

**MINUTES OF THE  
OAK RIDGE CITY COUNCIL MEETING**

**October 10, 2011**

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on October 10, 2011 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

**INVOCATION**

The Invocation was given by Reverend Curtis McClane, Highland View Church of Christ.

**PLEDGE OF ALLEGIANCE**

Dr. Gene Caldwell 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: Mayor Thomas Beehan; Anne Garcia Garland; L. Charles Hensley; Charles J. Hope, Jr.; D. Jane Miller; David N. Mosby; and Ellen D. Smith.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Diana R. Stanley, Acting City Clerk.

**APPEARANCE OF CITIZENS**

Mr. Andy Marathe, 121 Westlook Circle, commented on the current members of City Council and described them as dysfunctional and ineffective. He expressed concern over City Council addressing taxes, the debt level, housing issues, city spending and specifically referenced the National Park Service project.

Following Mr. Marathe's comments, Mayor Beehan asked City Manager Mark Watson to discuss the National Park Service project. Mr. Watson discussed that the City has a partnership with Hanford, Washington and Las Alamos, New Mexico to recognize the City's history and involvement with the Manhattan Project. Mr. Watson further elaborated that this partnership and designation would involve a visitor or interpretive center and that there are discussions as to the location of a center. He mentioned the Library expansion project and how having a library jointly connected with a visitor/interpretive center might offset costs as well as serve a multitude of purposes.

Mr. LeRoy Gilliam, 108 Tracy Lane, wished to publicly thank the local Wal-Mart for re-stripping the parking lot and adding wheelchair accessibilities to their store in an effort to adhere to recent laws and guidelines for accessibility standards. Mr. Gilliam asked that City and the Police Department follow-up with businesses to make sure those Oak Ridge establishments are adhering to ADA standards.

**PROCLAMATIONS**

**A proclamation designating the month of October 2011 as Fraud and Financial Abuse Awareness Month.**

Councilmember Smith moved, seconded by Councilmember Hensley, that the proclamation be adopted. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." The proclamation was presented to Elizabeth Batchelor of the Anderson County Adult Safety Coalition and Elder Watch.

### **SPECIAL REPORTS**

**Presentation to City Council from six (6) City Board and Commission Representatives to provide information to the public about the structure, purpose, and achievements of their boards to generate interest in the end of year elections.**

The following chairs provided an overview of the history, structure, current members, membership, meetings, community involvement, and duties:

|  |                              |
|--|------------------------------|
| Personnel Advisory Board                   | Mary Frances Tolliver, Chair |
| Board of Building and Housing Code Appeals | Bruce Ryan LeForce, Chair    |
| Highland View Redevelopment                | Mayor Tom Beehan, Chair      |
| Oak Ridge Municipal Planning Commission    | Terry C. Domm, Chair         |
| Traffic Safety Advisory Board              | Phil Wallace, Co-Chair       |
| Board of Zoning Appeals                    | Judith L. Mason, Chair       |

Judith L. Osucha, Chair of the Oak Ridge Housing Authority, was scheduled as part of the agenda, but was not in attendance.

### **CONSENT AGENDA**

Councilmember Smith made a motion requesting to amend the agenda by adding an additional item under "Resolutions" (item e.), titled "A resolution in opposition of the Local Oversight Committee's (LOC) dissolution until such time as a new organization structure has been defined, a new inter-local agreement has been negotiated and approved by Council and the governing bodies of the other involved jurisdictions, and a new grant agreement with the State of Tennessee has been negotiated; and further prohibiting the Mayor or the Mayor's alternate from voting for dissolution of the LOC until such time as these conditions are met." The motion was seconded by Councilmember Garcia Garland.

The motion was approved by board vote with Councilmembers Garcia Garland, Hope, Mosby, and Smith voting "Aye" and Councilmember Hensley, Miller, and Mayor Beehan voting "Nay."

