

**MINUTES OF THE  
OAK RIDGE CITY COUNCIL  
SPECIAL CALLED MEETING  
MARCH 28, 2011**

The Special Called 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:** Pastor Mark Walton, Glenwood Baptist Church

**PLEDGE OF ALLEGIANCE:** Joseph Lee

**ROLL CALL:**

The following Councilmembers were present: Anne Garcia Garland, Thomas Hayes, Charles Hensley, Jane Miller, David Mosby, Ellen Smith (arrived at 7:25 p.m.), 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. RESOLUTION NO. 3-24-11 / MATERIALS & EQUIPMENT FOR CEDAR HILL PARK**

City Clerk Donna Patterson read the title as follows: A resolution waiving the competitive bid process and authorizing the purchase of materials and equipment for Cedar Hill Park Playground from Bedford Technology, LLC; Superior International Industries, Inc; and Playland Equipment in the total estimated amount of \$82,383.

After discussion, a motion was made by Councilmember Hayes, seconded by Councilmember Miller, to adopt the resolution as presented.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, and Mayor Beehan. Councilmember Smith was not present at this time.

The motion carried unanimously.

**II. ELECTION – RECREATION AND PARKS ADVISORY BOARD**

- An election of nine (9) members to serve on the Recreation and Parks Advisory Board, whose purpose is to advise City Council and City Staff as to the recreation and park needs of the City as well as provide advice on future rules, planning, usage, land acquisition, and facility needs of all city-owned properties used for recreational, athletic or land conservation purposes. Initial membership will be as follows: three (3) members shall be appointed to serve through December 31, 2012; three (3) members shall be appointed to serve through December 31, 2013; and three (3) members shall be appointed to serve through December 31, 2014. Thereafter, all appointments shall be for terms of three (3) years.

City Manager Mark Watson recommended postponing the election for the Recreation and Parks Advisory Board due to the large number (61) of applicants. Postponing the election by two weeks will give the Council additional time to review the applications prior to making their selections.

A motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to postpone the election for the Recreation and Parks Advisory Board until the April 11, 2011 City Council Meeting.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, and Mayor Beehan. Councilmember Smith was not present at this time.

The motion carried unanimously.

Manager Mark Watson recommended that, due to the high number of applicants, the Council consider two options to further define how the selection process will be conducted for the election as follows:

## OPTION 1

### STEP I

**Round 1** – Each Councilmember will vote for their top twenty (20) candidates.

**Round 2** – Each Councilmember will vote for their top ten (10) candidates.

**Round 3** – Each Councilmember will vote for their top nine (9) candidates.

After each round the votes will be called out and tallied as follows:

- Any candidate that receives a total of 4 or more votes will be elected to the board automatically\* and their name removed from the list.
- Any candidate that doesn't receive at least one vote will be removed from the list completely.
- The remaining candidates will be listed on the ballot for the next Round, and so on, until the final nine (9) members are selected.

\*Unless, at some point, more candidates are elected (receive four votes) than are needed to fill the nine seats; in this case a vote would be necessary to break the tie.

[At this time, the meeting will be open for discussion of the candidates and the needs of the Oak Ridge Recreation and Parks while the 3 yr., 2 yr., and 1 yr. ballots are prepared.]

### STEP II.

During the second step, the chosen members will be elected to three-year terms, then two-year terms, then one-year terms (in the manner as the election that was held for the 'Trade Licensing Board' at the last Council meeting).

## OPTION 2

### STEP I

**Round 1** – Each Councilmember will vote for their top five (5) candidates.

**Round 2** – Each Councilmember will vote for their top three (3) candidates.

**Round 3** – Each Councilmember will vote for their top two (2) candidates.

After each round the votes will be called out and tallied as follows:

- Any candidate that receives a total of 4 or more votes will be elected to the board automatically and their name removed from the list.
- Any candidate that doesn't receive at least one vote will be removed from the list completely.
- The remaining candidates will be listed on the ballot for the next Round, and so on, until the final nine (9) members are selected.

\*Unless, at some point, more candidates are elected (receive four votes) than are needed to fill the nine seats; in this case a vote would be necessary to break the tie.

### STEP II.

During the second step, the chosen members will be elected to three-year terms, then two-year terms, then one-year terms (in the manner as the election that was held for the 'Trade Licensing Board' at the last Council meeting).

The Mayor and each of the Councilmembers spoke of the excellent qualifications and diversity presented by the applicants for the Recreation and Parks Advisory Board.

Mayor Beehan and Councilmembers Hensley, Garcia Garland, and Smith agree that the Council should be allowed to discuss the candidates and needs of the Oak Ridge Parks Department during the election.

Councilmembers Hayes and Mosby stated their opinions that the election process shouldn't be changed from the way it had always been held.

Councilmember Miller does not agree that the Council should be allowed to discuss the candidates, but does agree with allowing the candidates to speak.

Councilmember Miller asked City Attorney Ken Krushenski if the City's voting process was directed by the City Charter.

City Attorney Ken Krushenski stated that there isn't a specific voting procedure in the Charter. In the past, the candidates could not be discussed during the election and four votes automatically determined the successful candidates. However, the Council can change the procedures and decide the rules for any election.

After reviewing the two options, a motion was made by Councilmember Miller to approve Option 1 as presented by the City Manager, with those candidates left on the ballot (removing those with no votes and those elected) after Round 1 given the opportunity to speak for themselves.

The motion was seconded by Councilmember Hensley with the understanding that the Council also have the opportunity to discuss the candidates.

Mayor Beehan stated that an election of this magnitude had not been held before and he hoped that during the election process, the Council would be flexible enough to allow discussion and make the best decisions for this board.

After discussion, a motion was made by Councilmember Smith, seconded by Councilmember Hensley, to amend the motion to require a super majority of 6 votes for a candidate to be elected during Round 1.

Those voting for: Councilmembers Garcia Garland, Hensley, and Smith.

Those voting against: Mayor Beehan and Councilmembers Hayes, Miller, and Mosby.

The motion failed.

A motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to amend the motion to state that after Round 1 the Council will vote for twice the number of seats remaining in the following Rounds.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, and Smith.

Those voting against: Mayor Beehan and Councilmembers Miller, and Mosby.

The motion passed.

A motion was made by Councilmember Garcia Garland, seconded by Councilmember Hensley, to amend the motion to state that after Round 1 the candidates may present to Council, if they so choose, and that the Council have the opportunity to discuss the available seats at that time and the needs of the Recreation and Parks Advisory Board.

Mayor Beehan stated that it would be the normal process to have discussion and he doesn't think it's necessary to make a motion to allow it since the rules of Council allow it to happen.

Those voting for: Councilmembers Garcia Garland, Hensley, Miller, and Smith.

Those voting against: Mayor Beehan and Councilmembers Hayes, and Mosby.

The motion passed.

Mayor Beehan called for a vote on the main motion.

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

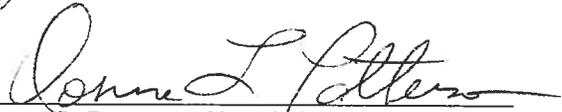
Those voting against: Councilmembers Hayes and Mosby.

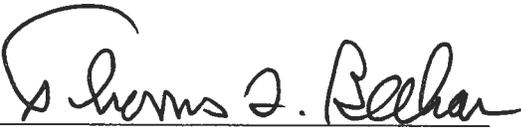
The motion passed.

III. ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 p.m.

Approved this 11 day of April, 2011.

  
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Donna L. Patterson, City Clerk

  
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Thomas L. Beehan, Mayor