

## **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 September 10, 2012 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

### **INVOCATION**

The Invocation was delivered by the Reverend Joe Westfall, West Village Christian Church.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag of the United States of America was led by Mr. Lloyd Stokes, member of the Oak Ridge Heritage and Preservation Association (ORHPA).

### **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**

Mr. Andy Marathe, 121 Westlook Circle, expressed his support to allow a restaurant, Homeland Café, to "brown bag" wine into the establishment. Mr. Marathe asked that City Council to consider a modification to the existing ordinance that addresses "brown bagging."

The City Manager, at the request of the Mayor, explained that the situation of the restaurant in question is that the restaurant cannot have a beer license and allow patrons to bring in wine and liquor per the guidelines set forth in the City ordinance. Mr. Watson mentioned further discussion would take place with City Council at a future work session.

Ms. Joy Henderson, 103 Paris Lane, inquired about the opening date for the Quincy replacement road and whether it would coincide with the installation of the new traffic light.

Mr. Martin McBride, 954 West Outer Drive, presented two (2) financial questions regarding the Environmental Protection Agency (EPA) Administrative Order: (1) what is the total cost of implementing the Order, and (2) if the 23 million dollar cost listed on the City's Wastewater Collection System Remediation Plan is included as part of the approximate 30 million dollar cost as indicated by Mr. McBride.

Mr. Pedro Otaduy, 111 Westoverlook Drive, raised several questions and concerns regarding the City's current ordinance that addresses "brown bagging," and requested that City Council reexamine said ordinance.

Mr. John Iacovino, 120 Westlook Circle, expressed his frustrations with the terminology and definitions of "brown bagging," wine, and liquor, and the common practice of placing the beverages in similar categories.

Ms. Sharon Crane, 107 Wakefield Road, expressed that she is interested in the installation of a street light.

### **Amendment to the agenda**

Mayor Beehan requested that City Council consider an amendment to the agenda to add another

presentation by Mr. Gerry Palau, Chair of the Recreation and Parks Advisory Board, under "Special Reports" to provide information to the public about the structure, purpose, and achievements of their boards to generate interest in the end of year elections.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller, and carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

### **PROCLAMATIONS AND PUBLIC RECOGNITIONS**

*Public swearing-in of Councilman Charles J. Hope, Jr.*

Councilmember Hope took his public Oath of Office for the Office of the Oak Ridge City Council Member.

*Proclamation in celebration of Oak Ridge's 70<sup>th</sup> Birthday.*

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

The proclamation was presented to and accepted by Mr. Bill Wilcox, City of Oak Ridge Historian.

*Public recognition of Public Works employees for their work on the renovation of the bathrooms at the Municipal Building.*

The City Manager recognized the following Public Works Department employees for their work on the renovation of bathroom in the Oak Ridge Municipal Building to make the facilities accessible and ADA compliant: Mike Brooks, Facilities Maintenance Specialist; Sam Lands, Maintenance Worker; Debbie Palmer, Facilities Maintenance Specialist; and Ray Crawhorn, Facilities Maintenance Specialist, along with Pat Fallon, Public Works Operations and Maintenance Manager.

The City Manager also noted recognition that was received from Capital Mark Bank and Trust in Jackson Square for the Public Works Department for their work on the drainage system and sidewalk resurfacing performed as part of the renovation of the bank.

### **SPECIAL REPORTS**

*Presentation to City Council from three (3) City Boards and Commissions Representatives to provide information to the public about the structure, purpose, and achievements of their boards to generate interest in the end of year elections.*

The following chairs provided an overview of their boards' processes, structures, work plans, accomplishments, as well as past and future projects:

Mr. Wayne Garber, Chair of the Trade Licensing Board  
Mr. William Biloski, Chair of the Industrial Development Board  
Mr. Gerry Palau, Chair of the Recreation and Parks Advisory Board

The reports were for informational purposes; no action taken.

### **CONSENT AGENDA**

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

Approving the August 13, 2012 City Council meeting minutes.

**Adopting Resolution No. 9-65-2012 acknowledging the City's submission of the Wastewater Collection System Remediation Plan to the U.S. Environmental Protection Agency (EPA) in accordance with the requirements of the Administrative Order.**

**Adopting Resolution No. 9-66-2012 to amend Resolution 12-117-11 to reschedule the November 2012 regular City Council meeting to November 5, 2012.**

**Adopting Resolution No. 9-67-2012 authorizing the City to enter into an agreement with the Tennessee Valley Authority (TVA) to participate in the Green Power Providers (GPP) Program.**

Given the earlier inquiries presented during "Appearance of Citizens," the City Manager explained that the 23 million dollars listed in the Wastewater Collection System Remediation Plan will be a part of the total overall cost of sewer system repairs.

## **RESOLUTIONS**

### **Resolution No. 9-68-2012**

**Adoption of a resolution awarding a contract to First Place Finish, Inc., Oak Ridge, Tennessee, for the restoration of bunkers at Centennial Golf Course in the estimated amount of \$128,442.22.**

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

The City Manager noted that the approved FY2013 budget included golf course maintenance, and that the golf course has went years without significant improvements or major renovations.

