this endeavor to other communities. He further noted that there have been past efforts of many organizations or groups to showcase the City's history to visitors, and wanted to thank the citizens and others for their support in this ongoing effort to enhance heritage tourism in Oak Ridge.

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. 6-48-2012

Adoption of a resolution authorizing the City to apply for a Tennessee Department of Environment and Conservation Grant to support implementation of the Tennessee Oversight Interlocal Agreement, to accept said grant if approved, and to serve as fiscal agent for the parties to the Tennessee Oversight Interlocal Agreement.

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

Councilmember Smith made several inquiries, including funding duration, scope of work, and budget, which were addressed by Government and Public Affairs Coordinator Dr. Amy Fitzgerald. Following additional discussions, 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. 6-49-2012

Adoption of a resolution supporting the creation of a general aviation airport at the East Tennessee Technology Park and identifying the Metropolitan Knoxville Airport Authority as the lead agency and situs support through the Community Reuse Organization of East Tennessee.

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

The City Manager noted that Councilmember Smith recommended an amendment to the resolution, specifically to amend the language on the next to last "be it further resolved" paragraph to alter the verbiage from "*the Metropolitan Knoxville Airport Authority shall designate an Oak Ridge appointee*" to "*the Metropolitan Knoxville Airport Authority shall permit the Oak Ridge City Council to designate an appointee. . .*"

In response to questions from Councilmember Smith, Mr. William Marrison, President of the Metropolitan Knoxville Airport Authority, explained that the project's current phase is the "justification study," and is set to begin any day. He further outlined the timeline of the project which included several elements, such as partnership with the Federal Aviation Administration (FAA), eligibility for federal funding, and the development of a master plan which will contain more detail about the airport proposal.

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

Resolution No. 6-50-2012

Adoption of a resolution to amend the City Attorney's Employment Agreement, as approved by Resolution 2-26-01, to provide for a one-year contract extension and a one and one half (1.5%) salary increase, with the salary increase effective on March 4, 2012.

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

Councilmember Hensley, Chairman of the City Attorney Evaluation Committee, briefly reviewed the recommendations of the Committee while noting the positive evaluation of the City Attorney. Councilmember Hensley commented that City Council could review his report entitled, "Detailed Discussions, City Attorney Evaluation Committee Final Meeting," in a City Council Work Session setting.

Councilmember Garcia Garland commented that she is not in favor of contract extensions, due to the fact that can ultimately be terminated with notice.

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

Resolution No. 6-51-2012

Adoption of a resolution approving a Professional Services Agreement with Bill Nolan and Associates, Oak Ridge, Tennessee, for the provision of consulting services in the area of relations with the Tennessee General Assembly and the Executive Branch of the State of Tennessee for agreed upon priorities for the City in an amount not to exceed \$45,000.00.

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

Several councilmembers, including Smith, Garcia Garland, Beehan, Hope, and Hensley, expressed their support for Mr. Nolan's services.

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

Resolution No. 6-52-2012

Adoption of 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 at a rate of \$425.00 per hour with an allowance of \$5,000.00 for expenses.

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

Following staff's responses to councilmembers' inquiries, the resolution was approved unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 08-2012

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 SUBSECTION 7.2.B, TITLED "NEPOTISM," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 7.2.B, TITLED "NEPOTISM"; DELETING SUBSECTION 9.1.D, TITLED "LAYOFF," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 9.1.D, TITLED "LAYOFF"; RENUMBERING EXISTING SUBSECTIONS 9.1.E, TITLED "REMOVAL," 9.1.F, TITLED "DISMISSAL," AND 9.1.G, TITLED "DEATH," TO BE SUBSECTIONS 9.1.G, 9.1.H AND 9.1.I RESPECTIVELY; CREATING A NEW SUBSECTION 9.1.E, TITLED "REORGANIZATION;" CREATING A NEW SUBSECTION 9.1.F, TITLED "SEVERANCE PACKAGE;" DELETING SUBSECTION 11.4, TITLED "INJURY LEAVE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 11.4, TITLED "INJURY LEAVE"; AND AMENDING SUBSECTION 13.3, TITLED "EMPLOYEE POLITICAL ACTIVITY," BY CREATING A NEW SUBSECTION (E), ALL FOR THE PURPOSE OF UPDATING THE PERSONNEL PLAN.

