

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING
JANAURY 10, 2011**

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

INVOCATION: Reverend Brad Scott, Youth Pastor of Glenwood Baptist Church

PLEDGE OF ALLEGIANCE: Jeff Collins, Firefighter/Engineer

ROLL CALL:

The following Councilmembers were present: Anne Garcia Garland, Thomas Hayes, Charles Hensley, Jane Miller, David Mosby, Ellen Smith, and Mayor Thomas Beehan.

Also present were City Manager Mark Watson, City Attorney Kenneth Krushenski, Deputy City Manager Steven Jenkins, and City Clerk Donna Patterson.

I. APPEARANCE OF CITIZENS

Mayor Beehan opened the meeting for public comments. No one came forward to speak.

II. PROCLAMATIONS AND PUBLIC RECOGNITIONS

1. DR. PEGGY BERTRAND, OAK RIDGE HIGH SCHOOL TEACHER

Dr. Peggy Bertrand, an Oak Ridge High School Teacher, could not be present at the meeting tonight due to weather conditions.

2. OAK RIDGE FIREFIGHTERS ASSOCIATION – SMOKE DETECTORS

Mayor Beehan reported that The Oak Ridge Firefighters Association donated 120 smoke detectors to the Fire Department to be installed in homes in Oak Ridge. Firefighter Jeff Collins came forward and thanked the City staff and Council for supporting the program. He stated that the program began approximately ten years ago to install and maintain smoke alarms for senior citizens. It has since developed into a program that also assists low income residents in Oak Ridge. Appreciation was expressed to Jeff Collins for his dedication to the program.

III. SPECIAL REPORTS

1. CITY OF OAK RIDGE FY 2010 AUDIT REPORT

Ted Hotz with Pugh & Company, P.C., the City's financial auditors, presented a summary of the FY 2010 independent audit.

Mr. Hotz stated that the audit report for the fiscal year ended June 30, 2010 and is in the quality review stage. Final reviews will be performed by the auditors and the City finance staff. The final audit report is expected to be released later this month and electronic copies will be available to the Council at that time.

Mr. Hotz explained that the *Audit Communication Letter* represents a standard communication between the audit firm and the Council. There are no significant concerns or deficiencies reported in the audit communication letter.

The *Compliance Report* addresses findings related to the City's internal control structure, laws and regulations, and federal grant requirements. In 2010, there are two findings related to the CDBG program and capital asset recordkeeping. Mr. Hotz stated that it is common to have audit compliance findings and important to address such findings.

The *Key Financial Figures*, which Mr. Ted Hotz reminded were 'draft' figures, include the following:

General Fund

- Total Revenues \$37 million (\$35 million last year – 2009)
- Total Expenditures \$18.6 million (\$18.2 million last year)
- Transfers Out \$19.3 million / Transfers In \$2.5 million (net of \$16.7 million last year)
- Excess Revenue over Expenditures / Transfers = \$1.6 million (\$47k last year)
- Unreserved Fund Balance \$9 million (\$7.2 million last year)
- Net reserve (unreserved fund balance vs. expenditures + transfers out):
 - 2.86 months as of 6-30-10
 - 2.3 months in prior 2 years

Proprietary Funds

- Electric Fund and Waterworks Fund both reflected net operating income at similar levels as prior year.

All individual City funds reported a positive fund balance at the end of year.

Government Wide net income is \$2 million (\$2.6 million in 2009)

Long term debt is \$179 million in 2010 (\$164 million in 2009)

Mr. Holtz stated that this is just a summary and the final report will be released by the end of the month.

Mayor Beehan expressed appreciation to the City Finance Department for their diligence in tracking the City's finances. He also mentioned the numerous awards they have received for the quality of their work.

Mayor Pro-tem Miller also commended Finance Director Janice McGinnis and Deputy Manager Steve Jenkins for their excellent work. She has served on the audit committee several times and they have always been very open and able to answer her questions when needed.

IV. CONSENT AGENDA

1. APPROVAL OF DECEMBER 13, 2010 COUNCIL MINUTES
2. RESOLUTION - RULES & PROCEDURES OF THE OAK RIDGE CITY COUNCIL

3. RESOLUTION - TRANSFER OF TAX EQUIVALENTS PAYMENTS TO THE GENERAL FUND

A motion was made by Councilmember Hensley, seconded by Councilmember Smith, to approve the consent agenda as presented.

After a brief discussion, a motion was made by Councilmember Hensley, seconded by Councilmember Smith, to remove the following items from the Consent Agenda:

- Approval of the December 13, 2010 Council Minutes
- Resolution – Rules & Procedures of the Oak Ridge City Council

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

The Consent Agenda was approved unanimously, as amended, with Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting for thereby adopting:

- **Resolution No. 1-1-11** authorizing the transfer of tax equivalents from the Electric Fund and the Waterworks Fund to the General Fund for the fiscal year ending June 30, 2011 and also authorizes its distribution between the City of Oak Ridge and Anderson and Roane Counties.

