

**MINUTES OF THE  
OAK RIDGE CITY COUNCIL**

May 7, 2012

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

**INVOCATION**

The Invocation was given by Reverend Joe Westfall, Minister with United Christian Brotherhood

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag of the United States of America was given by Patricia S. Imperato.

**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.; Councilmember David N. Mosby; and Councilmember Ellen D. Smith.

Mayor Pro Tem D. Jane Miller was absent.

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**

Ms. Patricia S. Imperato, 131 Whippoorwill Drive, spoke about the success of 2012 Earth Day Festival and briefly outlined the various events, volunteer efforts, recycling collections, sponsorship, and festival participation. Ms. Imperato announced that the new festival is scheduled for April 27, 2012.

Mr. Boyce Griffith, 107 Beechwood Court, expressed his opinion that City staff and City Council have underestimated the popularity of the extended walking trail in Oak Ridge. Mr. Griffith discussed the awareness of improvements for recycling and trash receptacles.

**PROCLAMATIONS AND PUBLIC RECOGNITIONS**

**A proclamation designating June 15 and 16, 2012 as *Secret City Festival Time*.**

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller

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

Ms. Jane Gibson, Secret City Festival Coordinator, accepted the proclamation on behalf of the Secret City Festival Executive Committee.

**SPECIAL REPORTS**

**Award presentation of the *Tennessee Board of Regents Chancellor's Award for Excellence in Philanthropy* by Dr. Gary Goff, Roane State Community College President.**

Dr. Gary Goff, along with Melinda Hillman, Executive Director of the Roane State Foundation, presented a plaque to the City of Oak Ridge in appreciation of the donation that will assist in building a new Health Sciences & Technology Building at Roane State Community College. Ms. Hillman provided a presentative of the new facility which is anticipated to be in available to students in 2014.

**Presentation from Mark S. Watson, City Manager regarding his recent travels to Oak Ridge's sister-city, Naka City, Japan.**

The City Manager reviewed his recent visit to Naka City, Japan with the International City Manager's Association (ICMA). Mr. Watson briefly described Naka City's government structure, including officials and facilities, as well as the culture. The City Manager shared that he presented a gift, representative of Oak Ridge, to the officials of Naka City, and then presented City Council with a gift from his travels, along with another gift to Shigeko Uppuluri for her assistant with Oak Ridge's sister-city.

**Presentation of the FY 2013 City of Oak Ridge Proposed Budget by Mark S. Watson, City Manager.**

The City Manager presented an overview of the City's proposed FY2013 budget and explained that the FY2013 budget essentially reflects the FY2012 budget. Mr. Watson noted that the City is proposing to retain the current property tax rate of \$2.39. The budget overview included a summary of budget assumptions, recommendation to maintain the same level of operating transfer funds with regard to Oak Ridge Schools, review of personnel position changes, outline of major capital projects being considered, and a brief report on the budget schedule for May 2012.

At the request of City Council, City staff will coordinate dates and public notices to allow Councilmembers to discuss further budget details prior to first reading of the budget ordinance, scheduled for May 14, 2012.

**CONSENT AGENDA**

Councilmember Garcia Garland requested to remove item e. titled, "Adoption of a resolution supporting the City of Harriman's, Roane County, Tennessee endeavors to bring a Veterans Administration Hospital to the City of Harriman," to be publicly recognized at the meeting.

Following removal of the item, the remainder of the Consent Agenda was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby:

- a. Approving the minutes of the April 9, 2012 City Council Meeting.
- b. Approving the minutes of the April 16, 2012 City Council Special Meeting.
- c. Adopting Resolution No. 5-26-2012 awarding a bid in the estimated amount of \$163,625.00 to ERMCO Distribution Transformers, c/o Utility Sales Agency, LLC, Dyersburg, Tennessee, for the furnishing of three-phase pad mounted transformers for use by the Electric Department.
- d. Adopting Resolution No. 5-27-2012 awarding a contract (COR 11-16-E4) to Design & Construction Services, Inc. Knoxville, Tennessee, for lift station improvements at Castlewood and Westview in the estimated amount of \$419,300.00.

**Item Removed from Consent Agenda**

**Resolution No. 5-28-2012**

**A resolution supporting the City of Harriman's, Roane County, Tennessee endeavors to bring a Veterans Administration Hospital to the City of Harriman.**

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

Following brief recognition and verbal support of the City of Harriman's efforts, the resolution was

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

### **RESOLUTIONS**

#### **Resolution No. 5-29-2012**

**Adoption of a resolution awarding a contract to Rich Construction, Inc., Lenoir City, Tennessee, for construction of a pavilion at Melton Lake Park in the estimated amount of \$159,284.00.**

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

Mr. Boyce Griffith, 107 Beechwood Court, inquired about potential food services/distribution at the pavilion, for which Council responded that no such plan exists.

Following inquires surrounding the potential of community activities and future use of the facility, Recreation and Parks Department Director Josh Collins explained that the pavilion would be the focal point of the park and that several events will be taking place near the site. Mr. Collins further explained that since there is much interest in activities being planned near the facility, policies will be planned to allow for such usage.

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

#### **Resolution No. 5-30-2012**

**A resolution approving a Memorandum of Understanding between the City and the Tennessee Department of Transportation for installation and maintenance of a new traffic signal at the new four-way intersection of South Illinois Avenue (State Route 62) and Woodland Terrace East.**

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

Following brief discussion about staff examining the synchronization of the traffic lights along South Illinois Avenue, the resolution was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

#### **Resolution No. 5-31-2012**

**Adoption of a resolution approving a settlement in the amount of \$171,000.00 with the United States Environmental Protection Agency (EPA) for alleged violations.**

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

Public Works Director Gary Cinder explained that the SEP-- supplemental environmental project—being proposed was recommended to the City and is a grant-type mechanism to help residents repair their laterals while mitigating economic hardships. Councilmember Mosby advocated a low to no interest loan program for residents as a means to help lateral repairs, as well.

