

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

July 11, 2011

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on July 11, 2011 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Gabe Potter, New York Avenue Church of Christ.

PLEDGE OF ALLEGIANCE

Tom Burns led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Upon roll call, the following members of Council were present: Anne Garcia Garland, L. Charles Hensley, D. Jane Miller, David N. Mosby, Ellen D. Smith, and Mayor Thomas L. Beehan.

Also present were Mark S. Watson, City Manager; Tammy M. Dunn, Senior Staff Attorney; Steven W. Jenkins, Deputy City Manager; and Donna L. Patterson, City Clerk.

The City Manager formally introduced Police Chief James T. Akagi to Council and administered the oath of office to Chief Akagi, witnessed by the City Clerk.

APPEARANCE OF CITIZENS

Dan Terpstra, 127 Newport Drive, announced two public meetings of the Oak Ridge Community Solar Initiative (ORCSI) on July 19, 2011, and July 27, 2011, at the Amphitheater of the Oak Ridge High School. Mr. Terpstra invited the public to attend.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating July 11-16, 2011, as "Anderson County Fair Week."

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

A resolution in tribute to Councilman Thomas Hayes. (Resolution No. 7-60-11)

Councilmember Hensley moved, seconded by Councilmember Miller, that the resolution be adopted. Councilmembers Miller, Smith, Hensley and Mayor Beehan expressed appreciation for Councilmember Hayes' service. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." The resolution was presented to Tom Hayes along with a gift of appreciation from the community and City Council.

A resolution in memoriam of former Councilman Washington R. Butler, Jr. (Resolution 7-61-11)

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

SPECIAL REPORTS – None

CONSENT AGENDA

Councilmember Smith removed approval of the June 13, 2011 Council minutes from the Consent Agenda.

Councilmember Miller moved, seconded by Councilmember Smith, to approve the June 13, 2011 Council minutes. Councilmember Smith moved, seconded by Councilmember Hensley, to amend the June 13, 2011 Council minutes as follows:

- Under Resolution 6-45-11, in the fifth paragraph, change "suggested clerical changes" to "suggested minor wording changes."
- Under Resolution 6-46-11, after the second paragraph, add a new paragraph stating "In response to Council questions, staff clarified that DOE reimburses the City for the full cost of delivering the water it receives."
- Under Resolution 6-47-11, in the third paragraph, insert the following sentences after the first sentence "The City is currently administering the property tax relief program. Under this resolution, the County Trustee will administer both the property tax relief program and the new property tax freeze program."
- Under Resolution 6-48-11, after the third paragraph, add a new paragraph stating "Councilmember Smith asked about concerns citizens have expressed about the mowing operation. Staff clarified that the evaluation will address these items and others."
- Under Resolution 6-52-11, after the third paragraph, add a new paragraph stating "Councilmember Smith stated that she would vote for the contract for the current year, but wanted the City staff to develop capabilities to do this kind of work locally in the future."
- Under Resolution 6-54-11, after the third paragraph, add a new paragraph stating "In response to Councilmember questions, Mr. Watson clarified that, for several items that were identified in the resolution as having multiple vendors, price quotes would be obtained from qualified vendors before making a purchase."

Councilmember Mosby requested an addition to the language proposed by Councilmember Smith for Resolution 6-54-11 and requested the following language be added to the end of the sentence: "... in conformance with current City procurement practices." Councilmember Smith agreed to include this language as part of her motion and Councilmember Hensley agreed.

The motion to amend the minutes carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The motion to approve the minutes, as amended, carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Councilmember Garcia Garland moved, seconded by Councilmember Smith, to approve the Consent Agenda as amended and the motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye," thereby:

- Adopting Resolution No. 7-62-11 authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Stephan L. Babb, Elks Lodge No. 1684.
- Adopting Resolution No. 7-63-11 to accept set-aside Emergency Shelter Grant Program (ESGP) funds from the Tennessee Housing Development Agency, through the U.S. Department of Housing and Urban Development Emergency Shelter Grant Program, in the estimated amount of \$34,367.00, to fund ESGP activities.
- Adopting Resolution No. 7-64-11 authorizing an Assignment of Lease between the City of Oak Ridge, Tennessee; the United States Department of Energy (DOE); Bechtel Jacobs Company, LLC; and URS/CH2M Oak Ridge, LLC, to assign all rights and responsibilities in the leased space of building K-1652 (Fire Station #4) from Bechtel Jacobs Company, LLC, to URS/CH2M Oak Ridge, LLC.
- Adopting Resolution No. 7-65-11 acknowledging the City's participation in the City of Knoxville's Sustainable Communities Regional Planning Grant Project and authorizing the City to enter into a consortium agreement with the participating regional governmental entities provided the City Attorney approves the consortium agreement.

