

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

April 9, 2012

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

INVOCATION

The Invocation was given by Reverend Brian Scott, Robertsville Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was given by Mr. Jack Campbell, Glenwood Elementary School.

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.; Councilmember David N. Mosby; and Councilmember Ellen D. Smith.

Mayor Pro Tem D. Jane Miller 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

Mr. Jeff Collins, 124 Tabor Road, and member of Oak Ridge Fire Department, praised the Oak Ridge Fire Fighter's Association for donating over \$2,000 for the City's Fire Department Smoke Alarm Fund which was used to purchase approximately 120 smoke alarms for residents. Mr. Collins also expressed his appreciation to the Oak Ridge Fire Chief and the City Manager for their support, and to Mr. Roger Clary owner of Downtown Hardware for working with the Fire Department on the purchasing of smoke alarms.

Mr. Boyce Griffith, 107 Beechwood Court, spoke about the Oak Ridge Walking Trail and gave his opinion that there are currently three items missing from the trail: mileage markers, seating, and drinking fountains. Mr. Griffith also indicated there were drainage issues along the trail and noted the walking trails have contributed to improvements to his health. Mr. Griffith concluded by explaining that he collects trash from the trail and would like for the City to consider ways to resolve this issue.

Ms. Trina Baughn, 119 Newport Drive, remarked that the schools had yet to repay the high school's remodeling debt and questioned if a resolution was agreed upon with the City and the Schools regarding repayment. Ms. Baughn raised several questions about what means the City would take to ensure that the School pays the remodeling debt.

Mr. Joseph Lee, 99 East Pasadena Road, expressed his support for the schools and stated he is looking forward to having the repayment issued settled so that focus can shift to other issues.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation recognizing April 27, 2012 as the *Celebration of the Young Child*.

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

The proclamation was accepted by Ms. Carroll Welch, Executive Deputy Director of the Children's Museum of Oak Ridge, along with other representatives from the museum.

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

A proclamation designating April as *Child Abuse Prevention Month*.

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

Ms. Carol Snodgrass, Executive Director of Prevent Child Abuse Tennessee, accepted the proclamation, along with board members from the Anderson County/City of Oak Ridge Advisory Board.

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

A proclamation designating April as *Fair Housing Month*.

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

The proclamation was accepted by Ms. Kahla Gentry, Senior Planner for the Community Development Department.

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

Councilmember Hensley noted that a correction be taken on page 5, paragraph 4, of the March 7, 2012 City Council Meeting minutes to read that the *Comptroller of the State of Tennessee* and representatives of the Tennessee Department of Environmental and Conservation (TDEC).

Following the correction, Councilmember Hope moved, seconded by Councilmember Smith to approved the Consent Agenda which was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye," thereby:

- Approving the minutes of the March 7, 2012 City Council Meeting.
- Approving the minutes of the March 26, 2012 City Council Special Meeting called by the Mayor.
- Approving the minutes of the March 26, 2012 City Council Special Meeting called by the City Manager.

RESOLUTIONS

Resolution No. 4-22-2012

A resolution authorizing a Professional Services Agreement with BBB Communications, LLC., Oak Ridge, to provide thirty (30) oral histories from key individuals important to the history of Oak Ridge, in the estimated amount of \$45,000.00.

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

Following brief deliberation, the resolution was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 4-23-2012

A resolution awarding a contract (COR 12-08) to Rogers Group, Inc., Oak Ridge, for an Oak Ridge Pedestrian Improvement Project in the estimated amount of \$217,060.70.

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

Steve Byrd, City Engineer, noted that the projects presented were selected from the Transportation Enhancement List and Oak Ridge Bicycle and Pedestrian Plan primarily because they are sidewalk improvement projects.

Following inquiries from Councilmember Mosby, the City Manager noted that the projects being considered would not deplete the Special Program Funds and from the standpoint of pedestrians, there is enough traffic for consideration of enhancements at the proposed locations.

Councilmember Smith asked about the reasons for not including a pedestrian traffic signal for crossings between the Oak Ridge High School and Oak Ridge Civic Center, as had been previously discussed with Council. In response, Steve Byrd explained that based on studies and data, it would be difficult to justify a traffic signal at that location. Councilmember Smith also indicated that she did not think that a standard stoplight would be appropriate, but that she wanted to see a signal that would activate a traffic stoplight and pedestrian walk light only when a pedestrian pushed a walk button.