The Council then discussed the items removed from the Consent Agenda as follows:

- Approval of the December 13, 2010 Council Minutes

A motion was made by Councilmember Hensley, seconded by Councilmember Smith, to amend the December 13, 2010 minutes with the inclusion of his written memo regarding the National League of Cities Conference as an attachment.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

- **Resolution No. 1-2-11 / RULES & PROCEDURES OF THE OAK RIDGE CITY COUNCIL**

City Manager Mark Watson explained that approval of this resolution would adopt a revised set of *Rules and Procedures of the Oak Ridge City Council*. These changes are the result of discussion during the December 06, 2010 Work Session.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to approve the resolution as presented.

A motion was made by Councilmember Smith, seconded by Councilmember Mosby, to amend the resolution under Item VI. Expenses Incurred in the Conduct of Official Business, I. Accounting, with the accounting of travel expenses changed from 'ten (10) business days' to 'fifteen (15) business days'.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

A motion was made by Councilmember Miller, seconded by Councilmember Hensley, to amend the resolution under Item I. Meetings, E. Appointments to Board & Commissions, 2. Filing Deadline, by changing 'prior to the distribution of the agenda' to 'at least ten (10) days prior to the Council meeting'.

Those voting for: Councilmembers Hayes, Hensley, Miller, and Mosby

Those voting against: Councilmembers Garcia Garland, Smith, and Mayor Beehan

Motion carried.

A motion was made by Councilmember Mosby, seconded by Councilmember Hensley, to amend the resolution under Item IV. Motions, by removing the word 'generally' from the statement 'City Council generally adheres to Robert Rules of Order' and with the addition of the exception of items A-H.

Those voting for: Councilmembers Hayes, Hensley, Mosby, and Mayor Beehan

Those voting against: Councilmembers Garcia Garland, Miller, and Smith

Motion carried.

The resolution was adopted unanimously, as amended, with Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting for.

V. RESOLUTIONS

1. RESOLUTION NO. 1-3-11 / 2011 STATE AND FEDERAL AGENDA

City Manager Mark Watson explained that this resolution was deferred from the December 13, 2010 Council Meeting. Approval of the resolution adopts the 2011 State and Federal Agenda with the changes that were discussed at that meeting.

A motion was made by Councilmember Hayes, seconded by Councilmember Smith, to adopt the resolution as presented.

Rick Chinn, 253 Black Oak Road and a member of the Oak Ridge Rowing Association, came forward and stated that the addition of an 8th lane to the Melton Lake rowing course had been removed from the Federal Agenda and requested that it be added back into the agenda.

The resolution was discussed at some length with Government & Public Affairs Director Amy Fitzgerald responding to the Council's questions and comments.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to amend the resolution to include the addition of an 8th lane on the Melton Lake rowing course to the Federal Agenda.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

The resolution was adopted unanimously, as amended, with Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting for.

2. RESOLUTION NO. 1-4-11 / ARTS COUNCIL CONTRACT / SECRET CITY FESTIVAL

City Manager Mark Watson stated that this resolution awards a contract to the Arts Council of Oak Ridge to provide professional services and activity support for the Secret City Festival and authorizes the reimbursement of actual costs incurred in an amount not to exceed \$150,000.

A motion was made by Councilmember Hensley, seconded by Councilmember Hayes, to adopt the resolution as presented.

Recreation & Parks Director Josh Collins came forward and answered questions concerning the contract.

After a brief discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

3. RESOLUTION NO. 1-5-11 / ROANE STATE COMMUNITY COLLEGE

City Manager Mark Watson stated that in 2009 the City Council adopted Resolution 5-42-09 to support the expansion of the Roane State Oak Ridge Branch Campus in the amount of \$500,000. Roane State Community College has requested that the City change the requirements of that resolution and make payment of the local match sooner. Approval of this resolution will amend Resolution 5-42-09 to allow that request.

A motion was made by Councilmember Hensley, seconded by Councilmember Hayes, to adopt the resolution as presented.

Melinda Hillman, Vice-President of Roane State Community College-Oak Ridge Campus, came forward and stated that this will help fund an \$11.5 million expansion project which includes a two-story, 43,000 sq. ft. building and allow another 500 students at the Oak Ridge campus. She explained that the Tennessee Board of Regents has offered \$9 million in matching funds. Funds are also provided by personal, private and business donations; Anderson County; and being raised by volunteers.

