

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

February 13, 2012

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on February 13, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Chris Moore, Associate Pastor of Lifehouse Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was given by David Gengozian, President of the Executive Board of the Neighborhood Watch.

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

Ms. Kay Williamson, 420 Jefferson Avenue, addressed Council about an issue with a vehicle that has been continually parked in close proximity to her house. Ms. Williamson also discussed other parking issues, including boats and inoperable cars that exist around her neighborhood. She noted that she has been commenting on these issues for some time.

PROCLAMATION

A proclamation honoring the 2011 Siemens Competition Winners.

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

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

The proclamation was accepted by Ziyuan Liu and Cassee Cain, 2011 Siemens Competition in Math, Science, and Technology Team Category winners.

SPECIAL REPORT

A report from Sergeant Shannah Newman, Oak Ridge Police Department, on the Neighborhood Watch Program.

Oak Ridge Police Sergeant Shannah Newman provided a brief overview and history of the Neighborhood Watch Program that included membership, chapters, and involvement in the community and events, such as National Night Out. The presentation was for informational purposes only; no action taken.

CONSENT AGENDA

Mayor Beehan introduced a new concept to City Council regarding the Consent Agenda which was that items that councilmembers had a question about as opposed to just a comment, the item would be removed. He explained that councilmembers would be able to comment on agenda items at the end of the approval of the Consent Agenda.

At the request of Councilmember Garcia Garland, the following items were removed from the Consent Agenda:

- (c) Adoption of a resolution awarding a contract to Baseline Sports Construction, LLC, Knoxville, Tennessee, for the construction of outdoor basketball courts at Elm Grove and LaSalle parks in the estimated amount of \$36,364.00.
- (e) Adoption of a resolution amending the Community Development Block Grant (CDBG) FY2012 Annual Action Plan, approved by Resolution 5-33-11, for the reallocation of \$126,231.08 of unused funds toward the acquisition and demolition of blighted properties within the CDBG target area.
- (g) Adoption of a resolution to adopt the attached Goals for City Boards and Commissions for 2012, dated December 2, 2011, as recommended by the City Manager.

City Manager Mark Watson stated that item (c) would be removed in its entirety from the agenda.

The remainder of the Consent Agenda 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 January 9, 2012 City Council Meeting.
- Adopting Resolution No. 2-5-2012 supporting the submission of an application to secure a Playful City USA designation for the City of Oak Ridge.
- Adopting Resolution No. 2-6-2012 amending Resolution No. 12-117-11 that established the Council meeting schedule for calendar year 2012 to change the March 2012 regular meeting of City Council to Wednesday, March 7, 2012.
- Adopting Resolution No. 2-7-2012 authorizing the City's Electric and Waterworks funds to disburse tax equivalent payments to the City's General Fund as authorized by State Law.
- Adopting Resolution No. 2-8-2012 authorizing the Mayor to executive on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Jerrold A. Williams.

In response to a question from Councilmember Hensley regarding procedure for removing an agenda item, City Attorney Kenneth Krushenski explained that there is a discrepancy with regards to item (c) and that it would be rebid should the City decide to move forward with the project.

Councilmember Mosby commented on the Playful City USA designation pursuit by explaining that it was a great idea and that he would like for Council to receive status updates. Councilmember Smith expressed her support for the item as well, and briefly reviewed the benefits of the Playful City USA designation.

Resolutions Removed from Consent Agenda

Resolution No. 2-9-2012

Adoption of a resolution amending the Community Development Block Grant (CDBG) FY2012 Annual Action Plan, approved by Resolution 5-33-11, for the reallocation of \$126,231.08 of unused funds toward the acquisition and demolition of blighted properties within the CDBG target area.

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

Following inquiries from Councilmember Garcia Garland, the City Manager explained that not all funds were expended because of program changes which resulted in unused funds that could be reallocated. Councilmember Garcia Garland expressed concern over reallocating funds toward the acquisition and demolition of blighted properties that were originally designated toward the Scarboro Community Center.

Janice McGinnis, Finance Director, clarified that the bonds issued for the Scarboro Community Center were variable rate debt and the amount budgeted is based on a higher interest rate than what the City is currently experiencing.