Councilmember Smith expressed concerns over proposed changes at the Oak Ridge Turnpike at Illinois Avenue (Location #2), stressing that possible traffic errors and inconveniences could occur to drivers as a result of the changes. Following a detailed discussion between Councilmember Smith and Steve Byrd over Location #2, Councilmember Smith moved to approve the remaining locations proposed, but defer the Oak Ridge Turnpike at Illinois Avenue intersection changes until a second review and recommendation by the Traffic Safety Advisory Board (TSAB). Additionally, she noted the deferral would allow the community to become comfortable with the proposed change and benefit Council with a better understanding of the project. The motion was seconded by Councilmember Garcia Garland.

Following discussion on the amendment, the motion to amend the main motion failed by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, and Mayor Beehan voting "Nay," and Councilmember Smith voting "Aye."

Councilmember Hope requested that consideration be given to deal with the drainage issues at South Illinois Avenue and Badger Avenue.

Councilmember Garcia Garland requested that city staff reengage the Tennessee Department of Transportation (TDOT) to consider an on-demand signal service near the Oak Ridge High School and Oak Ridge Civic Center.

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

Resolution No. 4-24-2012

A resolution authorizing the purchase of a backhoe from Nortrax, Knoxville, Tennessee; two pickup trucks with utility beds from Golden Circle Auto Group, Jackson, Tennessee; and one truck with crane from Ford of Murfreesboro, Murfreesboro, Tennessee; all for use by the Public Works Department in the grand total estimated amount of \$217,648.82.

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

Following brief discussion, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 4-25-2012

A resolution to re-designate the funds allocated by Resolution 4-35-06 to the Highland View Redevelopment Advisory Board to now be used by the City for property acquisition in furtherance of the City's redevelopment project and the *Not in Our City* conceptual plan.

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

Following brief discussion, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

PUBLIC HEARING AND FIRST READING OF ORDINANCES

Public Hearing

A public hearing for the Program Year 2012/Fiscal Year 2013 Community Development Block Grant (CDBG) Annual Action Plan.

A public hearing was held with no public participation.

Public Hearing and First Reading of Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 1.06, 1.08, AND 1.24, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS ED-10, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).

Councilmember Hope moved, seconded by Councilmember Smith that the ordinance be approved on first reading.

A public hearing was held with no public participation.

Following a brief review by Community Development Director Kathryn Baldwin, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

First Reading of Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 8-11, AS AMENDED BY ORDINANCE 11-11, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, BY AMENDING SAID APPROPRIATIONS.

(The public hearing for the above ordinance was held during the March 7, 2012 City Council Meeting.)

Councilmember Hope moved, seconded by Councilmember Smith to approve the ordinance on first reading.

Councilmember Hensley suggested that Council not proceed on the ordinance until action was taken by the Schools on the debt service payment as a reflection of a good business practice. Mayor Beehan commented that delaying action was not a productive means and that the City and the Schools were

working toward a resolution. Councilmember Garcia Garland and Smith expressed similar comments to Councilmember Hensley's in favor of deferring action on the ordinance.

Councilmember Hope noted that the ordinance was an amendment for a budget that had already been approved, and that the amendment was merely an accounting process. Councilmember Mosby also commented that he was unaware of how inaction would help to expedite the debt service process.

The ordinance failed on first reading by board vote with Councilmembers Garcia Garland, Hensley, and Smith voting "Nay," and Councilmembers Hope, Mosby, and Mayor Beehan voting "Aye."

FINAL ADOPTION OF ORDINANCES

Ordinance No. 03-2012

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES FOR MOTORIZED VEHICLES, EXCEPTIONS"; BY AMENDING SECTION 15-603, TITLED "PROHIBITED IN SPECIFIED PLACES," BY RE-DESIGNATING THE SECTION AS SUBSECTION (A), ADDING LANGUAGE TO SUBSECTION (A)(1) PERTAINING TO SIDEWALKS, CREATING TWO NEW SUBPARTS (A)(21) AND (A)(22) PERTAINING TO PARKING ON CURBS AND WITHIN MARKED PARKED SPACES, AND CREATING A NEW SUBSECTION (B); AND BY DELETING SECTION 15-604, TITLED "METHOD OF PARKING," SUBSECTION (1), IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1), WITH ALL AMENDMENTS FOR THE PURPOSE OF CLARIFYING ON-STREET PARKING REQUIREMENTS AND FOR COMPATIBILITY WITH RECENTLY ENACTED SECTION 15-617.

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

In response to Councilmember Garcia Garland's inquiry about publication of the enforcement of the ordinance, the City Manager discussed the use of media outlets and ensuring that information is readily available over the next month.

Councilmember Smith noted that the ordinance does not contain a specialized grace period for enforcement to which the City Manager explained that the ordinance helps to reinforce the previously adopted ordinances that pertain to parking.

The ordinance was approved as presented by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

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 THEIR ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WATER RATES.