Councilmember Mosby asked to remove item (c.) titled, "Adoption of a resolution authorizing the purchase of 4,000 feet of water pipe from Southern Pipe & Supply Co., Inc., Knoxville, Tennessee, for the replacement of the water main from the Robertsville Road Pump Station to West Outer Drive in the estimated amount of \$178,159.50."

Councilmember Smith asked to remove item (b.) titled, "Adoption of a resolution to adopt the Updated 2011 Anderson County Multi-Jurisdictional Hazard Mitigation Plan in accordance with federal requirements."

The minutes of the September 12, 2011 City Council Meeting were approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

### **RESOLUTIONS REMOVED FROM THE CONSENT AGENDA**

#### **Resolution No. 10-92-11**

**Adoption of a resolution to adopt the Updated 2011 Anderson County Multi-Jurisdictional Hazard Mitigation Plan in accordance with federal requirements.**

Councilmember Smith moved, seconded by Councilmember Miller, that the resolution be adopted. Following inquires by Councilmember Smith, Fire Chief Darryl Kerley explained that this was a long-range

strategic plan that outlines goals that are obtainable in the future provided funding is available. The Fire Chief also discussed that many of the items in the plan that immediately affect the community have services already in place and that projects in the plan came from all sources in an effort to eliminate all hazards in the community. Fire Chief Kerley commented that Anderson County Emergency Management Association prepared the plan and that former Fire Chief Mack Bailey participated in the preparation. Councilmember Mosby inquired to any potential liability of the plan and the City Manager explained that the plan does not expose the City to any more liability as it is an All Hazard Mitigation Plan that outlines goals for potential situations.

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

**Resolution No. 10-93-11**

**A resolution authorizing the purchase of 4,000 feet of water pipe from Southern Pipe & Supply Co., Inc., Knoxville, Tennessee, for the replacement of the water main from the Robertsville Road Pump Station to West Outer Drive in the estimated amount of \$178,159.50.**

Councilmember Smith moved, seconded by Councilmember Hensley, that the resolution be adopted. Public Works Director, Gary Cinder answered Councilmember Mosby's question regarding the pipe diameter change by explaining that the older pipe is obsolete and that 16" diameter is now the industry standard. Mr. Cinder further explained that the location of the new pipe will exist over the exact easement of the original.

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

**RESOLUTIONS**

A public hearing and a resolution authorizing the City to apply for a Tennessee Department of Transportation Enhancement Grant in the amount of \$1,000,000.00, with a twenty percent (20%) local cash match to support either the revitalization of Jackson Square (Option A) or the implementation of the Oak Ridge Bicycle and Pedestrian Plan on Lafayette Drive and Scarboro Road (Option B), and to accept said grant if approved.

Mayor Beehan called on the City Manager for explanation of the process and grant. The City Manager explained that the TDOT grant funds were for transportation related projects and that Jackson Square parking lot improvements have been a project of interest by Council and is also an initiative of the community. The City Manager clarified that City Council's task was to conduct a public hearing on the two (2) listed projects or any other project brought forward and decide if enough information was available to adopt one (1) of the two (2) resolutions for the grant. Mr. Watson further explained that if Council decided that more information was needed, a special meeting of City Council would be held on October 25, 2011 to adhere to the November 1, 2011 deadline for the grant.

Following Mayor Beehan's inquiry regarding staff's recommendation, Mr. Watson started by discussing Jackson Square and the number of studies that have been conducted, particularly the last year such as the Environmental Protection Agency and MBA students from the University of Tennessee. The City Manager explained that if awarded the grant, the \$200,000 required match would be funded by a re-prioritization of capital that would not occur next fiscal year. He also noted that there have been preliminary discussions with TDOT and this plan has been revealed to be a strong project for the competitive grant.

