

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

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on December 10, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

### **INVOCATION**

The Invocation was given by Dr. Curtis McClain, Highland View Church of Christ.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag of the United States of America was led by a member of the Methodist Chaplain Troop 328 Boy Scouts.

### **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.

### **PROCLAMATIONS AND PUBLIC RECOGNITIONS**

*Public swearing-in of newly elected Councilmembers Trina Baughn; L. Charles Hensley; and Charles J. Hope, Jr.*

The City Clerk performed the ceremonious oaths of office for Councilmember Baughn, Councilmember Hensley, and Councilmember Hope.

(Diverting from Original Order of Agenda)

#### ***Election/Appointments--Election of Mayor and Mayor Pro Tem of the City of Oak Ridge.***

Mayor Beehan and Councilmember Mosby announced their interest in serving a term as Mayor and provided information to their interest and skills in the position.

Councilmember Baughn, Mayor Pro Tem Miller, Councilmember Garcia Garland, Councilmember Hensley, and Councilmember Hope provided comments regarding the position and support of a Mayor.

The following residents provided comments and expressed their support for Mayor Beehan serving an additional term:

Ms. Angi Agle, 101 West Melbourne Road  
Mr. Aditya Savara, 109 Trenton Drive  
Ms. Pat Postma, 104 Berea Road  
Mr. Joe Lee, 99 East Pasadena Road  
Mr. Michael Beehan, 119 Potomac Circle  
Mr. Charlie Jernigan, 118 Claymore Lane

The following residents provided comments and expressed their support for Councilmember Mosby in serving a term as Mayor:

Mr. Martin McBride, 954 West Outer Drive  
Mr. Jim Holsopple, 128 South Purdue Road  
Mr. Steve Fritts, 108 Vernon Road

Mr. Robert Humpries, 500 Michigan Avenue  
Mr. Lee Roy Gilliam, 108 Tracy Lane  
Mr. Don Carson, 112 Outer Drive

Mr. Chuck Agle, 101 West Melbourne Lane, commented that during Mayor Beehan's term the City's tax rate has remained stable, whereas surrounding areas had not. Mr. Agle noted other cities and county/city combinations where property taxes were higher than the City of Oak Ridge.

Ms. MaKenzie Mosby, 106 Haven Hill Lane, commented that both Mayor Beehan and Councilmember Mosby were both good candidates as Mayor, and requested that the new City Council become greatly involved with the youth of Oak Ridge.

On first ballot for the Mayor for the City of Oak Ridge, Mayor Thomas L. Beehan was elected to serve as Mayor for a two-year (2) term of office receiving the votes of Councilmember Hensley, Mayor Pro Tem Miller, Mayor Beehan, and Councilmember Hope. Councilmember Baughn, Councilmember Garcia Garland, and Councilmember Mosby voted for Councilmember Mosby.

Following conclusion of the ballot for Mayor, Councilmember Baughn nominated Councilmember Mosby to serve as the Mayor Pro Tem for the City of Oak Ridge. City Council and staff discussed the procedures for nomination of the Mayor Pro Tem position.

Mr. Aaron Wells, 107 Bradley Avenue, commented that Councilmember Baughn's nomination needed to be considered based on his understanding of Robert's Rules of Order.

Following additional discussion, Councilmember Mosby accepted the nomination of Councilmember Baughn for Mayor Pro Tem.

On first ballot for the Mayor Pro Tem of the City of Oak Ridge, Mayor Pro Tem Miller was elected to serve as Mayor Pro Tem for a two-year (2) term of office receiving the votes of Councilmember Hensley, Mayor Pro Tem Miller, Mayor Beehan, and Councilmember Hope. Councilmember Baughn, Councilmember Garcia Garland, and Councilmember Mosby voted for Councilmember Mosby.

*Public recognition of former Councilmember Ellen D. Smith for her five (5) years of service on the Oak Ridge City Council.*

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley to adopt the **Resolution No. 12-95-2012** recognizing Councilmember Ellen D. Smith's years of service and gave public recognition of the former councilmember for her five (5) years of service on the Oak Ridge City Council.

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

(The Mayor called for a brief recess.)