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

The City Manager explained that a substitute ordinance was being introduced that contained a new rate structure, and that this rate structure was developed as a result of comments received from the public and City Council.

Mr. Watson explained that the City would reinstate the declining rate structure and reexamine the base rate and meter charges, while ensuring competitiveness and maintaining cash flow for 12-24 months. Additionally, he explained that the City would revisit the Department of Energy (DOE) contract base amounts with regard to the base rate of wastewater, and balance increases to ensure customer groups are treated equally.

The City Manager noted that the City was deferring capital projects and renovations on the water system with regards to the new adjustments on water rates, and that the proposed rates meet current cash flow needs for water and wastewater funds of the City.

Mr. Martin McBride, 954 West Outer Drive, expressed his concern that the proposed rates would still impact the City and its future, and that much of the associated costs are still a result of the Environmental Protection Agency's (EPA) Administrative Order. Mr. McBride urged the City to present a compelling case to the EPA so as to reach a consensus on the requirements of the City, noting that the EPA mandates will drive future rate increases and that the City needs to move quickly on these discussions.

Mr. Rick Chinn, 101 Stone Bridge Way, commented that the original water and wastewater rates presented at first reading put the City at a competitive disadvantage, and that he does not want to see the rates increased considerably. Mr. Chinn, however, recognized that the rates currently needed to be raised for cash flow and urged the City to engage the community and other resources to assist with discussions with the EPA to help lower the rates to a manageable status.

Finance Director Janice McGinnis clarified that the proposed wastewater ordinance is a flat rate structure, and that it contains a consumption cap during the summer period.

Following inquiries from Councilmember Mosby, Ms. McGinnis reiterated that the pace for capital water improvements has been slowed down and that the City will not be able to meet the EPA's Administrative Orders for wastewater with either the current or proposed rates. Additionally, she explained that it would be difficult for the City to borrow needed money without a rate increase, as the City would not have the mechanism to pay the debt.

Councilmember Smith expressed that she would like to ensure that the public has had adequate time to learn about the new, proposed rate structure before action is taken, and suggested consideration take place at a special meeting of City Council.

Councilmember Garcia Garland moved to defer action of the ordinances pertaining to both water and waste water rates until a special called meeting, tentatively scheduled for April 16, 2012. The motion was seconded by Councilmember Hensley.

Councilmember Garcia Garland's motion to defer action was approved unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

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

(Ordinance was postponed as a result of the action taken on the previous ordinance)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS, AND SCHEDULING

Elections/Appointments

Council appointment to the Youth Advisory Board (YAB) Screening Panel

Councilmember Hensley moved, seconded by Councilmembers Smith to confirm the Mayor's appointment of Councilmember Hope to the Youth Advisory (YAB) Screening Panel which was approved unanimously with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

Announcements

(NONE)

Scheduling

(NONE)

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

SUMMARY OF CURRENT EVENTS

City Manager's Report

Request for two Councilmembers to assist on EPA visit (verbal report).

Mayor Beehan commented that he would like the councilmembers to participate in EPA discussions in which Councilmembers Hensley, Smith, Garcia Garland, and Hope all verbally expressed an interest in participating.

A determination was reached to have councilmember's names drawn for participation in the visit.

Council Retreat Update (verbal report).

The City Manager explained that he has contacted Lynn Fugate of Capital Mark to serve as a facilitator for the retreat. Mr. Watson noted that a date will be suggested to Council following discussions with Ms. Fugate.

City Attorney's Report

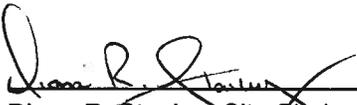
Councilmember Hensley briefed City Council on the City Attorney's Evaluation Committee meeting that took place on April 4, 2012. Councilmember Hensley discussed the timeline as follows:

- The City Attorney would provide his progress report by April 30, 2012, afterwards the City Clerk would submit the evaluation forms that were used last year to City Council on May 1, 2012.
- City Council would send completed evaluation forms to the City Clerk's Office no later than May 15, 2012.
- The City Attorney Evaluation Committee would meet on May 21, 2012 to discuss a recommendation, followed by completion of an evaluation report prior to May 23, 2012 for inclusion in the City Council agenda packet for the May 29, 2012 City Council meeting.

Kenneth Krushenski noted that delinquent property taxes would be submitted to the Anderson County Delinquent Tax Attorney.

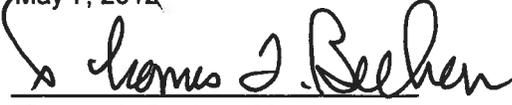
ADJOURNMENT

The meeting adjourned at 10:05 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL

May 7, 2012



Thomas L. Beehan, Mayor