Mr. Martin McBride, 954 West Outer Drive, expressed his concern with the EPA's absence at the meeting, and inquired if there was another aspect of the agreement. Mr. McBride also raised concerns about the finalized agreement from the EPA.

City Attorney Kenneth Krushenski clarified that the settlement will resolve legal issues regarding enforcement of fines and penalties from the Department of Justice.

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."

**Resolution No. 5-32-2012**

**Adoption of a resolution approving the FY2013 Annual Action Plan, proposed allocations of Community Development Block Grant Entitlement Funds for FY2013 estimated at \$226,341.00, and a subrecipient agreement with Aid to Distressed Families of Appalachian Counties (ADFAC) for the Minor Repair Program.**

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

Following brief discussion between City Council and Community Development Director Kathryn Baldwin regarding consideration of funds, 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."

**PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

**First Reading of Ordinances**

**AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY DELETING SUBSECTION 7.2.B, TITLED "NEPOTISM," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 7.2.B, TITLED "NEPOTISM"; DELETING SUBSECTION 9.1.D, TITLED "LAYOFF," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 9.1.D, TITLED "LAYOFF"; RENUMBERING EXISTING SUBSECTIONS 9.1.E, TITLED "REMOVAL," 9.1.F, TITLED "DISMISSAL," AND 9.1.G, TITLED "DEATH," TO BE SUBSECTIONS 9.1.G, 9.1.H AND 9.1.I RESPECTIVELY; CREATING A NEW SUBSECTION 9.1.E, TITLED "REORGANIZATION;" CREATING A NEW SUBSECTION 9.1.F, TITLED "SEVERANCE PACKAGE;" DELETING SUBSECTION 11.4, TITLED "LEAVE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 11.4, TITLED "LEAVE"; AND AMENDING SUBSECTION 13.3, TITLED "EMPLOYEE POLITICAL ACTIVITY," BY CREATING A NEW SUBSECTION (E), ALL FOR THE PURPOSE OF UPDATING THE PERSONNEL PLAN.**

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

Following an inquiry from Councilmember Mosby, Personnel Director Penelope Sissom noted that the proposed injury leave change has two cost saving elements: one regarding the reduction in the duration of salary received during injury leave, and the other regarding the adjustment of salary based on light duty work assignments. Councilmember Mosby requested a cost-savings analysis of the new, proposed changes in the Personnel Plan. Additionally, Councilmember Smith requested an analysis of savings from previous years had the proposed changes been in effect.

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

**FINAL ADOPTION OF ORDINANCES**

**Ordinance No. 06-2012**

**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 1.06, 1.08, AND 1.24, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS ED-10, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).**

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

The ordinance was adopted 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**

##### *Recreation and Parks Advisory Board*

Election to fill one (1) vacancy for the balance of an unexpired term ending term ending on December 31, 2014.

On first ballot, Mr. Frank P. Chmielewicz was elected to serve on the Recreation and Parks Advisory Board for the balance of an unexpired term of office ending on December 31, 2014 receiving the votes of Mayor Beehan, Councilmember Hensley, Councilmember Hope, Mayor Pro Tem Miller, and Councilmember Smith. Mr. Sheldon Green received the vote of Councilmember Mosby and Ms. Nancy Ward received the vote of Councilmember Garcia Garland.

##### *Youth Advisory Board Election Notice*

Received for the record; no action taken.

The City Clerk reviewed the Youth Advisory Board Election Notice noting that sixteen (16) applicants will be considered at the July 9, 2012 City Council Meeting.

The deadline for applications is June 1, 2012 by 5:00 p.m.

#### **Announcements**

The City Clerk announced that the City Clerk's office is accepting applications for Oak Ridge High School student representatives for the Environmental Quality Advisory Board (EQAB) and the Traffic Safety Advisory Board (TSAB).

#### **Scheduling**

Councilmember Hensley urged councilmembers to complete the City Attorney Evaluations by May 15, 2012 deadline.

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

Councilmember Smith requested that City Council have an opportunity to examine and discuss the form used to request open records.

Councilmember Mosby announced that the City Manager Evaluation Committee is scheduled to meet May 11, 2012, and asked the City Manager to send a list of accomplishments to the City Council.

### **SUMMARY OF CURRENT EVENTS**

#### **CITY MANAGER'S REPORT**

##### *Playful City USA Announcement*

The City Manager announced that the City of Oak Ridge was one of four other cities in Tennessee to receive the Playful City USA designation.

The City Manager announced that both he and Finance Director Janice McGinnis will be available to City Council beginning Wednesday, May 9, 2012 to Friday, May 11, 2012 from 3:30 p.m. to 5:30 p.m. except Wednesday which would conclude at 5:00 p.m.

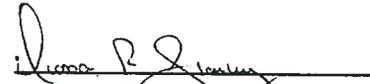
Mr. Gerry Palau, 104 Whipoorwill Drive, Chair of Recreation and Parks Advisory Board, recognized the significance of achieving this award and the appreciation of the work and effort associated with that achievement.

CITY ATTORNEY'S REPORT

City Attorney Kenneth Krushenski confirmed that the Department of Energy had submitted and recorded the abandonment of the CSX rail line for the *Rails to Trails* effort.

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

  
Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL  
May 29, 2012

  
Thomas L. Beehan, Mayor