

MINUTES OF THE OAK RIDGE CITY COUNCIL

March 18, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on March 18, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Shane Nivens, Pastor of Hope Covenant Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Ms. Laurel Patrick.

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Mayor Thomas L. Beehan; Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; and Councilmember David N. Mosby.

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. Martin McBride, 954 West Outer Drive, explained that City Council might consider completing a lessons learned critique of the Administrative Order (AO). Mayor Beehan requested that the comments be deferred until the resolution pertaining to the AO was being considered by City Council.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating March as "American Red Cross Month."

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the proclamation be adopted. The proclamation was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The proclamation was to be presented during the 14th Annual Humanitarian Awards Luncheon on March 19, 2013 by Mayor Pro Tem Miller.

SPECIAL REPORTS

FY 2012 Independent Audit Report from Mr. Ted Hotz with Pugh & Company, P.C.

Mr. Hotz provided an overview of the highlights of the FY2012 City of Oak Ridge's Audit Report, its components, and key financial figures. Mr. Hotz emphasized that the audit revealed no significant concerns or deficiencies. Mr. Hotz responded to questions and comments of City Council at the conclusion of the presentation.

The presentation was for informational purposes only; no action taken.

CONSENT AGENDA

The City Attorney noted that the retail package store renewal applications resolutions be amended to not include Oak Ridge Package Store, applicant Scott E. Garriott, as Mr. Garriott's legal representation was unable to attend the meeting and wished to be present when his application was being considered. Mr.

Krushenski recommended omitting Mr. Garriott's (Oak Ridge Package Store) approval and that the resolutions would be considered separately in the future for his application. Councilmember Hensley moved that the store be removed from the two (2) resolutions—Resolution No's. 03-16-2013 and Resolution No. 03-17-2013—per the City Attorney's request. The motion was seconded by Councilmember Baughn and approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Baughn requested that item "d" titled "adoption of a resolution authorizing the City to submit an application to the Tennessee Valley Authority (TVA) under the TVA Valley Sustainable Communities Program to receive certification as a sustainable community and to accept such certification if selected" be removed from the Consent Agenda.

Councilmember Garcia Garland requested that item "e" titled "adoption of a resolution accepting utility infrastructure for Heritage Center ED-5 East Subdivision for perpetual maintenance" be removed from the Consent Agenda.

The City Clerk noted that two corrections needed to occur in the February 11, 2013 City Council meeting minutes. The first correction pertained to Resolution No. 02-09-2013 needing to reflect that Councilmember Garcia Garland abstained, and the second correction to Resolution No. 02-10-2013 needed to show that Councilmember Garcia Garland voted "Aye" in approval of the resolution. Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the minutes be amended as referenced. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Mayor Pro Tem Miller moved, seconded by Councilmember Hope to approve the remainder of the Consent Agenda as presented below, thereby approving:

- The amended February 11, 2013 City Council meeting minutes.
- The February 25, 2013 City Council special meetings minutes.
- **Resolution No. 03-13-2013** to adopt an updated Occupational Safety and Health Program for the City of Oak Ridge.
- **Resolution No. 03-14-2013** accepting street and utility infrastructure for Woodland Town Center Phase I Subdivision for perpetual maintenance.
- **Resolution No. 03-15-2013** to accept a \$16,000.00 Emergency Management Grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency (TEMA).
- Amended **Resolution No. 03-16-2013** granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving the residency requirements for nonresident applicants.
- Amended **Resolution No. 03-17-2013** authorizing the Mayor to sign and issue certificates of compliance for persons granted permits to engage in the retail sale of alcoholic beverages for two years.

Resolution No. 03-18-2013

Adoption of a resolution authorizing the City to submit an application to the Tennessee Valley Authority (TVA) under the TVA Valley Sustainable Communities Program to receive certification as a sustainable community and to accept such certification if selected.

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

The City Manager began by providing a brief review of the TVA Valley Sustainable Communities Program.

City Manager Mark Watson and Community Development Director Kathryn Baldwin responded to several questions posed by Councilmember Baughn. Most notably, Ms. Baldwin explained that many of the elements in the Sustainable Communities Program are already being performed by the City, some through the Climate Action Plan and that the certification would demonstrate the City's commitment to sustainability in the view of both commercial and industrial clients. Discussions continued amongst staff and Council regarding staff time and possible amendments to existing ordinances based on future plans of organizations.

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

Resolution No. 03-19-2013

Adoption of a resolution accepting utility infrastructure for Heritage Center ED-5 East Subdivision for perpetual maintenance.

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

City Engineer Steve Byrd provided a brief overview of the transfer, explained the exact location of the utility infrastructure, and provided the time frame of the acceptance of the infrastructure.

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

RESOLUTIONS

Resolution No. 03-20-2013

A resolution awarding a contract (COR 13-07) to First Place Finish, Inc., Oak Ridge, for pedestrian crossing safety improvements along Melton Lake Drive in the estimated amount of \$37,594.00.

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

City Engineer Steve Bryd responded to Council inquiries regarding the location of the pedestrian crossing equipment which includes the three existing crossings.

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

Resolution No. 03-21-2013

A resolution reaffirming Resolution 9-65-2012 and confirming the City's willingness to proceed with the provisions of the Administrative Order set forth by the United States Environmental Protection Agency.