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

Resolution No. 2-10-2012

Adoption of a resolution to adopt the attached Goals for City Boards and Commissions for 2012, dated February 8, 2012, as recommended by the City Manager.

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

The City Manager explained that the goals had been discussed in different settings with Council, but a formal adoption would provide direction to the boards regarding Council's current priorities. He also discussed that the goals would introduce a new communications approach that begins with Council.

Councilmember Garcia Garland expressed concern that there had not been extensive discussion among Council regarding the goals, and would contemplate postponing them until they could be discussed, or she would consider introducing an amendment to the resolution based on comments of other councilmembers.

Councilmember Smith commented that the goals are a communication tool and a "working document" where the goals would change over time. She indicated that the goals should be referred to as "Council's Goals," and that she would approve the resolution based on the understanding that the goals would continue to change. Similar statements were shared by Mayor Beehan, Councilmember Mosby, and Councilmember Hope.

Councilmember Garcia Garland proposed an amendment to the main motion; in addition to the goals contained in the resolution, she wished to extend a reminder to the Boards and Commissions that because of their expertise and focus, Council welcomed their advice on any issue or concern deemed important for city consideration. She also added that communications to the City Manager or Department Directors from board members be copied to Council so as to facilitate full knowledge. Councilmember Garcia Garland's motion was seconded by Councilmember Smith.

Following further discussion among Council and the City Manager, Councilmember Smith suggested that the action on Councilmember Garcia Garland's motion be deferred until Council had adequate time to discuss. Upon Councilmember Smith's suggestion, Councilmember Garcia Garland withdrew her amendment.

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

RESOLUTIONS

Resolution No. 2-11-2012

Adoption of a resolution authorizing the expenditure of up to \$125,000.00 from the Equipment Replacement Account for the purchase of a replacement rescue vehicle for the Fire Department.

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

Darryl Kerley, Oak Ridge Fire Chief, discussed the need for a replacement rescue vehicle. He explained that the current rescue vehicle had equipment safety issues and did not provide adequate storage for emergency equipment, and that the replacement vehicle would address both of these issues. Chief Kerley further stated that the replacement vehicle would be complaint through the National Fire Protection Association (NFPA). The Fire Chief commented that the final specification package would need to be solidified before the bidders would commit to a final cost figure. Additionally, the final cost would be determined by delivery of parts, vehicle assembly, and ordering requirements of the car manufacturers, and that the requested expenditure would provide adequate funding to pursue the final cost of a rescue vehicle.

Following discussions between Council and city staff regarding the equipment replacement fund and replacement schedule, the motion was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 2-12-2012

Adoption of a resolution authorizing an agreement in the estimated amount of \$75,000.00 with Nature's Best Organics of Tennessee, LLC, for the disposal of the City's wood and green waste through June 30, 2013.

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

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

Resolution No. 2-13-2012

Adoption of a resolution awarding a bid in the estimated amount of \$149,252.88 to Xylem Inc., d.b.a. Godwin Pumps, Charlotte, North Carolina, for the furnishing of two (2) portable pumps for the wastewater collection system as required for compliance with the U.S. Environmental Protection Agency (EPA) administrative order.

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

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

Resolution No. 2-14-2012

Adoption of a resolution awarding three contracts: COR 11-01 (Contract A to Norris Brothers Excavating, Crossville, in the estimated amount of \$434,904.00; COR 11-02 (Contract B) to Merit Construction, Inc., Knoxville, in the estimated amount of \$709,500.00; and COR 11-03 (Contract C) to Mofield Brothers Construction Co., LLC., Carthage, in the estimated amount of \$264,875.00; said contracts to improvements to the west end water system.

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

Gary Cinder, Public Works Director, responded to Councilmember Smith's inquires by explaining that the City's funding has been in the budget for years, and that the Public Works Department can adjust the water services provided when construction is complete and in operation.