Upon return from recess, Councilmember Hensley moved to amend the agenda to consider the following ordinance immediately following consideration of the Consent Agenda:

AN ORDINANCE TO AMEND A USE DESIGNATION OF PARCEL 3.01, MAP 100J, GROUP B, IN HENDRIX CREEK PLANNED UNIT DEVELOPMENT, PHASE IV, LOCATED AT THE CORNER OF HENDRIX DRIVE AND HERITAGE DRIVE, FROM OPEN SPACE TO RESIDENTIAL, WITH THE OVERALL ZONING DISTRICT REMAINING R-1-C/PUD, ONE-FAMILY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY.

The motion was seconded by Councilmember Hope and unanimously approved by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor

Beehan voting "Aye."

Mayor Pro Tem Miller moved to delay consideration of the following ordinance:

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE XIV, TITLED "SIGN REGULATIONS," SECTION 14.05, TITLED "GENERAL REQUIREMENTS," TO ADD A NEW SUBSECTION 7, AND SECTION 14.16, TITLED "ILLUMINATION OF SIGNS," TO ADD A NEW SUBSECTION 6 FOR THE PURPOSE OF ESTABLISHING CRITERIA FOR OPERATION OF READER BOARD SIGNS (MOVING COPY SIGNS).

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

Councilmember Garcia Garland requested that the following resolution be removed from the Consent Agenda:

*A resolution to generally establish monthly regular City Council meetings and monthly work session meetings for calendar year 2013, and to specifically establish additional regular City Council meetings for budget purposes in the month of May 2013 as required by Article II, Section 1, of the City Charter.*

(Reverting back to Original Order of Agenda)

### **APPEARANCE OF CITIZENS**

Mr. Parker Hardy, 123 Amanda Lane, President of the Oak Ridge Chamber of Commerce (ORCC), expressed the Chamber's appreciation to city staff for their assistance with the 2012 Christmas Parade.

Mr. Martin McBride, 954 West Outer Drive, provided comments about freezing the payroll gap between the City of Oak Ridge and Knox County by requesting payroll information from the Department of Energy (DOE) through a partnership with the Roane and Anderson County Commissions. Additionally, Mr. McBride suggested that the City focus its attention in tourism efforts to specific countries—China and Great Britain—given the City's history with ending a World War.

### **SPECIAL REPORTS**

(NONE)

### **CONSENT AGENDA**

Councilmember Hope moved, seconded by Councilmember Hensley that the Consent Agenda be approved as presented below. The motion carried by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby approving:

- Approving the November 5, 2012 City Council meeting minutes.
- Adopting **Resolution No. 12-96-2012** awarding a bid in the estimated amount of \$55,950.00 to Water & Waste Equipment, Cleveland, Tennessee, for the furnishing of two (2) replacement pumps for the sewer pump station located on Melton Lake Peninsula.
- Adopting **Resolution No. 12-97-2012** to apply for and accept set-aside Emergency Solutions Grant (ESG) Program funds from the Tennessee Housing Development Agency, through the U.S. Department of Housing and Urban Development Emergency Solutions Grant Program, in the estimated amount of \$62,791.00, to fund ESG activities.

- Adopting **Resolution No. 12-98-2012** approving a Professional Services Agreement with Matt Jinks, DVM, Maryville, Tennessee, to provide veterinary services at the Oak Ridge Animal Shelter.

## **RESOLUTIONS**

**(Removed from the Consent Agenda)**

### **Resolution No. 12-99-2012**

**A RESOLUTION TO GENERALLY ESTABLISH MONTHLY REGULAR CITY COUNCIL MEETINGS AND MONTHLY WORK SESSION MEETINGS FOR CALENDAR YEAR 2013, AND TO SPECIFICALLY ESTABLISH ADDITIONAL REGULAR CITY COUNCIL MEETINGS FOR BUDGET PURPOSES IN THE MONTH OF MAY 2013 AS REQUIRED BY ARTICLE II, SECTION 1, OF THE CITY CHARTER.**

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

The City Manager noted that no major scheduling differences had occurred between the 2013 meeting schedule and previous years' schedule. Mr. Watson explained that this resolution would allow more flexibility to change meeting dates, when needed, with advance notification to the City Council and the public.

