

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

March 3, 2014

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on March 3, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

**INVOCATION**

Jake Morrill of the Universalist Unitarian Church delivered the Invocation.

**PLEDGE OF ALLEGIANCE**

Ms. Melinda Hillman led the Pledge of Allegiance to the Flag of the United States of America.

**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.

**Agenda Amendment**

The Mayor noted that City Council had received a communication from the City Clerk regarding adding an additional item to the March 3, 2014 City Council Agenda for consideration, at the request of the Board of Education, for the following:

AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.

Additionally, since the Board of Education and school staff were present at the City Council meeting, the Mayor requested that the item be considered immediately following consideration of the joint resolution on the agenda in the interest of their time. Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to amend the agenda as referenced above. The motion was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

**APPEARANCE OF CITIZENS**

During the Appearance of Citizens, several residents spoke to their enthusiasm of the football program of the Oak Ridge Schools, the importance of football to the community, and the achievements of the High School Wildcats. Additionally, these residents requested that City Council work, in conjunction with the Board of Education, to pursue means to begin replacement/upgrade of adequate visitor bleachers. The list below provides the names and addresses of those who spoke to this topic:

Mr. Joe Gaddis, 107 Bradley Avenue

Mr. Mike Mullins, 118 Claremont Road

Mr. Tim Waddell, 110 Newport Drive

Mr. Jim Powers, 103 Center Park Lane

Mr. Rick Chinn, 101 Stonebridge Way

Mr. Chris Corrigan (no address provided)

Mr. Chuck Agle, 101 West Melbourne

Mr. Keith Hyatt, 62 Outer Drive

Ms. Kay Williamson, 420 Jefferson Avenue, recommended that City Council review "Project Phoenix" for consideration of funding football upgrades.

At the request of Councilmember Hensley, and as part of the general consensus of the City Council, Mr. Alan Thacker, Operations and Maintenance Services Supervisor, presented an overview of the conditions of the demolished bleachers and the school's process moving forward with design and replacement.

Mr. Keys Fillauer, 17 Palisades Parkway, Chairman of the Board of Education, responded to inquiries of Councilmember Baughn regarding the Board of Education's intent to fund visitor bleacher replacement explaining that the Board had requested that Mr. Thacker move forward with the replacement process, and that the Board hopes to be able to make a decision regarding funding possibilities when Mr. Thacker returns with bid information at the Board's March meeting.

#### **PROCLAMATIONS AND PUBLIC RECOGNITIONS**

*A proclamation designating Tuesday, April 8, 2014 as Equal Pay Day in the City of Oak Ridge, Tennessee.*

Councilmember Hope moved, seconded by Mayor Pro Tem Miller to adopt the proclamation. 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 accepted by Ms. Virginia Jones who noted that she was accepting the proclamation on behalf of the American Association of University Women (AAUW).

#### **SPECIAL REPORTS**

City Manager Mark Watson requested to make a special announcement from Oak Ridge Fire Chief Darryl Kerley regarding the City's ISO ratings. The Fire Chief announced that the City would be receiving an ISO (Insurance Service Office) Class 2 rating for fire protection making the City the top 1% of the nation who receive such rating. The Fire Chief attributed this success to efforts of the firefighters and the support of the Oak Ridge City Council, dispatchers, and the Public Works Department.

#### **CONSENT AGENDA**

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley to approve the Consent Agenda as presented. 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," thereby:

Approving the February 10, 2014 City Council meeting minutes.

Adopting **Resolution No. 03-14-2014** granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving the residency requirement for nonresident applicants.

Adopting **Resolution No. 03-15-2014** to apply for and accept set-aside Emergency Solutions Grant (ESG) program funds from the Tennessee Housing Development Agency, through the U.S. Department

of Housing and Urban Development Emergency Solutions Grant Program, in the estimated amount of \$52,492.00, to fund ESG activities.