The City Manager went on to discuss the Bicycle and Pedestrian Plan and how there was a missing link in the plan that was the Lafayette section. Mr. Watson indicated that there are options for funding to be pursued for implementation of this project and that there is potential for CMAQ (Congestion Mitigation and

Air Quality Improvement) funding as an eligible source. Mr. Watson briefly explained about the potential of the CSX Line being transferred to the City for the *Rails to Trails* project putting Lafayette and CSX in a category of a bigger project.

Mr. Watson added that the Bicycle and Pedestrian Plan was not quite as ready as the Jackson Square project, but he wanted to provide choices and allow Council to hear comments from the public. He further noted that Jackson Square had the potential for return on investments to the City by sales tax generated through new, potential businesses. Mr. Watson also added that Bicycle and Pedestrian Plan is fairly new and the grant has the momentum to assist with the missing link of the plan.

Mayor Beehan added that he had an understanding that grants become more competitive if they have an economic impact, and the City Manager confirmed that was his understanding as well.

Councilmember Hensley commented that comparing Jackson Square (with the area's support, studies, and public involvement) to the Bicycle Pedestrian Plan was not a consistent comparison and he was not sure why the Bicycle Pedestrian Plan was on the agenda. Councilmember Hensley explained that he intended to postpone the Bicycle Pedestrian Plan on first reading until staff had more time to develop a better plan and gather information about the CSX potential.

Councilmember Hope clarified with the City Manager that this enhancement grant could include Central Avenue and other areas and is an overlay of a larger area.

Councilmember Mosby commented that he wanted to ensure that a focused discussion on the allowable expenses for the grant takes place.

Mayor Beehan opened the meeting for the public hearing for the TDOT Grant:

The following citizens presented remarks in support of the revitalization of Jackson Square.

Mr. Mark Harvey, 101 Park Meade Drive  
Mr. Austin Lance, 138 Center Park Lane  
Mr. Tony Cappiello, 110 South Illinois Avenue  
Mr. Bill Tewes, 304 E. Forest Road  
Mr. David Bradshaw, 116 Pratt Lane  
Mr. Parker Hardy, President of the Oak Ridge Chamber of Commerce  
Mr. Bill Wilcox, 412 New York Avenue  
Mr. Joe Lee, 99 East Pasadena Road  
Mr. Waldek Kaczocha, 107 Wesley Lane  
Ms. Trina Baughn, 119 Newport Drive  
Ms. Katy Brown, 121 Newhaven Road  
Ms. Tory Fowler, business owner at 221 Jackson Square  
Ms. Becky Petersen, 171 Northwestern Avenue  
Ms. Kathy Edwards, 12 Asbury Lane  
Mr. Ray Smith, 127 Newell Lane  
Ms. Jane Hayden, Ridge Handicraft Jackson Square  
Mr. Mitchell Fowler, business owner at 221 Jackson Square  
Ms. Jane Bigestoff, 152 Newport Drive, member of Artist Co-op in Jackson Square

Other speakers were:

Mr. Andy Marathe, 121 Westlook Circle, expressed concerns over the \$200,000 match fund for taxpayers and that the Jackson Square merchants and developers should come up with the match first.

Mr. Charlie Devine, 258 Iroquois Road, thinks it is a preposterous idea to spend a million dollar transportation grant on a parking lot that works. Mr. Devine commented that he likes the current fountain adjacent to Jackson Square and does not believe that anything is wrong with the current parking lot.

Ms. Mary Ann Hardy, 2506 Oliver Springs Highway, Oliver Springs, representing Oak Ridge Playhouse as President addressed Mr. Bill Tewes' concerns about the development, particularly with regards to accessibility, by explaining that the drawings were tentative and the ramp is accessible and compliant and that similar issues have been addressed to the committee.

Ms. Becky Gabbard, 181 Whippoorwill, Garden Chairman of the Oak Ridge Garden Club communicated that her organization had landscaping plans for the area and would like to know what the plan is for the development and be included in the project for landscaping purposes.

