

**MINUTES OF THE  
OAK RIDGE CITY COUNCIL**

October 22, 2012

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on October 22, 2012 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

**INVOCATION**

The Invocation was delivered by Mr. D. Ray Smith.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag of the United States of America was led by a Boy Scout.

**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; Tammy M. Dunn, Senior Staff Attorney serving in the absence of Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

**APPEARANCE OF CITIZENS**

Mr. Martin McBride, 954 West Outer Drive, requested a total cost estimate of sewer upgrades associated with Environmental Protection Agency (EPA) Administrative Order prior to the conclusion of the current election, and briefly noted his idea of the different cost components associated with these upgrades.

Ms. Joy Henderson, 103 Paris Lane, made inquiries regarding the opening of Woodland Town Center and citizen comments being accepted on agenda items prior to the vote.

**PROCLAMATIONS AND PUBLIC RECOGNITIONS**

(NONE)

**SPECIAL REPORTS**

(NONE)

**CONSENT AGENDA**

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller 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 October 8, 2012 City Council meeting minutes.

**Adopting Resolution No. 10-81-2012 approving a grant agreement with Prevent Child Abuse Tennessee for use in the Healthy Start of Anderson County Program and authorizing the disbursement of budgeted funds in the amount of \$31,850.00 for this purpose.**

Amendment to the Agenda

Councilmember Garcia Garland moved, seconded by Councilmember Smith to amend the agenda to consider the resolution titled "a resolution setting forth non-refundable fees for solicitor permits and a fee for obtaining replacement credentials for solicitors" under "Resolutions" *immediately following* consideration of the ordinance titled "an ordinance to amend Title 9, titled "Businesses, Peddlers, Solicitors, etc.," of the Code of Ordinances, City of oak ridge, Tennessee, by deleting Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," and substituting therefor a new Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," in order to update the provisions" under "Final Adoption of Ordinances."

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

RESOLUTIONS

**Resolution No. 10-82-2012**

**Adoption of a resolution authorizing the Industrial Development Board of the City of Oak Ridge to enter into a ten-year payment in lieu of tax agreement with Family Pride Corporation of Loudon, Tennessee, for the Alexander Inn and Guest House.**

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

The City Manager presented an overview of the project that included elements, such as consideration of the PILOT, a review of the application submitted by Family Pride, considerations of the City Council, a breakdown of property taxes, a review of public investment, and positive aspects of the project.

Mr. Rick Dover, General Manager of the Family Pride Incorporation, reviewed the organization's history and interest in converting the Alexander Inn property into an assisted living facility.

Mr. Ethiel Garlington, Director of Preservation of Field Services for Knox Heritage and East Tennessee Preservation Alliance, noted that the Department of Energy (DOE) Memorandum of Understanding for K-25 includes the Alexander Inn's preservation, and that the project is a viable use of the building that would in turn benefit not only the building, but the community as well.

Councilmember Smith suggested a few opportunities for the project from the community which included (1) incorporating the term "Guest House" into the facility name given its significance; and (2) pursuing some form of energy certification through the process of the project. Mr. Dover agreed to consideration of the opportunities mentioned by Councilmember Smith.

Following discussions and inquiries by Councilmember Smith regarding the abatement, Mr. Ray Evans, City Consultant, clarified that the abatement was for 90% of the eventual tax, and was calculated based on formulas used by the Industrial Development Board (IDB). Mr. Dover commented that developers would not come back to the City for any additional monies, and added that the difference between the requested \$643,841 listed in the PILOT application versus the budgeted total could be the result of legal fees and other costs of the transactions that are added to the total for labor and materials.

Mr. Wayne Blasius, President of InSite Development Corporation, provided additional information regarding payment of the project by Family Pride.

Councilmember Smith requested that specific language be included in the resolution that references what City Council is approving in terms of the abatement.

Public Works Director Gary Cinder responded to inquiries of Councilmember Garcia Garland regarding access to the neighboring United Church of Oak Ridge by explaining that staff had located and

researched the original deeds for both the Church and the Alexander Inn, and that both documents reference access rights across the Alexander Inn for the Church.