Following additional discussions, the resolution was unanimously adopted by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

(The Mayor noted that the resolution titled, "a resolution to apply for a special litter grant from the Tennessee Department of Transportation (TDOT) for an Adopt-a-Plot program establishing sustainable community gardens to revitalize formerly blighted properties in the amount of \$80,000.00, and to accept said grant if the application is approved" was removed from the Consent Agenda. The City Manager explained that on December 10, 2012 the City received information that the City had not received the grant and thus the item was removed for consideration.)

(Agenda Amended)

## **PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

AN ORDINANCE TO AMEND A USE DESIGNATION OF PARCEL 3.01, MAP 100J, GROUP B, IN HENDRIX CREEK PLANNED UNIT DEVELOPMENT, PHASE IV, LOCATED AT THE CORNER OF HENDRIX DRIVE AND HERITAGE DRIVE, FROM OPEN SPACE TO RESIDENTIAL, WITH THE OVERALL ZONING DISTRICT REMAINING R-1-C/PUD, ONE-FAMILY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY.

The City Manager noted that a request was submitted by the property owner of the parcel to postpone the public hearing, but due to public notices already announced and advertised by staff, it was best to proceed with the public hearing.

The following residents provided comments during the public hearing:

Mr. Jack Mansfield, 103 Hendrix Drive, explained that he did not believe that the property had ever been restricted to open space designation, and indicated that he had documentation supporting such. Additionally, he provided a brief history of his purchase process of the property and previous rezoning attempts.

Mr. Ken Peters, 100 Hollbrook Lane, expressed his concerns about the rezoning in relation to the property tax and appraised value of his home, and indicated that the Open Space Designation of the

property was that was communicated to him was a buying point when purchasing his home.

Mr. Bill Simpson, 102 Hollbrook Lane, commented that a precedent had been set for the property given its multiple rezoning considerations in the past. Mr. Simpson stated that the issue was well vetted and determined that the property could not be rezoned and that, for him, zoning is a principle issue as protection for owners and buyers of nearby property.

Ms. Shirley Frykman, 125 Marquette Road, does not believe that the rezoning request will affect the parcel, but will have positive impacts on the existing "Prayer Walk" that exists on the parcel.

Mr. Glen Cardwell, 104 Hollbrook Lane, expressed concern regarding draining issues on the property, and inquired about the building requirements for the proposed house that would be located on the property.

Community Development Director Kathryn Baldwin responded to questions and comments of City Council.

Mr. Aditya Savara, 109 Trenton Drive, suggested that the homeowners affected by the rezoning approach the adjacent property owner for purchase and noted that the issue could have been resolved with the past homeowners association upkeep of the property.

Councilmember Hope moved, seconded by Councilmember Hensley that the public hearing be closed. 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."

Following an extensive discussion of City Council and staff, Councilmember Hensley moved to support the Oak Ridge Municipal Planning Commission's recommendation to deny the rezoning request. The motion was not seconded.

Councilmember Garcia Garland moved to postpone consideration of the ordinance until the next council meeting to examine the ordinance cited in support materials and give further consideration to the legal position of the City. 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."

(Reverting back to the original order of the agenda as originally presented)

**Resolution No. 12-100-2012**

**ADOPTION OF A RESOLUTION AWARDED CONTRACTS (COR 12-31 AND 12-32) TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE DEMOLITION OF TWO CITY-OWNED RESIDENTIAL STRUCTURES; SAID CONTRACTS IN THE ESTIMATED AMOUNT OF \$17,231.00 AND \$17,550.00 RESPECTIVELY.**

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

Community Development Department Specialist Matt Widner reviewed photos showing the dilapidated conditions of the two city-owned structures and noted the cost benefits of pursuing demolition as opposed to repairs of the structures. After additional discussions, 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. 12-101-2012**

**ADOPTION OF A RESOLUTION TO APPROVE A SUBORDINATION AGREEMENT WITH TNBANK TO SUBORDINATE THE CITY'S RIGHT TO REPURCHASE THE ARMORY BUILDING FROM GIRLS, INC. TO THE LOAN BETWEEN TNBANK AND GIRLS, INC., FOR ROOF REPAIRS.**

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

After a brief review by City Attorney Kenneth Krushenski of the subordination agreement and discussions among City Council, the resolution was adopted by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**Resolution No. 12-102-2012**