Recreation and Parks Director Josh Collins responded to several questions of City Council while noting the dire need of repair, contractor experience and expertise, and cost benefit of completing all bunkers as one project.

The City Manager clarified the funding for this contract was generated by user fees of the golf course, and is included in the current year budget for golf course maintenance.

Ms. Trina Baughn, 119 Newport Drive, questioned whether the contract work would solve the drainage issues of the bunkers while expressing other concerns regarding the course's costs.

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

### **Resolution No. 9-69-2012**

**Adoption of a resolution to extend through December 31, 2012 the water services agreement between the City and the United States Department of Energy (DOE) approved by Resolution 4-47-98 and extended by Resolutions 10-98-10, 6-46-11 and 5-34-2012.**

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

The City Manager noted that staff is planning to reevaluate the City's role and rates regarding water services provide to the DOE.

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

**Resolution No. 9-70-2012**

**Adoption of a resolution approving the execution of a Cooperation Agreement between Dogwood Manor Apartments, Inc. and the City to set out the responsibility of in-lieu of-tax payments (PILOT).**

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

Ms. Anne Dunthorn, Housing Consultant, provided an overview of the Dogwood Manor Apartments PILOT Agreement and responded to questions of City Council.

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

Amendment to the Agenda

Mayor Beehan suggested that the agenda be amended to consider the rezoning ordinance under Public Hearing and First Reading of an Ordinance; no dissension was expressed by councilmembers.

(Diverting from the original order of the agenda)

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading

**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 PARCEL 41.00, MAP 100P, GROUP F, (FORMERLY LOT 19, BLOCK 21-CB) FROM O-2/PUD, OFFICE PLANNED UNIT DEVELOPMENT TO UB-2, UNIFIED GENERAL BUSINESS.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the ordinance be approved on first reading.

Community Development Director Kathryn Baldwin provided a brief overview of the rezoning and announced that the rezoning would be for development of a Weigel's Convenience Store.

Mr. Chris Ooten, Director of Real Estate for Weigel Stores in Knoxville, P.O. 650, Powell, TN 37849 commented that Weigel's is fully committed to the project, residents, and addressing any concerns with traffic. Mr. Ooten commented that the project design would be similar to the new stores on Lovell Road and Hardin Valley Road in Knoxville.

City Engineer Steve Byrd noted that a traffic impact study would be forthcoming to p.m. traffic, number of trips in-and-out of the establishment, and left turns in-and-out.

A public hearing was held with the following participants:

Ms. Joy Henderson, 103 Paris Lane, presented several inquiries that included the address listed on the legal notice for the rezoning; communication with TNBank; development of the site; consideration of other locations, such as Union Valley; and traffic. In response, Ms. Baldwin clarified that the lots on Potomac Circle, in anticipation of rezoning, were combined by subdivision and there is now only one legal lot on record. Additionally, she explained that the easements and regulations that exist with regards to Union Valley would render the property unusable for the purpose of a Weigel's Convenience Store. Mr. Ooten commented that his company had not yet met with TNBank.

Mr. Ooten continued to respond to questions and comments of City Council.

Councilmember Hope, Hensley, Mayor Pro Tem Miller, and Mayor Beehan called for the question.

The ordinance was approved on first reading by board vote with Councilmember Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Smith voting "Nay." Councilmember Smith requested that, for the record, her "Nay" vote be recorded in opposition of the process of the call for the question.

(Reverting back to the original order of the agenda)

**Resolution 9-71-2012**

**Adoption of a resolution authorizing the City Manager to submit a letter to the Tennessee Department of Transportation releasing the Enhancement Grant Funds for the construction of the Southern Appalachian Railway Museum.**

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

Mr. Richard Iliff, 319 Woodland Hills Road, Clinton, Tennessee, SARM volunteer and Vice President of the SARM Board, explained that the property offered by CROET included a reduced footprint and a cost of approximately \$900,000.00 which would require less fundraising.

The City Attorney clarified that the November 1, 2012 deadline presented was expressed by the State Enhancement Coordinator.

Councilmember Smith proposed an amendment to the resolution to add the SARM organization as consulting entity along with CROET, which was seconded by Councilmember Garcia Garland. Following discussions and comments by City Council, the amendment was approved by board vote with Councilmember Garcia Garland, Hensley, Hope, Mosby, and Smith voting "Aye," and Mayor Pro Tem Miller and Mayor Beehan voting "Nay."

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

**Resolution No. 9-72-2012**

**Adoption of a resolution awarding a contract (COR 12-28) to B & A Construction Co., Inc., Caryville, Tennessee, for the demolition of two city-owned residential structures, said contract in the estimated amount of \$28,200.00.**

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

Community Development Specialist Matt Widner responded to questions presented by City Council regarding use of the Community Development Block Grant funds, purchasing of the two city-owned residential structures, and the specialized demolishing process. Community Development Director Kathryn Baldwin provided additional information regarding the use of city funds to address blighted houses.