Ms. Trina Baughn, 119 Newport Drive, made several inquiries regarding the consideration of Family Pride for this project. Additionally, Ms. Baughn commented that public dollars are being contributed, in some fashion, to the project. Ms. Baughn raised several questions regarding consideration of the PILOT, the project, and organization.

Mayor Beehan noted that this project was a private transaction between a developer and a buyer, and that the City is participating as an incentive program.

Mr. Martin McBride, 954 West Outer Drive, expressed his support for the project given its opportunity for the City, especially with regards to tourism, and its historical value and significance to the country.

Mr. David Bradshaw, 116 Pratt Lane, President of Oak Ridge Heritage and Preservation Association (ORHPA), commented that although the project is not a perfect project for this facility, it is a very good fit, and noted the support received from other organizations, such as the DOE and the ORHPA. Mr. Bradshaw concluded by stating that the ORHPA unanimously approved their support of this project.

Mr. Jimmy Groton, 87 Outer Drive, Chairman of the Environmental Quality Advisory Board (EQAB), commented the EQAB would like to commend Family Pride on preserving the Alexander Inn and its innovative perusal of energy efficiencies. Mr. Groton expressed that the Board hopes the partners will implement and document as many sustainable projects as possible, and invited the partners to the November 1, 2012 EQAB meeting.

Mr. David Miller, 111 East Madison Road, reviewed the property's timeline in relation to its proximity to his house. Mr. Miller expressed his support for the project and excitement to begin soon.

In reference to Councilwoman Smith request for clarification in the resolution, the City Manager discussed language to include in the resolution that references the recommendation of the IDB, the percentage of abated taxes, and a provision for the City of Oak Ridge and Anderson County to collect a minimum of property taxes that is currently received.

Councilmember Smith moved to amend the resolution as suggested above, seconded by Councilmember Hensley.

The City Manager noted that the discussions regarding the language for the amendment are being recorded so as to adjust the language of the resolution accordingly.

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

(Mayor Beehan recused himself from participating in the resolutions and ordinance pertaining to the Kroger Marketplace project, and requested that Mayor Pro Tem Miller assume chairmanship.)

#### **Resolution No. 10-83-2012**

**Adoption of a resolution approving accesses to Oak Ridge Turnpike (SR95), Illinois Avenue (SR62), and Robertsville Road, and approving a traffic signal at the intersection of Illinois Avenue and Ivanhoe Road, as shown on the Preliminary PUD Master Plan for a proposed grocery and retail development project; said accesses and signal subject to approval by the Tennessee Department of Transportation.**

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

Public Works Director Gary Cinder reviewed the traffic signals and accesses of the project, as well as

responded to questions and comments of City Council.

Mr. Paul Xhajanka, Kroger Real Estate Manager, responded to Council's inquiries regarding accesses of trucks for businesses purposes of Kroger to which Mr. Xhajanka noted different access routes for the trucks, and commented that peak hours for delivery are not the peak hours for customer movements.

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

**Resolution No. 10-84-2012**

**Adoption of a resolution abandoning rights-of-way for Iris Circle and Robin Lane, and abandoning the sewer, water, and electric easements and associated utility services on the future Kroger Center Site as shown on the Preliminary PUD Master Plan.**

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

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

**PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

(NONE)

**FINAL ADOPTION OF ORDINANCES**

**Public Hearing and Final Adoption of an Ordinance**

**Ordinance No. 17-2012**

**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 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-1-C MDO, ONE-FAMILY RESIDENTIAL MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; PARCELS 13-15, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 58-59, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM 0-2, OFFICE, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND PARCELS 53-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-2 MDO, LOW DENSITY RESIDENTIAL MANHATTAN DISTRICT OVERLAY TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.**

(The public hearing is on the PUD Preliminary Master Plan)

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

Councilmember Hope moved, seconded by Councilmember Smith to open the floor for a public hearing with the following participants:

Ms. Julie Crist, 117 Robin Lane, inquired to the reasoning of why it was in the best interest of the City to approve a new commercial development and remove affordable housing when there are other abandoned properties in the City.

Mr. Paul Xhajanka responded that Kroger had been reviewing other facilities for years, but that logistics of other sites and buildings were not working out. Mr. Xhajanka added that the site for

Kroger was viewed as a center point and an ideal location for this development.