After discussing alternate options of obtaining funds, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

The Mayor and Council expressed appreciation to Melinda Hillman and agreed that this is a great opportunity for the City of Oak Ridge.

VI. PUBLIC HEARINGS AND 1ST READING OF ORDINANCES

1. PUBLIC HEARING AND 1ST READING / REZONING REQUEST PARCEL 1.01, MAP 100B, GROUP B – FROM UB-2 TO B-2 AND A 30 FT STRIP SURROUNDING PARCELS 3.00 & 4.00, MAP 100B, GROUP B– FROM RG-1 TO B-2

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 1.01, Map 100B, Group B, from UB-2, Unified General Business to B-2, General Business, and a thirty-foot wide strip surrounding Parcels 3.00 and 4.00, Map 100B, Group B, from RG-1, Residential, Open Space and Reserved to B-2, General Business.

Mayor Beehan opened the Public Hearing for public comments.

There were no citizen comments.

A motion was made by Councilmember Miller, seconded by Councilmember Smith, to close the Public Hearing.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

Community Development Director Kathryn Baldwin came forward and discussed the background information on the proposed rezoning.

Mayor Beehan directed City Clerk Donna Patterson to read the proposed Ordinance title.

Councilmember Smith requested that future ordinances have a general description or location address for the properties involved – both for the Planning Commission agenda and Council Meeting agenda.

A motion was made by Councilmember Hensley, seconded by Councilmember Smith, to approve the ordinance as presented.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

VII. FINAL ADOPTION OF ORDINANCES – [none]

VIII. ELECTIONS & APPOINTMENTS / ANNOUNCEMENTS / SCHEDULING

1. ELECTIONS & APPOINTMENTS

Election of two members to serve on the Oak Ridge Municipal Planning Commission

Mayor Beehan stated that Linda Brown and Kelly Callison have agreed to serve another term on the Planning Commission.

A motion was made by Councilmember Hensley, seconded by Councilmember Hayes, to elect by acclamation Linda L. Brown and Kelly S. Callison to serve four year terms on the Planning Commission commencing on February 11, 2011.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

Motion carried unanimously.

Mayor Beehan expressed appreciation to Linda Brown and Kelly Callison for their continued service to the City of Oak Ridge.

Notice of elections

Mayor Beehan noted that four elections are scheduled for the February 14, 2011 City Council Meeting to appoint:

- One member to the Highland View Redevelopment Advisory Board
- Two members to the Board of Plumbing Examiners
- Two members to the Traffic Safety Advisory Board, one of whom shall be an Oak Ridge High School student
- One member to the Environmental Quality Advisory Board

The deadline for filing is 5:00 p.m. on February 4, 2011.

2. ANNOUNCEMENTS

Mayor Beehan stated that City Manager Mark Watson is holding a public forum at the Scarboro Center tomorrow at 7:00 p.m. to discuss the hiring of a new Chief of Police.

3. SCHEDULING – [none]

IX. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Hensley stated that he would like for the City Manager to schedule a time to establish a Comprehensive Planning Process based on the City's current vision statement or a newly developed vision statement.

Mayor Beehan concurred with Councilmember Hensley's statement and suggested that it could be a part of the budget process since it would require funding to activate a plan. He also suggested citizen input on the plans.

X. SUMMARY OF CURRENTS EVENTS

1. CITY MANAGER'S REPORT

Realignment of the Reporting Authority of the City's Utility Business Office

City Manager Watson reported that all utility business operations were transferred to Jack Suggs, the Electrical Director, on November 29, 2010.

Mr. Suggs is reviewing all policies, procedures, activities, and the ongoing oversight of the business office. One principal area of concern is the annual amount of recurring utility bad debt. The current deposit amounts are not enough to offset the amount of bad debt. City staff is in the process of developing a new deposit policy to resolve this issue. Once completed, these changes will be presented to the City Council for consideration.

Mr. Suggs is also focusing on customer service. A recently mailed survey to UBO customers yielded extremely positive results, however additional training for employees and updated policies are planned for the future.

Councilmember Garcia Garland expressed appreciation to Mr. Suggs for his leadership and to the Business Office staff for their work performance.

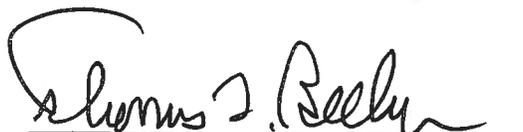
2. CITY ATTORNEY'S REPORT

City Attorney Kenneth Krushenski reminded everyone that the Tennessee Legislature begins the 2011 Session and he will be monitoring legislation that could affect municipalities.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:30 p.m.

Approved this 14 day of February, 2011.


Thomas L. Beehan, Mayor


Donna L. Patterson, City Clerk