Mayor Beehan requested a motion to close the public hearing that was made by Councilmember Hensley and seconded by Councilmember Miller with a unanimous voice vote of Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Councilmember Hensley made a motion to approve the Jackson Square Project, seconded by Councilmember Miller.

Councilmember Smith commented that the first priority for Jackson Square is to ensure that it is competitive. She further explained that she believes the public's perception is that this grant is a retail enhancement grant instead of a transportation enhancement grant. Ms. Smith expressed concern about the Jackson Square project following TDOT guidelines, saying that guidelines include eligible projects like the Bicycle and Pedestrian Plan. She went on to discuss elements of Jackson Square that would be bicycle and pedestrian-related, as well as provided examples for what TDOT considers to be transportation enhancements. Ms. Smith wanted to ensure that all elements submitted for Jackson Square are fundable under the program. She noted that she favored discussion of the proposals at a special meeting, and that she had concerns over the lack of publicity that the Bicycle Pedestrian Plan had received.

Mayor Beehan commented that he was pleased that someone championed for Jackson Square and was not surprised by the public's interest. The Mayor stressed the importance of the return on investment factor of the Jackson Square Project, which made it competitive and favorable to the State. The Mayor emphasized that he would like to proceed with the grant under the guidance of TDOT.

Councilmember Hensley commented that there is a great deal of public knowledge and unity about this project and he does not want it to be delayed by excessive evaluation. Mr. Hensley concluded by saying that he strongly supports the Jackson Square Project.

In response to Councilmember Garcia Garland's inquiries, City Manager Mark Watson explained that some staff time would be needed for the plan if awarded the grant. He further discussed that certain elements of the grant cannot be accounted for, but to his knowledge there would be no additional efforts required by the City. He noted that this plan had not been presented to the Planning Commission, as it was part of a larger plan.

Councilmember Garcia Garland commented that a public hearing and its details should be properly publicized and that the Bicycle Pedestrian Plan had not met this standard. She also opined that support for the Jackson Square Project was centralized to the Jackson Square area. Ms. Garcia Garland discussed that she was reluctant to commit the \$200,000 match at this time, and would like to have been shown information about which city projects would have been substituted to accommodate the grant match.

In response to Councilmember Mosby's inquiry concerning the time frame and sacrifices in the Capital Plan, Mr. Watson replied that allocation could begin on July 1, 2012, and that the City is currently planning capital funds. Mr. Watson further indicated that details would be forthcoming once the grant has been awarded.

Councilmember Hope inquired as to the total estimates for the grant and the feasibility of using the funds for other phases of redevelopment. The City Manager explained that the City's cost would not exceed \$200,000, and that he has seen funds used for other city projects elsewhere, but was unsure if there had been any changes in the use of leftover funds.

Councilmembers Hensley, Hope, Miller and Mayor Beehan called for the question.

The motion was approved by board vote with Councilmembers Hensley, Hope, Miller, and Mosby voting "Aye," Councilmember Garcia Garland voting "Nay," and Councilmember Smith abstained.

The resolution passed therefore approving:

**Resolution No. 10-94-11**

**A public hearing and resolution authorizing the City to apply for a Tennessee Department of Transportation Enhancement Grant in the amount of \$1,000,000.00, with a twenty percent (20%) local cash match, to support the revitalization of Jackson Square, and to accept said grant if approved.**

**Resolution No. 10-95-11**

**A resolution authorizing an expenditure of \$50,000.00 from the Economic Diversification Fund to provide sponsorship to the 2012 Secret City Festival.**

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

Councilmember Hope requested to have the Secret City Festival Committee provide updates to City Council regarding the development of the festival. Councilmember Garcia Garland suggested setting aside fund balances in advance for two years to book entertainment further along to help offset costs.