**A RESOLUTION APPROVING THE AMENDMENT AND RESTATEMENT OF THE CITY OF OAK RIDGE'S (A) SERIES VI-M-1 LOAN AGREEMENT WITH THE PUBLIC BUILDING AUTHORITY OF SEVIER COUNTY, TENNESSEE AND (B) THE SERIES VII-E-1 LOAN AGREEMENT WITH THE PUBLIC BUILDING AUTHORITY OF SEVIER COUNTY, TENNESSEE; DIRECTING THE CONVERSION OF THE INTEREST RATE ON THE RELATED LOCAL GOVERNMENT PUBLIC IMPROVEMENT BONDS, SERIES VI-M-1 AND LOCAL GOVERNMENT PUBLIC IMPROVEMENT BONDS, SERIES VII-E-1 TO AN INDEX RATE; AND AUTHORIZING THE EXECUTION AND DELIVERY OF INDEX RATE AGREEMENTS IN CONNECTION THEREWITH.**

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

The City Manager noted that City Council will be considering the substitute resolution that was presented to City Council prior to the meeting

Mr. Christopher Bessler, Senior Vice President with Cumberland Securities Company, Inc., 813 S. Northshore Drive, Knoxville, Tennessee provided City Council with a summation of the process and reason for the loan agreements, as well as responded to questions of City Council.

Following additional discussions, the resolution was adopted by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**Resolution No. 12-103-2012**

**ADOPTION OF A RESOLUTION TO EXTEND AND MODIFY THE CURRENT WATER SERVICES CONTRACT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF ENERGY (DOE) TO SET FORTH A NEW PRICING STRUCTURE AND OTHER NECESSARY MODIFICATIONS, WITH SAID CONTRACT THROUGH DECEMBER 31, 2015.**

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

The City Manager reviewed highlights in the modified water services contract which included stabilization in cost recoveries with a fixed cost and a pro-rata portion split of capital projects related to the water plant with the City and the DOE. Mr. Watson, Public Works Director Gary Cinder, and Finance Director Janice McGinnis responded to questions and comments of City Council.

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

First Reading of an Ordinance

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE XIV, TITLED "SIGN REGULATIONS," SECTION 14.05, TITLED "GENERAL REQUIREMENTS," TO ADD A NEW SUBSECTION 7, AND SECTION 14.16, TITLED "ILLUMINATION OF SIGNS," TO ADD A NEW SUBSECTION 6 FOR THE PURPOSE OF ESTABLISHING CRITERIA FOR OPERATION OF READER BOARD SIGNS (MOVING COPY SIGNS).

(Public hearing to occur during second reading at the January City Council meeting.)

Consideration of the above ordinance was delayed per the motion that was approved earlier in the meeting.

#### FINAL ADOPTION OF ORDINANCES

##### **Ordinance No. 24-2012**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R, RESIDENTIAL TO B, GENERAL BUSINESS; AND CHANGING THE DESIGNATION OF PARCELS 13-15, ANDERSON COUNTY TAX MAP 099K, GROUP B, FROM O, OFFICE/INSTITUTIONAL TO B, GENERAL BUSINESS.**

Mayor Beehan recused himself from participation on this amendment and Mayor Pro Tem Miller assumed chairmanship for this item.

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

#### ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

##### Elections/Appointments

##### Announcements

##### Scheduling

#### COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilman Hope requested a review of city assets and asked that councilmembers possibly tour all school facilities to get an understanding of conditions and needs to adjust capital improvement plans accordingly.

Councilman Hensley asked for staff to provide better definitions or explanations on the zoning ordinance amendment for signage, specifically regarding the "knits" unit, when it returns to City Council for consideration.

Mayor Beehan requested that City Council meet soon to evaluate their common goals.

Councilwoman Garcia Garland inquired about appointing a new councilmember to the Environmental Protection Agency (EPA) Committee in the future.

#### SUMMARY OF CURRENT EVENTS

##### CITY MANAGER'S REPORT

*Information/Updates on appointments/elections for the December 17, 2012 City Council Special Meeting.*

The City Manager reminded City Council that the election for boards and commissions was scheduled for December 17, 2012, and that City Council would receive information from the boards regarding the progress of their goals.

CITY ATTORNEY'S REPORT

ADJOURNMENT

The meeting adjourned at 11:00 p.m.

  
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Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL  
January 14, 2013

  
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Thomas L. Beehan, Mayor