Mr. Cinder replied to Councilmember Mosby's questions regarding the City's provision of water services by clarifying that the west end water system improvements will provide the means to deliver adequate supply of water to Rarity Ridge in preparation for improvement in the housing market. He also noted that

it is best to move forward with the project with the monetary support of the Environmental Protection Agency (EPA) before that funding is rescinded. Mr. Cinder noted that this improvement is an overall good strategy in that it will also provide an opportunity to supply water to neighboring service areas.

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

Resolution No. 2-15-2012

Adoption of a resolution authorizing transmittal of comments and authorization to Sign the Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee.

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

The City Manager offered a suggestion to approve the agenda item first, and then authorize the City to participate in a "community letter" drafted by the Oak Ridge Heritage Preservation Association, provided there are no complications.

Councilmember Smith expressed her preference that the City adopt the "community letter" as a resolution. The City Manager noted that it would not be ideal to merge the two letters during the council meeting, but suggested that instead the City submit its own comment letter, and then discuss the items in the "community letter" and vote for city participation in said letter.

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

Discussions on "Community Letter" drafted by the Oak Ridge Heritage Preservation Association

The City Manager began by noting that sections of the "community letter" contained proposed verbiage changes, specifically Section 3, Section 4, Section 6 (deleted), Section 9, and Section 13.

Mr. David Bradshaw, 116 Pratt Lane, President of Oak Ridge Heritage Preservation Association (ORHPA) provided a brief background on the efforts to maintain the history of the various government sites while the government initiates clean up. Mr. Bradshaw explained that while different area organizations will be adopting and submitting comments, it was important for there to be a community consensus that combines language from the Department of Energy (DOE) and community organizations. He clarified that Council is being asked to approve that the Mayor, in consultation with the City Manager, review the community comments and sign the cover letter along with several other local entities. Mr. Bradshaw explained that the "community letter" would outline the community's direction in hopes that it will influence the DOE, Advisory Council on Historic Preservation, and the Tennessee State Historic Preservation.

Mr. Bradshaw began explaining that the components of the document was based on four (4) parts: (1) preservation of the concrete footprint of the "U" of K-25, (2) a K-25 History Center to be located at the Fire Station, (3) a viewing tower located in close proximity to the Fire Station, and (4) an equipment building built near the Fire Station that would house larger equipment from K-25. He noted that the "community letter" does not contradict the recently approved comments of the City, and that the DOE may not approve all items listed due to costs associated with certain items or DOE's planning.

Councilmember Hensley made a motion to designate Mayor Beehan to finalize the draft comments while working with ORHPA and the City Manager per Mr. David Bradshaw's recommendation. The motion was seconded by Councilmember Mosby.

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

Resolution No. 2-16-2012

Adoption of a resolution to replace the "Guidelines for Disbursement of Funds to Charitable Not-for-Profit Organizations," adopted by City Council June 4, 1979, with a new set of guidelines for appropriations of funds for nonprofit organizations in accordance with Tennessee Code Annotated §6-54-111.

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

The City Manager explained the reason for revising the guidelines, particularly the requirements for audits as that is an expensive process.

Mayor Beehan requested that three additional measures be added to the guidelines: (1) two signatures—one staff and the other a board member—be required on checks; (2) a copy of the organization's liability insurance be provided to the City that includes an Employee Dishonesty Rider; and (3) a copy of the organization's Directors and Officers Insurance. Councilmember Hensley moved to amend the resolution by including the Mayor's three (3) guidelines as part of the City's Guidelines. The motion was seconded by Councilmember Garcia Garland.

Councilmember Smith expressed concerns over the Mayor's amendment in that the guidelines might be excessive for small non-profits. She wished to defer action on the amendment until the City Attorney had an opportunity to provide advice.

Councilmember Garcia Garland commented that she would like a monetary limit to be placed on the three (3) guidelines provided by the Mayor. She emphasized that the City's guidelines only apply to gifts from the City, not contracts. Councilmember Hensley moved, seconded by Councilmember Smith that the amendment to add the three (3) further guidelines be deferred. The motion was approved by board vote with Councilmembers Garcia Garland, Hope, Mosby, and Smith voting "Aye," and Councilmember Hensley and Mayor Beehan voting "Nay."