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

**Resolution No. 10-96-11**

**A resolution authorizing a professional services agreement with the Arts Council of Oak Ridge to provide entertainment, production support, activities and programs related to the upcoming 2012 Secret City Festival and authorizing the reimbursement of actual costs incurred in an amount not to exceed \$150,000.00.**

Councilmember Hensley moved, seconded by Councilmember Miller, that the resolution be adopted. On inquiry by Councilmember Garcia Garland, the City Manager explained that this contract was not bided because it resembles a cash-flow situation where the money is used for large contracts associated with the Secret City Festival such as the entertainment and the WWII Reenactment. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

**Resolution No. 10-97-11**

**A resolution to extend the employee medical insurance contract between the City of Oak Ridge and the State of Tennessee Local Government Health Insurance Program for the period of January 1, 2012 through December 31, 2012 at an estimated cost of \$3,875,000.00.**

Councilmember Smith moved, seconded by Councilmember Miller, that the resolution be adopted. The City Manager explained that the City had been anticipating a nominal increase and will incorporate that increase into the remaining year and next year's budget. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

**Resolution No. 10-98-11**

**A resolution in opposition of the Local Oversight Committee's (LOC) dissolution until such time as a new organization structure has been defined, a new inter-local agreement has been negotiated and approved by Council and the governing bodies of the other involved jurisdictions, and a new grant agreement with the State of Tennessee has been negotiated; and further prohibiting the Mayor or the Mayor's alternate from voting for dissolution of the LOC until such time as these conditions are met.**

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

Mayor Beehan provided an overview of the LOC by explaining that the Mayors of the affected Counties and the City were in the process of hiring an attorney to help transition the LOC from a 501(c)(3) to a interlocal agreement for various reasons, including concerns over the business of a 501(c)(3), changes in the Charter that were not reported to City Council, quorum concerns, a lack of audits and the concern of liability to its members, and the absence of Errors & Omissions Insurance. He also expressed concern regarding the resolutions' lateness. Mayor Beehan explained that the Mayor and an alternate serve on the LOC, a similar practice with many other boards. The Mayor spoke of his concern about the resolution setting a precedent of not allowing the Mayor or alternate to vote without City Council's consultation. When Mayor Beehan asked the City Attorney's opinion regarding the precedent, Mr. Krushenski commented that, during his employment, there have been no situations where a voting individual has returned to City Council to confirm a vote, and in his opinion, this practice could set a precedent. Additionally, he commented that the LOC is an independent group that can vote to dissolve if they please.

Councilmember Smith stated that she was committed to the LOC and was actively engaged with the organization. She expressed concerns over funding and liability, the Mayors' involvement, and the sudden attempt to dissolve the organization. Ms. Smith remarked that she wanted to bring the resolution to City Council for discussion, and clarified that the reason for the lateness of the resolution was that the Committee had yet to approve minutes from a previous meeting where the Mayors voted for a resolution to transition the LOC. Committee members requested to not have that meeting until the Mayors could meet and establish a new agreement. A special called meeting regarding its dissolution was then scheduled for Thursday and that is the reason for the resolution being submitted on Friday.

Councilmember Smith explained that if there was a vote for an orderly transition then, in her opinion, the corporation is not terminated before the new corporation structure is determined. She pointed out that the new corporation would need to communicate with the State to determine if the new organization is in line to the State's Tennessee Oversight Agreement as the contract is specific to LOC and cannot be transferred to another entity. Councilmember Smith clarified that she is asking that Oak Ridge's voting member not vote to terminate the organization in this fashion.

Councilmember Hensley expressed concern about the lack of contact by the LOC on the reorganization of the Department of Energy (DOE) which, at the time, was a big event, but that the LOC took a stand on the German waste situation even though it did not involve DOE.

Mayor Beehan commented that he believes that these issues needed to be brought up to the Committee.

Councilmember Smith responded to Councilmember Hensley by explaining that the LOC did not enjoy participation from elected officials, and according to the organization's bylaws, several committee

members should have been removed due to lack of participation. She indicated that some of the things in the newspaper regarding the German waste were in a different context. In regards to the DOE reorganization, Ms. Smith explained that the LOC was questioning whether it was still going to exist.