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

**Resolution No. 9-73-2012**

**Adoption of an initial resolution authorizing the incurrence of indebtedness by the City of Oak Ridge, Tennessee, of not to exceed \$5,000,000, by the execution with the public building authority of the City of Clarksville, Tennessee, of a loan agreement to provide funding for certain public**

**works projects, and to fund the incidental and necessary expenses related thereto.**

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

The City Manager explained that the issuance of the loan will allow the City to move forward with water and wastewater bid ready projects.

Finance Director Janice McGinnis briefly reviewed the positive points of the loan agreement and responded to questions from City Council.

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

**Resolution No. 9-74-2012**

**Adoption of a resolution authorizing a loan pursuant to a loan agreement between the City of Oak Ridge, Tennessee, and the public building authority of the City of Clarksville, Tennessee, in the principal amount of not to exceed \$5,000,000; authorizing the execution and delivery of such loan agreement and other documents relating to said loan; approving the issuance of a bond by such public building authority; providing for the application of the proceeds of said loan and the payment of such indebtedness; and, consenting to the assignment of the City's obligation under such loan agreement.**

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

The City Attorney clarified that approval of this resolution authorizes the City to proceed with the loan agreement.

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

**PUBLIC HEARINGS AND FIRST READINGS OF ORDINANCES**

**First Readings**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the ordinance be approved on first reading.

Code Enforcement Supervisor Denny Boss responded to questions from City Council and, after brief discussions, the ordinance was approved on first reading by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan. Mayor Pro Tem Miller was absent during the vote.

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ORDER TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE.**

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

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 7, TITLED "PLUMBING CODE - GENERALLY," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," AND BY DELETING SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE - AMENDMENTS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE - AMENDMENTS," IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.**

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

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY RENUMBERING CHAPTER 12, TITLED "CITATIONS AND ORDINANCE SUMMONSES," TO BE CHAPTER 16 WITH THE TITLE REMAINING THE SAME; BY DESIGNATING CHAPTERS 13, 14, AND 15 AS "RESERVED FOR FUTURE USE"; AND BY CREATING A NEW CHAPTER 12, TITLED "INTERNATIONAL ENERGY CONSERVATION CODE," TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS REQUIRED BY THE STATE OF TENNESSEE.**

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

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 1, TITLED "BUILDING ACCESSIBILITY BY PHYSICALLY DISABLED PERSONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," AND SUBSTITUTING THEREFOR A NEW SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," IN ORDER TO ADOPT THE ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC A117.1-2009 CODE.**

Councilmember Hensley moved, seconded by Councilmember Smith that the ordinance be approved on first reading. Following brief discussion, the ordinance was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," CHAPTER 7, TITLED "ADULT ENTERTAINMENT ESTABLISHMENTS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 9-703, TITLED "LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS," TO ADD ADDITIONAL LOCATION RESTRICTIONS, INCREASE THE DISTANCE PROVISION FOR RESIDENTIAL AREAS, AND ALTER THE DISTANCE MEASUREMENT METHOD FOR COMPLIANCE WITH TENNESSEE CODE ANNOTATED §7-51-1407.**

Councilmember Hope moved, seconded by Councilmember Hensley that the ordinance be approved on first reading. Following a brief review of the amendments from the City Attorney, the ordinance was approved on first reading with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**FINAL ADOPTION OF ORDINANCES**

(NONE)

**ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Elections/Appointments

Announcements

Scheduling

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

Councilmember Smith requested to receive information on the following: (1) the Beer Permit Board Guidelines; (2) reports on contracts issued from the \$10-\$20,000 range; (3) update on completion of Comprehensive Annual Financial Report update for FY2012.

Councilmember Hensley clarified with the City Manager that the "brown bagging" issue discussed earlier during the "Appearance of Citizens" would be presented to City Council at an upcoming Work Session.

Councilmember Hope commented that residents have been inquiring about commercial vehicles parked on private property, and requested additional information on the ordinances that address this issue.

Councilmember Hensley inquired about speed limit signs being concealed on the west end of Oak Ridge Turnpike. The City Manager indicated that it was temporary circumstance.

**SUMMARY OF CURRENT EVENTS**

CITY MANAGER'S REPORT

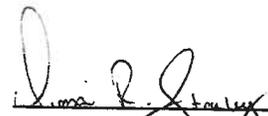
The City Manager noted that some Boards and Commissions agenda packets cannot be sent electronically, as requested by Council, as some may contain sensitive information. In those circumstances, the City Manager explained that paper copies would be available as part of the usual distribution procedure.

CITY ATTORNEY'S REPORT

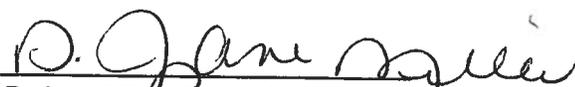
The City Attorney also followed up on the City Manager's discussion by noting that agenda packets can contain sensitive information, particularly a beer permit application, and caution should be applied in transmitting such documents.

**ADJOURNMENT**

The meeting adjourned at 11:10 p.m.

  
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Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL  
October 8, 2012

  
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D. Jane Miller, Mayor Pro Tem