Councilmember Garcia Garland made a motion to amend the resolution by changing the \$25,000.00 appropriation threshold for a Certified Public Accountant (CPA) audit to \$500,000.00 in accordance with the State's guidelines. The motion was seconded by Councilmember Smith. Mayor Beehan expressed his concern about increasing the dollar amount and not requiring an audit or any type of reconciliation to be performed by a non-profit. Councilmember Smith commented that the threshold could be established in relation to the nature of the organization more so than the dollar amount; she is not convinced that the \$25,000.00 amount should be applicable.

Per explanations from the City Manager regarding audits received from non-profits, Councilmember Garcia Garland specified that the guidelines are for gifts or charitable donations and not contract obligations, such as the Oak Ridge Convention and Visitors Bureau or Oak Ridge Chamber of Commerce. Councilmember Garcia Garland continued to explain that a certified audit is an extremely thorough and expensive endeavor that must be performed by a specifically State-licensed CPA, and that obtaining said audit could put a burden on certain dollar amount donations. She concluded by saying that she would be satisfied with language that discusses a review by a CPA for any dollar amount.

Councilmember Hensley commented that he does not agree with the \$500,000.00 threshold given the ratio of the City's budget versus the State's budget.

The amendment to increase the appropriation threshold to \$500,000.00 failed by voice vote with Councilmembers Hensley, Hope, Mosby, Smith and Mayor Beehan voting "Nay." Councilmember Garcia Garland abstained.

Councilmember Smith requested that the guidelines be reexamined to comply with state law. Mayor Beehan added that it should also apply toward good business practices.

The main motion failed by board vote with Councilmembers Hope, Smith, and Mayor Beehan voting "Nay" and Councilmembers Garcia Garland, Hensley, and Mosby voting "Aye."

PUBLIC HEARING AND FIRST READING OF ORDINANCES

PUBLIC HEARING AND FIRST READING:

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.

A public hearing was held with the following participants:

Ms. Trina Baughn, 119 Newport Drive, wanted clarity on the school's request to increase the school's budget over \$900,000.00. Janice McGinnis, Finance Director, explained that accounting regulations for governmental funds require a recording of the full value of the school's lease for the technology equipment. Ms. McGinnis hypothesized that the lease is probably being paid over several years. She continued that with a capital lease, the full value must be reported in the year the lease was entered into, and this type of entry would raise the expenditures for that year.

Upon the Mayor clarifying that comments be provided during the public hearing, Ms. Baughn concluded by explaining that if the schools had not paid the mortgage of the high school, then Council should not approve an increase in their annual budget.

Kay Williamson, 420 Jefferson Avenue, raised a concern that if the City continues to give money to the schools then that process would be expected to continue. The City Attorney clarified that the amendment was not going to give the school's more money in their budget.

The public hearing closed.

The City Manager suggested that Ms. Karen Gagliano, Director of Business and Support Services, Oak Ridge Schools, come to a City Council Work Session to answer questions and address concerns of Council.

Councilmember Mosby moved, seconded by Councilmember Hope that the item be deferred following discussion at a work session. The motion was approved 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. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (D), TITLED "RESIDENTIAL PARKING," TO ADD PROVISIONS PERTAINING TO CURB CUTS FOR OFF-STREET RESIDENTIAL PARKING, TO ALLOW PARKING IN SIDE AND REAR YARDS IN RESIDENTIAL DISTRICTS PROVIDED SUCH PARKING OUTSIDE THE REQUIRED SETBACK, AND TO PROHIBIT PERMANENT LIVING INSIDE A PARKED OR STORED VEHICLE IN A RESIDENTIAL DISTRICT, AND TO AMEND RESERVED SUBSECTION (E) TO DEDICATE SAID SUBSECTION TO FRONT YARD PARKING REGULATIONS.

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

Mayor Beehan noted that the official public hearing would occur during the Second Reading of the Zoning Ordinance.

