

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

October 13, 2014

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on October 13, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by the Reverend David Allred, High Places Community Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Mr. David Kitzmiller.

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; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; Diana R. Stanley, City Clerk.

APPEARANCE OF CITIZENS

(NONE)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating Sunday, October 19, 2014 as "Oak Ridge Unitarian Universalist Church Day."

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."

Mr. Fred Hall, President of Board of Trustees for the Oak Ridge Unitarian Universalist Church accepted the proclamation.

SPECIAL REPORTS

City Manager Evaluation Committee Chair D. Jane Miller

Adoption of **Resolution No. 10-97-2014** to amend the City Manager's Employment Agreement (approved by Resolution 7-73-10 and amended by Resolutions 7-72-11, 7-61-2012 and 11-103-2013) to provide for an equivalent two percent (2%) salary increase retroactive to August 3, 2014, and to provide for a one-year contract extension to August 8, 2017.

Chairwoman D. Jane Miller provided a brief report from the City Manager Evaluation Committee noting that the Committee had recommended a 2% salary increase similar to the raise received by all city employees for FY 2015.

Councilmember Hensley moved, seconded by Councilmember Garcia Garland to approve the resolution as presented. The resolution was approved by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye;" and Councilmember Baughn voting "Nay."

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley to also provide a one-year contract extension to the City Manager's Employment Agreement to August 8, 2017 as a supportive measure of Council to the City Manager to expand the contract date.

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

CONSENT AGENDA

Councilmember Hensley requested to remove the following resolution "a resolution amending Resolution 7-75-77, as amended, to eliminate all designated groups and organizations for representation on the board, with the total number of board members remaining the same," and Councilmember Mosby requested to remove the September 8, 2014 City Council meeting minutes from the Consent Agenda.

Following the removal of the aforementioned items, Councilmember Hope moved, seconded by Mayor Pro Tem Miller to approve the remainder of the Consent Agenda, thereby:

- Approving the September 22, 2014 City Council Work Session minutes.
- Approving the September 26, 2014 City Council Special Meeting minutes.
- Adopting **Resolution No. 10-98-2014** awarding a bid in the estimated amount of \$74,494.00 to Irby Electrical Distributor, Knoxville, Tennessee, for the furnishing of four variable frequency drives for the motors at Turtle Park Sewer Pump Station.
- Adopting **Resolution No. 10-99-2014** approving revised bylaws for the Environmental Quality Advisory Board (EQAB).

Items Removed from the Consent Agenda

Councilmember Mosby moved to amend the September 8, 2014 City Council Meeting minutes to receive the "2013-2014 State of the Youth Address" for the record as official city business, seconded by Councilmember Hope. The September 8, 2014 City Council Meeting minutes were amended by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 10-100-2014

A resolution amending Resolution 7-75-77, as amended, to eliminate all designated groups and organizations for representation on the Senior Advisory Board, with the total number of board members remaining the same.

Councilmember Hensley moved to amend the title of the presented resolution to include the "Senior Advisory Board" so as to make it clear which board was being addressed in the resolution. The motion was seconded by Councilmember Hope and approved by unanimous voice vote Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

During discussions of this resolution, Councilmember Mosby had two (2) grammatical issues he wished to have corrected. First, Councilmember Mosby moved to amend Item II of the Senior Advisory Board's Bylaws (Proposed Amendments) by deleting the verbiage "is establishments." The motion was seconded by Councilmember Garcia Garland and approved by unanimous voice vote Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye." Lastly, Councilmember Mosby moved to amend Item III of the Senior Advisory Board's Bylaws (Proposed Amendments), Section A, to change "require" to "required." The motion was seconded by Councilmember Hope and approved by unanimous voice vote Councilmembers Baughn, Garcia Garland,

Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

The resolution, as amended, 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 10-101-2014

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, 2015 THROUGH DECEMBER 31, 2015 AT AN ESTIMATED COST OF \$4,520,000.00.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller that the resolution be adopted. The motion was approved unanimously by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Resolution No. 10-102-2014

A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC.; EXPRESS EMPLOYMENT PROFESSIONALS; FIRST PLACE FINISH; ROBERT HALF INTERNATIONAL (ACCOUNTemps AND OFFICE TEAM); STAFFING SOLUTIONS; TEMP SYSTEMS, INC.; AND QUALIFIED TECHNICAL FIRMS SUCH AS RECRUITWISE FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR FISCAL YEAR 2015 IN THE ESTIMATED AMOUNT OF \$175,000.00.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted. The motion was approved unanimously by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Resolution No. 10-103-2014

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT (FY2015-005) WITH MORGAN CONTRACTING, INC., BAKER, FLORIDA, APPROVED BY RESOLUTION 09-93-2014 FOR CONSTRUCTION OF THREE (3) NEW EQUALIZATION BASINS AND ASSOCIATED MECHANICAL, ELECTRICAL, AND INSTRUMENTATION APPURTENANCES BY REDUCING THE CONTRACT AMOUNT BY \$444,820.00 FOR A NEW ESTIMATED AMOUNT OF \$6,027,180.00.