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

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Elect one (1) member to the following boards: Environmental Quality Advisory Board, Oak Ridge Convention and Visitors Bureau, and Traffic Safety Advisory Board

The City Clerk recommended that each of the applicants be elected by acclamation, given that the total number of applicants equaled the total number of vacancies.

Councilmember Smith moved to elect the applicants by acclamation. The motion was seconded by Councilmember Hensley and approved unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby electing the following applicants to the following boards:

Dr. Sylvia Milanez to the Environmental Quality Advisory Board for the balance of an unexpired term ending on December 31, 2014; Mr. Hugh B. Ward, Jr. to the Oak Ridge Convention and Visitors Bureau for the balance of an unexpired term ending on December 31, 2012; and Mr. Zachary Criswell as a high school representative to the Traffic Safety Advisory Board for a one year term of office ending on May 31, 2013.

Confirmation of Nomination by Oak Ridge Utility District Board of Commissioners

Councilmember Hensley moved, seconded by Councilmember Garcia Garland the confirm the

reappointment of Ms. Nancy B. Stanley to fill a five-year term of office beginning July1, 2012 to the Oak Ridge Utility District Board of Commissioners. The confirmation was approved unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Announcements

Mayor Beehan reported on the recent City Council Retreat and commented about the positivity and productivity of the meeting.

Councilmember Hensley noted that he spoke with the City Council Retreat Facilitator Darryl Akins, and that Mr. Akins would be willing to provide the next steps for City Council. The City Manager responded that he would speak with councilmembers individually and coordinate additional actions at a future date.

Councilmember Mosby requested discussions on enhancing the City's procurement strategy.

Councilmember Hope recognized audience members Bonnie and Peter Angelo, and noted that they are active community members.

Councilmember Smith recognized Ms. Kay Williamson, who had expressed concern over allocation of parking spaces as a result of the new painting of parking stripes, and the insufficient parking that may be experienced. Councilmember Smith expressed an interest in developing a mechanism for residents to contact staff to address parking concerns to which the City Manager briefly responded about current parking enforcements and updating Council on staff's findings at a future City Council Work Session.

Councilmember Garcia Garland inquired about the status of her requested report concerning accidents at the intersection near Jefferson Avenue.

Councilmember Hensley commented that Mr. Dan Stout with the Tennessee Valley Authority has offered to attend a City Council Work Session.

Scheduling

(NONE)

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

"Executive Time:" Briefing and update on TIF processes associated with the Oak Ridge Mall and other projects.

The City Manager explained that, based on conversations with potential buyers of the mall, public dollar involvement will be necessary. Mr. Watson added that the City would be examining a Tax Increment Finance (TIF) District to help generate monies for this potential project. He indicated that his conversations with developers indicate a variety of potential development configurations for the mall, and that these developments could assist with the City's utilization of a TIF District.

Mr. Watson responded to questions and comments from councilmembers.

The information was for informational purposes only; no action taken.

SUMMARY OF CURRENT EVENTS

City Manager's Report

Verbal report on the City's 4th of July Fireworks Celebration

The City Manager explained that he was striving for business support for the special event, as many businesses were not open last year. Mr. Watson stressed that is a community event and that the goal would be to coordinate it as such.

City Attorney's Report

(NONE)

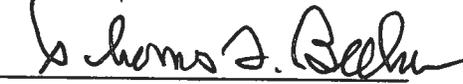
ADJOURNMENT

The meeting adjourned at 9:30 p.m.



Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
July 9, 2012



Thomas L. Beehan, Mayor