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

Mayor Beehan noted, for the record, that the resolution was based on a recommendation of a recent Environmental Protection Agency (EPA) Ad-Hoc Committee meeting.

Mr. Martin McBride, 954 West Outer Drive, explained that he sees the City's current position as a good opportunity to communicate the City's set of requirements for operating within the Administrative Order (AO) to the EPA, and that negotiations should still be an option.

Ms. Ellen Smith, 116 Morningside Drive, urged City Council to move forward with the sewer project, and

explained that Oak Ridge is not esoteric regarding the rules associated with clean water standards. Ms. Smith concluded by suggestion that the City move forward and follow the direction of the AO.

Discussions amongst city staff and the City Council continued regarding the AO.

Councilmember Baughn moved to defer voting on the resolution until the next regular City Council meeting to allow time to explore the merits of both Dr. McBride's and Mr. [Leonard] Abbatiello's suggestions, as well as the merits of seeking judicial review per Sackett v. EPA. The motion was not seconded.

Councilmember Garcia Garland explained, for the record, that she considered the resolution to be an affirmation to the EPA that the City is on course and that the City had, in fact, negotiated with the EPA and the organization has been fair and reasonable. She further noted that the EPA had acknowledged the City's unique situation in having a large federal agency located within the City limits. Councilmember Garcia Garland explained that she has encouraged both Mr. McBride and Mr. Abbatiello to take suggestions to city staff for review.

City Council and city staff continued to discuss options regarding the AO and the need to proceed.

Councilmember Hope, Chair of the EPA Ad-Hoc Committee, clarified that the resolution was reaffirming the Committee's previous discussion and recommendation that took place during their last meeting.

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

Resolution No. 03-22-2013

A resolution awarding a contract to Adventures Outdoors, Oliver Springs, Tennessee, for a pilot recreational equipment rental program at Melton Lake Park, and authorizing the City to enter into a lease agreement with the company at the conclusion of the pilot program should expectations be met by both parties.

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

Recreation and Parks Department Director Josh Collins explained that the purpose of the pilot program is to determine the need for an equipment rental program, if any. Mr. Collins responded to various questions of City Council that included additional bidders, use of equipment rentals during regattas, and parking issues.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

At the request of the Mayor, the City Manager reviewed the land use amendment and the rezoning for Parcels 40, 41, and 42, Map 106A, Group A.

Ordinance No. 01-2013

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 40.00, 41.00, AND 42.00, MAP 106A, GROUP A, FROM R, RESIDENTIAL TO B, BUSINESS.

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

second reading.

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

Ordinance No. 02-2013

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 40.00 AND 41.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND PARCEL 42.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY AND RG-1, RESIDENTIAL, OPEN SPACE, AND RESERVED, TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR WOODLAND TOWN CENTER PHASE II.

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

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

(Mayor Beehan denoted for the original order of the agenda, given that Councilmember Hope was to soon leave the meeting, to discuss "Council Request for New Business Items or Future Briefings." Specifically, Mayor Beehan inquired about having future discussions with City Council regarding the EPA Ad-Hoc Committee's future status given there may not be a need for the Committee to continue to meet. Councilmember Hope explained that if there is not a current need then the Committee could be temporarily suspended. Councilmember Garcia Garland indicated that the Committee had served its purpose and, if the need arose in the future, then it could come about once again.)

(Councilmember Hope was absent for the remainder of the meeting.)

City Staff requested that the two ordinances below be deferred given that the Road Access Agreement for the property owners had not been finalized. Mayor Pro Tem Miller moved, seconded by Councilmember Baughn that the ordinances be removed from the agenda. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM R, RESIDENTIAL TO B, BUSINESS, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

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 A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM RG-1/, RESIDENTIAL OPEN SPACE AND RESERVED AND RG-1/FLOOD FRINGE, TO UB-2, UNIFIED GENERAL BUSINESS AND UB-2/FLOOD FRINGE, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Elect one (1) member to the Elder Citizens Advisory Board

Councilmember Garcia Garland moved, seconded by Mayor Pro Tem Miller that Mrs. Lynne Burchell be elected to the Elder Citizens Advisory Board for a term of office ending on December 31, 2014 as the representative for the Anderson County Office on Aging by acclamation. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

Update on status of Recycle Bank Incentive Program and proposed change (update, no action)

The City Manager and Public Works Director Gary Cinder explained the proposed changes to the Recycle Bank Incentive Program. The City Manager explained that options, additionally explanations, and information will be brought forward to City Council upon further review by city staff.

Change of March 25, 2013 Work Session to Council Retreat on Economic Development

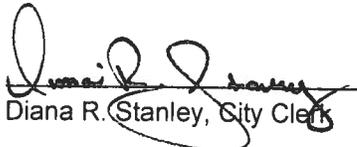
The City Manager explained that Mr. Darryl Akins has agreed to serve as the facilitator again for a City Council Retreat with a focus on economic development and further details would be forthcoming.

CITY ATTORNEY'S REPORT

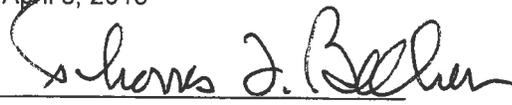
The City Attorney explained that back tax delinquent notifications would begin soon.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
April 8, 2013


Thomas L. Beehan, Mayor