RESOLUTIONS

Gary Cinder, Public Works Director, presented an overview of the sewer rehabilitation program, which is the subject matter of four resolutions on this agenda, at the request of the City Manager.

Resolution No. 7-66-11 to amend Resolution 10-103-10, which authorized a Professional Services Agreement with Lamar Dunn & Associates, Inc., Knoxville, Tennessee, for assistance with various tasks required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in order to increase the scope of work for additional needed services; said amendment in the estimated amount of \$2,400,750.00.

Councilmember Miller moved, seconded by Councilmember Smith, that the resolution be adopted. The issue was discussed by City Council at some length with Mr. Cinder and the City Manager responding to Councilmembers' questions and comments regarding some of the following: timeframe, completion punch list, labor, and citizen concerns. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-67-11 authorizing professional services agreements with Barge, Waggoner, Sumner & Cannon, Inc.; Cannon & Cannon, Inc.; Fulghum, MacIndoe & Associates, Inc.; Jacobs Engineering Group, Inc.; and McGill Associates, P.A.; all of Knoxville, Tennessee, for engineering services pertaining to sewer remediation projects as required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in the collective estimated amount of \$1,000,000.00.

Councilmember Miller moved, seconded by Councilmember Smith, that the resolution be adopted. After brief deliberation, the resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-68-11 awarding four (4) contracts to Intuitive Technologies, Inc., Knoxville, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary for cleaning and closed circuit television inspection of portions of the City's gravity sewer collection system as required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in the grand total estimated amount of \$996,737.50.

Councilmember Miller moved, seconded by Councilmember Hensley, that the resolution be adopted. After brief deliberation, the resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-69-11 approving a contract between the City and the Oak Ridge Convention and Visitors Bureau (CVB) for the provision of services and materials to promote tourism in Oak Ridge for the period July 1, 2011 through June 30, 2012 (FY2012), in an amount not to exceed \$404,208.00 and to amend the CVB bylaws to reflect new CVB functions as set forth in the FY2012 contract.

Councilmember Miller moved, seconded by Councilmember Hensley, that the resolution be adopted. The City Manager provided a summary of the contract changes from previous years and reported that the primary goal for the CVB would be to increase the hotel/motel occupancy taxes. The issue was discussed by City Council at some length with many Councilmembers commenting on the improvements to the contract and showing support for the Oak Ridge Convention and Visitors Bureau. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-70-11 to add three (3) new and designated members to the Convention and Visitors Bureau (CVB) Board for the General Managers of three local hotel/motel establishments and to amend the CVB bylaws to reflect the new membership requirements.

Councilmember Miller moved, seconded by Councilmember Smith, that the resolution be adopted. The issue was discussed by City Council at some length with the City Manager responding to Councilmembers' questions and comments. Councilwoman Smith expressed concerns over a ten member board and the potential for a tie vote. Katy Brown, Executive Director of the Oak Ridge Convention and Visitors Bureau, and Chuck Hope, member of the Oak Ridge Convention and Visitors Bureau Board, suggested the addition of two members, rather than three, to create a nine member board and to fill an upcoming vacancy on the board with a local hotel/motel general manager.

Councilmember Hensley moved, seconded by Councilmember Mosby, to amend the resolution per Mrs. Brown's and Mr. Hope's suggestion. Carol Smallridge, Chairperson of the Oak Ridge Convention and Visitors Bureau Board, mentioned the Board is having a retreat in August and could discuss this issue then; however, the Board was in support of having hotel/motel representation on the Board. The motion failed by voice vote with Councilmembers Hensley and Mosby voting "Aye" and Councilmembers Garcia Garland, Miller, Smith and Mayor Beehan voting "Nay."

The original resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-71-11 authorizing the issuance, sale, and payment of waterworks interfund loan capital outlay notes not to exceed \$5,000,000.00.

Councilmember Miller moved, seconded by Councilmember Smith, that the resolution be adopted. After brief deliberation, the resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Amended and adopted Resolution No. 7-72-11 to amend the City Manager's employment agreement, as approved by Resolution 7-73-10, to provide for a one-year contract extension and a two percent (2%) salary increase, with the salary increase effective on June 26, 2011.

Councilmember Miller moved, seconded by Councilmember Hensley, that the resolution be adopted. Mayor Beehan summarized the report of the City Manager's Evaluation Committee. Council briefly discussed the need to set goals and objectives for the City Manager for the current fiscal year.