Councilmember Garcia Garland commented she has confidence in Councilmember Smith's interpretation as she does not have much experience with this organization. She commented that she was distressed over the Mayors' decision to dissolve the LOC, and did not believe that it was in the spirit of open government. Councilmember Garcia Garland added that City Council can instruct the Mayor over what can or cannot be signed, and she believes it is an appropriate resolution.

Mr. Norman Mulvenon, 118 Concord Road, explained that he was worked with the LOC for over 15 years and is the Chair of the Citizens Advisory Panel. Mr. Mulvenon commented that the organization's mission is to look at DOE and surrounding issues that result from DOE. He continued by commenting that the Site Specific Advisory Board (SSAB) does not have the Charter to do this. He added that the organization's headquarters does not allow them deviate from the mission. Mr. Mulvenon closed by saying that he supports Councilmember Smith's resolution.

Ms. Elizabeth Peelle, City of Oak Ridge activist and Oak Ridge National Laboratory employee, commented that she was concerned by the actions of the new Mayors. Ms. Peelle explained that much of the work that was done was to help explain to the state and county what was going on at Oak Ridge and to help set up safeguards so that people might be encouraged to move to Oak Ridge. She explained that the LOC has learned about safety from past events, such as the Blue Ribbon Committee and the MRS Commission in the 1980s. Ms. Peelle added that an environment was needed that allows those who move to Oak Ridge to know that citizens are aware of issues and have some independent oversight. She commented that the LOC is indispensable as there is no other organization charged to make an independent review of DOE's activities.

Mr. Ron Murphree, resident of Knoxville and Chairman of the SSAB, explained that there are some activities of the LOC that are duplicated by the SSAB, but that the Charter of the SSAB is narrowly constructed and kept on task by Washington, D.C. Mr. Murphree added that the LOC has a broader charter and can examine other activities for which SSAB is not empowered. He commented that any organization that enhances stakeholder input to the workings of DOE is a good thing, and if there is more than one organization then it should not be viewed in a negative manner.

Susan Gawarecki, Executive Director of the LOC, discussed her position on the LOC. She explained that she has worked hard to make it a reputable organization and provided comments from a perspective that best benefits local governments and communities. Ms. Gawarecki expressed that this time period has been difficult. She also briefly discussed the course of the LOC over the last few months, and commented that the 501(c)(3) issues could have been accommodated with Officers and Directors Insurance. Ms. Gawarecki could not understand the interest of several of the Mayors in dissolving the LOC until she learned that the funding of the grant could go to the various districts for emergency management training. Ms. Gawarecki wanted to correct one perception regarding an audit; she revealed that the organization was audited annually until the grant funding fell below the amount required for audits. She also expressed her disappointment about the Mayors not keeping staff informed of their intentions.

Councilmember Mosby expressed confusion over his interpretation of the resolution. Councilmember Smith provided an overview for Councilmember Mosby about the membership of the LOC by explaining that the Committee has eleven members and the City has two members: one from the City (Council) and the second from the Environmental Quality Advisory Board (EQAB). Councilmember Mosby acknowledged his understanding that the resolution only prevents the City vote, but that the other members could vote to dissolve the Committee.

Councilmember Hensley inquired about the organization's funding and its ability to stay in place, assuming that the State would fund the program. Mayor Beehan explained that an interlocal agreement would constitute the continuation of the service to local governments. Councilmember Smith reviewed the resolution and added that the group could still dissolve even if resolution is approved, and clarified that it would not constrain how Council representatives would vote in other situations. Councilmember Smith responded to Councilmember Hensley's inquiry about funding for the existing organization by explaining that the Committee is currently funded, and that there is funding until such time as the new organization is in place. She concluded with an explanation that unspent, budgeted money would go back to the State.

City Manager Watson explained the agreement between DOE and the State of Tennessee has been executed. As part of that execution, part of that allocation will return locally whether it is the LOC or a future organization.