Councilmember Hope moved, seconded by Councilmember Hensley that the resolution be adopted. Public Works Director Gary Cinder responded to inquiries and comments of the City Council. The motion was approved unanimously by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Resolution No. 10-104-2014

A RESOLUTION AUTHORIZING THE TRANSFER OF OWNERSHIP OF A PORTION OF THE REMAINING POTABLE WATER DISTRIBUTION SYSTEM AT HERITAGE CENTER AND DESIGNATED WATER LINE ALONG WEST BEAR CREEK ROAD FROM THE U. S. DEPARTMENT OF ENERGY (DOE) FOR PERPETUAL MAINTENANCE BY THE CITY.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted. Public Works Director Gary Cinder responded to inquiries and comments of the City Council. The motion was approved unanimously by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Resolution No. 10-105-2014

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR DESIGN AND CONSTRUCTION OF A ROUND-A-BOUT AT THE INTERSECTION OF PROVIDENCE ROAD, PENNSYLVANIA

AVENUE, EAST PASADENA LANE, AND NORTH TULANE AVENUE IN THE ESTIMATED AMOUNT OF \$748,113.00, AND TO ACCEPT SAID GRANT IF APPROVED BY TDOT.

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

Public Works Director Gary Cinder responded to inquiries of City Council, as well as provided detail on the traffic issues experienced at this location and the noted the advantageous of pursuing a round-a-bout design.

The following residents spoke in support of the presented resolution:

Ms. Ellen Smith, 116 Morningside Drive
Mr. Joe Lee, 99 East Pasadena Road

Mr. Lee Solsmon, Anderson County Tea Party, presented inquiries about the application process and deadlines.

The motion to approve the resolution, as presented, was approved unanimously by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 10-106-2014

A RESOLUTION 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 REMAINDER OF FY2015 IN AN AMOUNT NOT TO EXCEED \$225,000.00.

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

Mr. Mark DeRose, Convention and Visitors Bureau Director, introduced himself to City Council and responded to questions and comments of City Council.

The motion to approve the resolution, as presented, was approved unanimously by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

PLACEHOLDER: Consideration of a resolution authorizing a contract between the City of Oak Ridge and the low bid contractor for construction relating to revitalization of the Jackson Square parking lot area.

The City Manager noted that the City is working through the bids that were received for this item with the Tennessee Department of Transportation and the item could be brought forward at an upcoming meeting.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 13, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 13, TITLED "MECHANICAL CODE"; BY DEDICATING CHAPTER 14, PREVIOUSLY RESERVED, TO BE A NEW CHAPTER 14, TITLED "LICENSES FOR MECHANICAL CONTRACTORS;" AND BY DEDICATING CHAPTER 15, PREVIOUSLY RESERVED, TO BE A NEW CHAPTER 15, TITLED "MECHANICAL WORK PERMIT," ALL FOR THE PURPOSES OF ESTABLISHING NEW PROVISIONS TO THE MECHANICAL CODE TO ESTABLISH A LICENSING/PERMITTING AND INSPECTION PROGRAM FOR COMPLIANCE WITH STATE LAW; AND TO AMEND TITLE 3, TITLED "MUNICIPAL COURT,"

CHAPTER 6, TITLED “ADMINISTRATIVE HEARING OFFICER,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO AMEND SECTION 3-601(1)(E), TITLED “ADMINISTRATIVE HEARING OFFICER,” TO ADD THE NEW CHAPTERS OF THE MECHANICAL CODE TO THE LIST OF VIOLATIONS THE ADMINISTRATIVE HEARING OFFICER IS AUTHORIZED TO HEAR.

Councilmember Hensley moved, seconded by Councilmember Hope to approve the ordinance on first reading.

Following an overview by Community Development Director Kathryn Baldwin, the ordinance was unanimously approved on first reading with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

AN ORDINANCE TO AMEND TITLE 13, TITLED “PROPERTY MAINTENANCE REGULATIONS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED “OAK RIDGE PROPERTY MAINTENANCE CODE,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED “OAK RIDGE PROPERTY MAINTENANCE CODE,” TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX A, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope to approve the ordinance on first reading.