Councilmember Mosby moved, seconded by Councilmember Hensley, to amend the resolution to include the following: "Be it further resolved that the report of the City Manager Evaluation Committee is approved and, pursuant to the terms of the employment agreement, City Council shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Manager for the 2012 fiscal year." The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The resolution, as amended, was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

PUBLIC HEARING AND FIRST READING OF ORDINANCES

An ordinance to amend Ordinance No. 8-11, 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.

Mayor Beehan opened the public hearing. Having had no one speak at the public hearing, Councilmember Hensley moved, seconded by Councilmember Miller, to close the public hearing and the motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Councilmember Smith moved, seconded by Councilmember Hensley, that the ordinance be approved on first reading. After brief deliberation, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

An ordinance to amend Title 2, titled "Boards and Commissions, Etc.," Chapter 1, titled "Miscellaneous," Section 2-101, titled "Membership to Boards and Commissions; Residency Required," to waive the residency requirement for three (3) designated local hotel/motel establishments' membership positions on the Oak Ridge Convention and Visitors Bureau Board

of Directors.

Councilmember Smith moved, seconded by Councilmember Hensley, that the ordinance be approved on first reading. After brief deliberation, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

An ordinance to amend Title 3, titled "Municipal Court," Chapter 1, titled "City Court," of the Code of Ordinances, City of Oak Ridge, Tennessee, by creating a new Section 3-104, titled "Contempt of Court," to clarify judicial authority to punish for contempt of court in City Court as authorized by Tennessee Code Annotated §16-1-103, §16-18-306, and §29-9-102, and City Code §3-206.

Councilmember Smith moved, seconded by Councilmember Miller, that the ordinance be approved on first reading. After brief deliberation and explanation that this ordinance is for clarification purposes, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

FINAL ADOPTION OF ORDINANCES

An ordinance to amend Ordinance No. 2, Titled "The Zoning Ordinance of The City of Oak Ridge, Tennessee," by amending the Zoning Map which is made a part of the Ordinance by changing the zoning district of Parcel 2.00, Anderson County Tax Map 100f, Group A, located at 699 Emory Valley Road, from B-1, Neighborhood Business and RG-1, Residential, Open Space and Reserved, to UB-2, Unified General Business. (Ordinance No. 10-11)

Councilmember Miller moved, seconded by Councilmember Smith, that the ordinance be adopted. After brief deliberation, the ordinance was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

ELECTIONS & APPOINTMENTS/ANNOUNCEMENTS/SCHEDULING

Elections & Appointments

Calvin Cummings, Chairman of the Youth Advisory Board, presented Council with the State of the Youth Address. Councilmember Smith moved, seconded by Councilmember Hensley, to accept the State of the Youth Address for the record and the motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Youth Advisory Board

Councilmember Hensley moved, seconded by Councilmember Miller, to elect the recommended members to the Youth Advisory Board by acclamation and the motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye," thereby electing the following members: Cameron Brinkman, Caliope Brousal, Aaron Chasan, Emily Ducko, Patricia Edou, Courtney Follman, Shane Harris, Ross Landenberger, Emily Lockhart, Hannah Magill, Ashley Parks, Patrick Rader, Sarah Stokely, Kelsey Warmbrod, Patrick Williams, and Shichen Zhang. All terms of office are for a one-year term ending July 31, 2012.

Notice of Elections – None

Mayor Beehan reminded everyone of the Council vacancy appointment which will take place on July 25, 2011. Interested citizens must submit a resume by 5:00 p.m. on Monday, July 18, 2011 to the City Clerk's Office.

Announcements – None

Scheduling – None

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OF FUTURE BRIEFINGS – None

SUMMARY OF CURRENT EVENTS

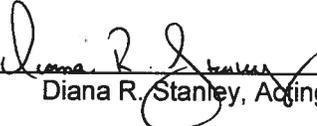
City Manager's Report

The City Manager asked Council to look at their schedules for a retreat in late August 2011.

City Attorney's Report – None

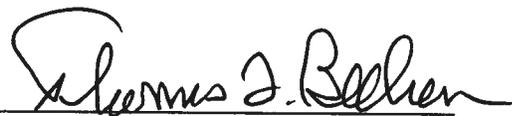
ADJOURNMENT

The meeting adjourned at 10:05 p.m.



Diana R. Stanley, Acting City Clerk

APPROVED BY CITY COUNCIL
August 8, 2011



Thomas L. Beehan, Mayor