Kathryn Baldwin, Community Development Director, addressed a number of issues that were brought up by Councilmember Smith via an e-mail. Ms. Baldwin addressed Councilmember Smith's first concern about the need to expand on-street parking due to some properties being developed before lot lines existed by explaining that the plan is to address parking of commercial and recreational vehicles, which should alleviate the misuse of said vehicles parking for storage. Next, she noted that city staff would continue to use dimensions in the proposed ordinance to address commercial/oversized vehicles, as opposed to making judgment calls. In relation to Councilmember Smith's questions about the prohibition of non-operational vehicles and the City Manager's authority to have parked cars removed, Ms. Baldwin clarified that staff would like to have definitive regulations so as to not continually involve the City Manager. Lastly, Ms. Baldwin explained that curb-cut permits would be allowed on streets that do not have curbing on a case-by-case basis.

The City Manager explained that the ordinance needed clear guidelines for enforcement staff to follow.

Councilmember Garcia Garland suggested that the definition of oversized/ commercial vehicles be reviewed as she was concerned that, currently, it does not cover tractors. Councilmember Smith expressed her concern that the proposed ordinance definition of commercial/oversized vehicles would not address the City's current issues with parking.

The City Manager requested that Council provide policy guidance to staff and noted that the language could be amended in the future to reflect the ideas and suggestions of Council.

Councilmember Hope suggested that staff consider the gross vehicle weight limit and tandem axles to include in the definition of oversized/commercial vehicles. Councilmember Mosby stressed the importance of carrying out the enforcement of the new regulations of the ordinance so as to address the parking issues.

Councilmember Hensley noted that this was the first reading and that staff is receiving comments that can be reviewed and revisions returned. Councilmember Garcia Garland noted that no provisions exist on a process for granting exceptions, particularly with regards to curb cuts. She expressed concern over grandfathering not being allowed by the clause. Councilmember Smith expressed concerns about means to address parking eccentricities in Oak Ridge; she would like to have exceptions be allowed for hardships. She further discussed reviewing the Manhattan District Overlay Zoning Area as these locations may wish to have zoning variances. She expressed that a revision should be considered for the Manhattan District Overlay before the Zoning Ordinance goes into effect, to specify the kinds of situations where exceptions would be provided. These allowed exceptions would accommodate the provision of the Zoning Ordinance that would restrict parking to no more than 50% of the required front yard.

Mayor Beehan commented that Council could move forward with approving the ordinance to address parking issues and make changes as necessary.

After continuing discussions between Council and staff, the ordinance was approved on first reading by board vote with Councilmembers Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye." Councilmember Garcia Garland abstained.

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD THREE NEW DEFINITIONS: "COMMERCIAL/OVERSIZED VEHICLES," "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES,

COMMERCIAL/OVERSIZED VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

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

Councilmember Smith expressed concern over the size definitions of commercial/oversized vehicles, stating that the 8-foot width specification is wider than should normally be allowed. She also noted, however, that exceptions should be allowed for such vehicles to park on the streets for legitimate purposes, and that this should be discussed at the second reading of the ordinance.

Mayor Beehan recommended that the discussion continue at a work session to determine if Council would support the parking guidelines. Kathryn Baldwin, Community Development Director, cautioned about issuing a lot of exceptions, since right-of-way parking is a common citizen complaint.

Councilmember Garcia Garland pointed out that a current ordinance already addresses right-of-way and sidewalk parking. Ms. Baldwin expressed her belief that the ruling should be based upon the remaining width of the travel lane.

The City Manager explained that the 30-day implementation period was based on his conversation with Police Chief James Akagi, in which it was discussed that residents' reaction time to comply with the ordinance would be more effective. Councilmember Garcia Garland inquired about existing violations for cars parked on the sidewalks, and Chief Akagi confirmed that such violations can and had been addressed by officers issuing citations.

Councilmember Hope commented that the details of the ordinance should be discussed in a work session setting, and that staff needed some rules and regulations to begin to address the issues in the community. Councilmember Smith stated that she wanted to ensure that the ordinance adequately addressed the issues in the community, while not creating any additional problems in the process.

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

The City Manager requested direction and comments from Council in the interim.

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 Hope moved, seconded by Councilmember Hensley that the ordinance be approved on first reading. Public Works Directors Gary Cinder briefly reviewed the rates in relation to water usage and noted that the rate increase was a result of the Environmental Protection Agency's (EPA) mandates for major improvements to the wastewater system. Mr. Cinder noted that nearly 40% of residential customers fit within the 2,000 gallon or less category. Councilmember Smith further noted that the existing rates were among the lowest in the region and the rate increases would keep the City competitive with neighboring communities.