Ms. Ellen Smith, 116 Morningside Drive, requested clarification from Council on a communication submitted by the Environmental Quality Advisory Board (EQAB) regarding the height exemption on natural landscaping provision to address those who have native gardens. Ms. Kathryn Baldwin, Community Development Director, explained that this provision was best left to the individual judgment of city staff inspectors as part of staff process.

During consideration of this item, Ms. Baldwin provided an overview of the 2012 Edition of the International Property Maintenance Code, as well as responded to questions and comments of the City Council.

The ordinance was approved on first reading with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye;” and Councilmember Baughn voting “Nay.”

FINAL ADOPTION OF ORDINANCES

Ordinance No. 13-2014

AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY ADDING A NEW SECTION 13.1, TITLED “FACILITIES CHARGE,” PERTAINING TO THE U.S. DEPARTMENT OF ENERGY’S (DOE) WASTEWATER UTILITY BILLINGS FOR COSTS RELATED TO THE EQUALIZATION BASIN THAT WILL SERVICE THE WASTEWATER FLOW FROM DOE FACILITIES.

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

The City Clerk noted that the City Council was being asked to consider a substitute ordinance, as presented by City Staff in the October 13, 2014 agenda, as a reflection of the new prices of the equalization basin that was finalized following first consideration of the ordinance in June 2014.

The substitute ordinance was approved, as presented, by unanimous board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Ordinance No. 14-2014

AN ORDINANCE TO AMEND TITLE 2, TITLED “BOARDS AND COMMISSIONS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED “ENVIRONMENTAL QUALITY ADVISORY BOARD,” AND SUBSTITUTING THEREFORE A NEW CHAPTER 2 OF THE SAME TITLE TO ADDRESS UPDATES REQUESTED BY EQAB.

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

The ordinance was approved, as presented, by unanimous board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

2014 Election Notice for the end-of-year elections.

The City Clerk noted that the 2014 Election Notice was for informational purposes of the City Council and the public for the end-of-year Boards and Commissions Election.

Appointments of the Budget and Finance Committee.

Mayor Pro Tem Miller moved, seconded by Councilmember Garcia Garland to appointment Councilmember Hope (Chair), Councilmember Baughn, and Councilmember Hensley to the Budget and Finance Committee for FY2015. 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.”

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

(NONE)

SUMMARY OF CURRENT EVENTS

CITY MANAGER’S REPORT

The City Manager provided a verbal report to the City Council of the following calendar dates for upcoming meetings:

October 20, 2014 City Council Special Meeting, 7:00 p.m.
October 27, 2014 Public Input Session for the Clark Center Park
October 21, 2014 Board of Education and Budget and Finance Committee
Thursday, October 23, 2014 City Council Work Session as established by Resolution No. 06-53-2014

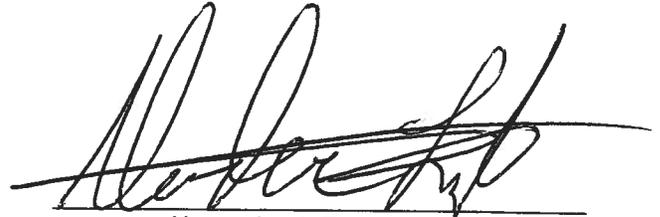
Additionally, Mr. Watson explained that he wished to move the scheduled, November 10, 2014 regular City Council meeting to November 24, 2014 as a result of the November 4, 2014 Municipal Elections so as to allow time for the City to receive certified election results and proceed to swear-in the newly elected members. It was also explained that moving the regular meeting would also allow the City to move forward with mayoral elections at the November 24, 2014 City Council meeting in accordance with Charter provisions.

CITY ATTORNEY'S REPORT

The City Attorney noted that he would be sending City Council information on delinquent property tax notices once finalized.

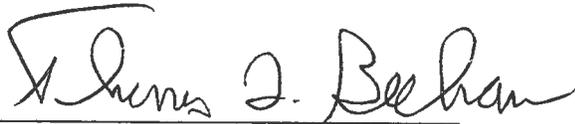
ADJOURNMENT

The meeting adjourned at 9:15 p.m.

A handwritten signature in black ink, appearing to read 'A. Ford', written over a horizontal line.

Alexander J. Ford, Acting City Clerk
CITY OF OAK RIDGE, TENNESSEE

APPROVED BY CITY COUNCIL
November 24, 2014

A handwritten signature in black ink, appearing to read 'Thomas L. Beehan', written over a horizontal line.

Thomas L. Beehan, Mayor