Mr. David Hetes, 99 Tabor Road, presented an idea to City Council about salvaging the old homes that are a part of the development for cost savings efforts, and commented that he would like to be a part of that process if possible.

Councilmembers Garcia Garland, Mosby, Hensley, Smith, and Mayor Pro Tem Miller provided comments in response to Ms. Chris' inquiry.

Mr. Martin McBride, 954 West Outer, noted that it is important remember the sacrifice of the residents being impacted by the project and the investment by Kroger. Mr. McBride added that the City Council was in a position to assist the residents and Kroger for their efforts and partnership.

Mr. Parker Hardy, President of the Oak Ridge Chamber of Commerce (ORCC), 123 Amanda Drive, commented that Blanchard and Calhoun received information from the Chamber regarding available commercial properties and demographics. Mr. Hardy noted several conditions that impacted the developer's consideration of other properties and buildings, and that this development has piqued the interest of other potential retailers who have contacted the Chamber.

Councilmember Hensley moved, seconded by Councilmember Smith that the public hearing be closed. The motion was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller "Aye."

Senior Staff Attorney Tammy Dunn noted that staff had provided a substitute ordinance for City Council's consideration that included an amendment approved from first reading, as well as additional language and clarifications for the Preliminary PUD Master Plan.

Councilmember Hensley moved, seconded by Councilmember Smith to replace the ordinance on the floor with the substitute ordinance provided in the agenda. The motion was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller "Aye."

The substitute ordinance was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller "Aye."

#### **FINAL ADOPTION OF ORDINANCES**

##### **Ordinance No. 18-2012**

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "BUILDING CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "BUILDING CODE," TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.**

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

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

##### **Ordinance No. 19-2012**

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 11, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 11, TITLED "RESIDENTIAL CODE," TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.**

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

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

**Ordinance No. 20-2012**

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 10, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 10, TITLED "MECHANICAL CODE," TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.**

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

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

**Ordinance No. 21-2012**

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 3, TITLED "TRADE LICENSING BOARD," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," AND SUBSTITUTING THEREFOR A NEW SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," TO DESIGNATE TWO MEMBERS AS MECHANICAL LICENSE HOLDERS AND STAGGERING THE TERMS OF THOSE TWO MEMBERS.**

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

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

(Postponed)

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; AND BY DELETING TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC." IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "ALCOHOL," ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."**

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

Senior Staff Attorney Tammy Dunn reviewed the suggested amendments from staff that were offered as a result of discussions of City Council from the October 8, 2012 City Council meeting, as well as reviewed the amendments that were approved on first reading.

Councilmember Smith proposed an amendment to the ordinance based on the intent to repeal the current provision which does not allow brown bagging at establishments with beer permits and reserve the remaining items for a later date. Councilmember Smith noted her concern that the new arrangements would impact current restaurants that currently do not have a beer permit. Councilmember Smith moved to remove Sections 2 and 3 of the proposed ordinance. The motion was seconded by Councilmember Hensley.

Following discussions regarding Councilmember Smith's amendment, the City Manager recommended

postponing consideration of the ordinance so as to receive further suggestions from City Council for staff.

Ms. Trina Baughn, 119 Newport Drive, requested that City Council continue with the consideration of the ordinance, as well as continue the Council's original goal of a simplification of the section of the code.

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

Police Chief James Akagi explained that the Police Department has used the Beer Permit Board to address issues and, that if brown bagging is permitted, issues of enforcement by the Police Department could arise.

Following deliberation of City Council, Councilmember Hensley moved to allow Section 11-201 titled "Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public" to remain in the ordinance, as presented in the agenda, to allow brown bagging with an establishment possessing the proper license for better enforcement by the Police Department. The motion was not seconded.

Deliberation of the ordinance continued with city staff responding to questions and comments of the City Council.

Discussion on the Councilmember Hensley's request to allow Section 11-201 to remain in the ordinance continued with city staff clarifying that the ordinance, as amended, would allow establishments with no beer permit and no liquor license to consume on the premises, and that if is Section 11-201 were reinstated, consumption would not be permitted unless the establishment/place was properly licensed.