The ordinance was unanimously approved on first reading 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.

Councilmember Smith moved, seconded by Councilmember Hope that the ordinance be approved on first reading. Gary Cinder, Public Works Director, briefly reviewed the rates in relations to wastewater usage and again noted that mandatory capital improvements were initiating the wastewater rate increases.

Following brief deliberation between Council and staff, the ordinance was unanimously approved on first reading by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Discussion and action on City Boards & Commission Vacancy Policy and timeline for use of existing applications.

Councilmember Garcia Garland commented that the vacancies should be continually filled, so long as it does not create any major disruptions.

Councilmember Smith commented that she did not wish to restrict the process to fill vacancies and that it is beneficial for the boards to have a full membership. Councilmember Smith moved that Council act to fill the current Environmental Quality Advisory Board (EQAB) vacancy with the existing applicants submitted during the 2011 end-of-year election, and amend the resolution that addresses board terms to develop a standard method to fill the vacancies as they occur throughout the calendar year. The motion was seconded by Councilmember Garcia Garland.

Mayor Beehan suggested that the EQAB vacancy be opened to the public to see if other applicants would be interested in the board appointment and hold an election in March.

The City Attorney noted that historically vacancies have been publicized and the Mayor's suggestion would allow potential candidates ample opportunity to apply. He advised that the board vacancy be publicized and open to the public.

Councilmember Garcia Garland moved to amend the existing motion to have an election during the March City Council meeting to fill the EQAB vacancy, and in the meantime, Council could consider a policy to address vacancies. Councilmember Hope seconded the motion.

Councilmember Smith suggested a general policy could be developed that announces that applications received during the 2011 end-of-year election could be used as a pool of applicants for subsequent positions that become available.

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

The main motion, as amended, was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting "Aye." The EQAB vacancy will be advertised for the March meeting.

Dependent upon above action, conduct an election on EQAB vacancy.

Election deferred to the March City Council Meeting

Establishing City Manager & City Attorney Evaluation Committees.

Councilmember Hope moved, seconded by Councilmember Smith the City Manager and City Attorney Evaluation Committees be approved. The motion was approved by unanimous voice vote 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

Councilmember Garcia Garland moved that the City Manager determine a date in the next four weeks for Council to convene and continue policy discussions in retreat. The motion was seconded by Councilmember Mosby.

Mayor Beehan requested information regarding the definition of policy and what result the meeting should produce.

Councilmember Hensley expressed hesitation to take part in another visioning session that did not have a clear goal of producing a comprehensive plan from those discussions.

Councilmember Hope suggested that direction be provided so as to set an agenda for the requested meeting.

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

In response to Mayor Beehan's comment about not having seen a report from an informal work session conducted by three Council members, Council member Smith explained that notes could be provided at a work session or in writing from herself or the City Clerk.

Councilmember Smith said she had recently learned that the City's Utility Deposit System has caused unexpected problems for the Oak Ridge Housing Authority and its public housing tenants. A number of approved tenants are not moving in because they lack the funds for a utility deposit. She said she would like to have a one-year review of the Utility Deposit System to address this type of concern and to see if it is achieving the City's goal of ensuring that utility bills are being paid by residents.

SUMMARY OF CURRENT EVENTS

City Manager's Report

Oak Ridge Farmer's Market
No action taken; informational purposes only

Charging Stations (verbal report)
(no action taken)

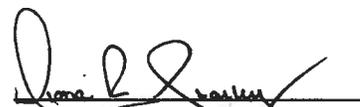
Absence for February 27, 2012 Work Session (verbal report)
(no action taken)

City Attorney's Report

(NONE)

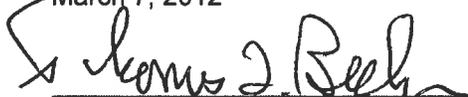
ADJOURNMENT

The meeting adjourned at 11:14 p.m.



Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
March 7, 2012



Thomas L. Beehan, Mayor