Mayor Beehan referenced the City Attorney's opinion about setting a precedent that votes would have to come back to City Council before casting vote. Councilmember Smith said that her perception is that entering into an agreement with other communities is something that Council must approve and so is dissolving an agreement.

The City Attorney cautioned that this could set a precedent, but if Council wishes to have items brought back to Council as a whole then Council could vote to do that. Councilmember Garcia Garland commented that she disagrees with the precedent discussion as she believes that City Council has the right to direct the position on behalf of the City in which the Councilmembers are representing the City.

Councilmembers Miller, Hope, Hensley, and Mayor Beehan called the question.

The motion was approved by board vote with Councilmembers Garcia Garland, Hensley, Mosby, and Smith voting "Aye" and Councilmembers Hope, Miller, and Mayor Beehan voting "Nay."

## **PUBLIC HEARING AND FIRST READING OF ORDINANCES**

### **First Reading of Ordinance**

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 4, TITLED "COURT ADMINISTRATION," SECTION 3-406, TITLED "COST ESTABLISHED," SUBSECTION (A), TITLED "CITY COURT CLERK FEE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY INCREASING THE CITY COURT CLERK FEE TO EIGHTY-ONE DOLLARS AND TWENTY-FIVE CENTS (\$81.25).

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

### **Public Hearings and First Reading of Ordinances**

A public hearing was held on the following:

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 1.04, 1.17, AND 1.18, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS BUILDING K-1225, ED-9A, AND ED-9B, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).

There were no citizen comments.

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

A public hearing was held on the following:

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY DELETING SECTION 9.07, TITLED "FLOODPLAIN REGULATIONS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 9.07, TITLED, "FLOODPLAIN REGULATIONS," TO UPDATE THE PROVISIONS FOR COMPLIANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) CURRENT REQUIREMENTS, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN THE CITY'S ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

There were no citizen comments.

Councilmember Hope moved that the ordinance be approved on first reading. The motion was seconded by Councilmember Smith and after brief explanation from the City Manager the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

A public hearing was held on the following:

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 AN APPROXIMATE FIFTY-FOOT-WIDE STRIP CROSSING PARCELS 8.00, 9.00, 10.00, AND 12.00, ANDERSON COUNTY TAX MAP 100G, GROUP A, LOCATED ALONG THE SOUTH SIDE OF EMORY VALLEY ROAD FROM FRANKLIN ROAD HEADING EAST TO THE WEST BOUNDARY OF 707 EMORY VALLEY ROAD, THENCE HEADING SOUTH ALONG THE BOUNDARY LINE ENDING AT THE RIGHT-OF-WAY OF FAIRBANKS ROAD, FROM RG-1, RESIDENTIAL, OPEN SPACE AND RESERVED TO IND-1, INDUSTRIAL.

There were no citizen comments.

Councilmember Hope moved that the ordinance be approved on first reading. The motion was seconded by Councilmember Smith and after brief explanation from Community Development Kathryn Baldwin the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

A public hearing was held on the following:

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 3.18, TITLED "TEMPORARY USE PERMITS," SUBSECTION (D)(3) TO CLARIFY THAT SALES ARE PERMITTED IN PAVED PARKING AREAS PROVIDED IT DOES NOT INTERFERE WITH VEHICULAR CIRCULATION ON THE SITE; SECTION 13.01, TITLED "INTRODUCTION," SUBSECTION (A) TO ADD THAT SITE PLAN APPROVAL EXPIRES ONE YEAR FROM THE FINAL APPROVAL DATE; SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTIONS (D)(1), (E)(2), AND (H)(2) TO EXPAND THE APPLICABLE ZONES; SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (E)(3) TO PLACE