Councilmember Hensley, once more, moved to allow Section 11-201 titled "Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public" to remain in the ordinance, as presented in the agenda. The motion was seconded by Councilmember Mosby.

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

#### **Ordinance No. 22-2012**

**AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESSES, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," AND SUBSTITUTING THEREFOR A NEW CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," IN ORDER TO UPDATE THE PROVISIONS.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley that the ordinance be approved.

Electric Department Director Jack Suggs reviewed key points on the ordinance, as well as highlighted language that City Council could substitute based on comments that staff received from City Council on the October 8, 2012 City Council meeting.

Councilmember Hensley moved, seconded by Councilmember Smith to include the substitute language presented by city staff as noted in bold text below:

#### **Section 9-112. Exemptions**

**The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, sellers responding to a prior invitation by the owner or occupant of a residence, or to bona fide**

candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency. The provisions of this chapter are also not applicable to **students enrolled in grades K through 12 while engaged in fundraising activities, or any persons under the age of eighteen (18) except when they are agents of a for-profit organization.**

Any other person or organization claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a fee, shall cite to the Utility Business Office the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such an exemption.

#### Section 9-109. Expiration and Renewal of Permits

Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year, **except permits issued to non-profit organizations, which shall be issued for two (2) years.** An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.

Following brief discussion, the motion to amend the ordinance as presented above was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

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

### **RESOLUTIONS**

#### **Resolution No. 10-85-2012**

**Adoption of a resolution setting forth non-refundable fees for solicitor permits and a fee for obtaining replacement credentials for solicitors.**

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

Following brief explanations from Electric Department Director Jack Suggs, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

### **ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

#### Elections/Appointments

#### Announcements

Mayor Beehan noted that a special meeting is scheduled for December 17, 2012 for the annual appointments to City Boards and Commissions.

#### Scheduling

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

Mayor Beehan requested that staff look into the AT&T U-Verse connection and provide a report on the

situation

Councilmember Hope requested an agenda in December or January regarding the current budget to begin preparation.

Councilmember Garcia Garland noted that City Council had received a letter from CROET guaranteeing the financial obligations associated with the SARM, and questioned if the item should return to City Council for reconsideration. Based on this inquiry, the City Manager requested to provide this information via his City Manager's Report.

(Diverting from the original order of the agenda)

#### CITY MANAGER'S REPORT

The City Manager provided a verbal report regarding status of the enhancement grant project for the proposed Southern Appalachian Railway Museum (SARM). Mr. Watson noted that SARM has made several adjustments to their project, including the design and estimated costs.

Mr. Charlie Polling, Museum Director for the Southern Appalachia Railway Museum, 8201 Ewing Road, Powell, Tennessee, briefly updated City Council on the group's progress. Mr. Polling commented that the museum does not wish to interfere with progress for the City, and that the organization has reasonable expectations of meeting November 1, 2012 deadline as they are working to complete the necessary work.

(Reverting back to the original order of the agenda)

Councilmember Smith requested information on upgrades of the Oak Ridge Animal Shelter.

Councilmember Hensley requested update about complaints of trucks Jake breaking on Melton Lake Drive.

Councilmember Garcia Garland requested to explore opportunities to euthanize injured deer, as she had received information that this procedure was not allowed.

The Oak Ridge Police Chief responded to Councilmembers Smith and Garcia Garland's request by noting that euthanizing injured deer had been reinstated and that upgrades were now complete on the Oak Ridge Animal Shelter complete with air conditioning.

Councilmember Mosby would like to have discussions with the City Council for increased efficiency and responses to help grow businesses in the City.

#### SUMMARY OF CURRENT EVENTS

##### CITY ATTORNEY'S REPORT

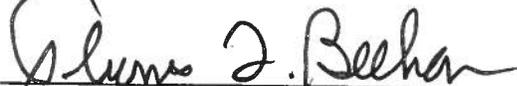
(NONE)

##### ADJOURNMENT

The meeting adjourned at 11:05 p.m.

  
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Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL  
November 5, 2012

  
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Thomas L. Beehan, Mayor