A REQUIREMENT ON TREE PLANTING IN ISLANDS AND TO PLACE A PAVEMENT DISTANCE FROM REAR AND SIDE LOT LINES; SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTIONS (F)(2) TO REQUIRE SHRUB ROWS TO BE PLANTED TO SCREEN A PARKING LOT THAT CAN BE VIEWED FROM A PRIVATE STREET AND NOT JUST A PUBLIC STREET; SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (F)(4)(A)(4) TO EXPAND THE APPLICABLE ZONES AND TO REQUIRE THE MAINTENANCE BOND TO BE POSTED FOR TWO YEARS INSTEAD OF ONE IF A PERMANENT IRRIGATION SYSTEM HAS NOT BEEN INSTALLED; SECTION 14.05, TITLED "GENERAL REQUIREMENTS," PART (4) TO INCLUDE SCHOOLS AND CHURCHES AS A BUSINESS THAT CAN BE ISSUED A TEMPORARY PERMIT AND TO LIMIT THE NUMBER OF PERMITS TO ONE DURING ANY THREE MONTH PERIOD INSTEAD OF ONE DURING ANY FOUR MONTH PERIOD; SECTION 14.06, TITLED "SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS)," PART (8) TO INCLUDE AUCTION SIGNS; AND SECTION 16.12, TITLED "USES REQUIRING PLANNING COMMISSION APPROVAL," SUBSECTION (A) TO CORRECT THE REFERENCE TO THE OAK RIDGE MUNICIPAL PLANNING COMMISSION.

There were no citizen comments.

Councilmember Hope moved, seconded by Councilmember Miller that the ordinance be approved on first reading. Community Development Kathryn Baldwin explained that the zoning amendments are typically saved till end of year and these amendments were housekeeping in nature. The ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

#### **FINAL ADOPTION OF ORDINANCES**

(NONE)

#### **ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

##### Elections / Appointments

##### **Notice of Elections for the end of year boards and commissions.**

The City Manager referred to the Notice of Elections and commented that the opened positions that will begin at the first of the year.

##### Announcements

(NONE)

##### Scheduling

(NONE)

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

Mayor Beehan reported about the PlanET Kickoff on October 11, 2011 at Market Square in Knoxville, Tennessee and the public hearing on October 13, 2011 at the New Hope Center. The Mayor also discussed the Canberra business investment announcement in Oak Ridge that took place on October 11, 2011.

Councilmember Garcia Garland requested to include on the agenda for the next work session, a preliminary discussion on forming a citizen's police review board and to discuss the public relations campaign for the end of year election of board members.

Councilmember Mosby revealed the route for the Community Bike Week on November 5, 2011 and provided an update on the logistical planning for the event.

Councilmember Hope commented on having information provided during a work session to Council about a possible plan for the Secret City Festival becoming self-sustaining.

Councilmember Hensley commented about combining studies already performed and incorporating them into a visioning plan.

Councilmember Smith commented about addressing the debt policy at an upcoming work session. Watson replied that it is scheduled for October 24, 2011 Work Session

### **SUMMARY OF CURRENT EVENTS**

#### **City Manager's Report**

The City Manager reported that the City had received communication from EPA regarding west end water/wastewater infrastructure project funding being reduced by approximately \$145,000.00. Mr. Watson explained that he and Gary Cinder, Public Works Director, are exploring other options for funding.

Mr. Watson also reported on his upcoming ICMA travel to Mexico City with Mayor Beehan. The City Manager explained that the organization was intrigued with the Mayor's background in Council-Manager form of government and that they are representing cities of moderate sizes.

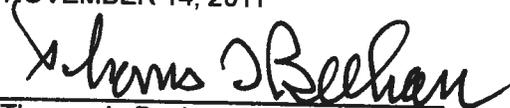
#### **City Attorney's Report** (NONE)

### **ADJOURNMENT**

The meeting adjourned at 10:50 p.m.

  
\_\_\_\_\_  
Diana R. Stanley, Acting City Clerk

APPROVED BY CITY COUNCIL  
NOVEMBER 14, 2011

  
\_\_\_\_\_  
Thomas L. Beehan, Mayor