## **RESOLUTIONS**

### **Resolution No. 03-16-2014**

#### **A JOINT RESOLUTION BETWEEN THE OAK RIDGE CITY COUNCIL AND THE OAK RIDGE BOARD OF EDUCATION RELATIVE TO RETIREMENT OF THE DEBT FOR THE OAK RIDGE HIGH SCHOOL DEBT AND FUTURE INITIATIVES INVOLVING OAK RIDGE AND ANDERSON COUNTY LOCAL OPTION SALES TAXES.**

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

City Manager Mark Watson provided a history leading up to the consideration of the joint resolution. Mr. Watson explained that in order to pay for the approximate \$58 million renovation of the Oak Ridge High School, a referendum was approved for an additional ½% sales tax. Upon Anderson County superseding the sales tax, a new formula was initiated for ¼% to the bond and the ¼% for school systems in Anderson County. Mr. Watson commented that a disagreement developed between the Board of Education and City Council about the dedication of the sales tax generated outside of the city limits.

The City Manager further explained that he and Superintendent of Schools Dr. Bruce Borchers have been working to developed a solution for the above described situation which was being presented to City Council for their consideration where the Board of Education would have discretion on the use of sales tax generated outside of the city limits for one of the following four (4) components: Technology Enhancements, Capital Repairs/Equipment, Educational Innovation Projects/Grant match, and Debt Reduction. Additionally, Mr. Watson explained that sales tax generated inside city limits would be used for debt servicing.

Councilmember Baughn inquired about a document that was submitted to the City Council and the City Clerk, via e-mail the morning of March 3, 2014, for inclusion in the minutes. Discussions were held amongst the City Council and the City Clerk regarding procedure to have the document defined and included in the minutes to which the City Clerk recommended the following: (1) if the document was a report then it would need to be reformatted to remove all the hyperlinks included for its completion, given that it would be a permanent record, and a motion would be necessary to accept the report; (2) if the document was to be submitted as a communication, it should be addressed to City Council signed by herself, and that the communication could be considered by City Council with a motion to amend the minutes at the following meeting so as to accept the communication with the hyperlinks being removed as well. Councilmember Baughn indicated that she would have it considered as a communication. The City Clerk recommended Councilmember Baughn redraft/reformat the document as a communication and it be included as part of the agenda for the April City Council meeting as an amendment for the March 3, 2014 minutes to be considered by the City Council for its inclusion.

Councilmember Mosby moved to amend the joint resolution to include the plan/model, developed by the Finance Director, as part of the resolution that shows the retirement of this debt with no impact to the property tax rate as a means of permanency for the City's records as of March 3, 2014.

Both the City Manager and the Finance Director commented that the model is more of a planning tool to best evaluate the pressure points of the debt, particularly based on projections of sales tax. The Finance Director stressed that the model, referred to by Councilmember Mosby, was not a definitive plan on the exact payment of the debt and that the City would be contributing sales tax for the debt payments until such that it is was extinguished.

The motion introduced by Councilmember Mosby was seconded by Councilmember Garcia Garland. Following discussions of City Council, 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."

The resolution, as amended, 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."

Consideration of an Ordinance on First Reading

**AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.**

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

The City Manager explained that the budget amendment was a request from the Board of Education for the Oak Ridge School to implement the Discovery Education Program in the fall for a \$1,750,864.00 increase to the School's General Purpose School Fund with \$1,000,000.00 going toward technology capital improvements.

The City Attorney clarified, at the request of Councilmember Mosby, that the opinion received from the Oak Ridge School Attorney Chris Cagle explained that the contract for the Discovery Education Program does not have an impact on the Maintenance of Effort formula as funds are already appropriated and the School is not seeking additional funds. Additionally, the City Attorney explained that the communication indicated that the contract is cancellable if no sufficient funds exist.

School Superintendent Dr. Bruce Borchers explained that the purpose for the one-time costs was for implementing the program noting that much of the cost are associated with staff development, and the on-going costs was for curriculum and text book packages available through their Text Book Fund. Dr. Borchers clarified that approximately \$1,000,000.00 of the \$1,750,864.00 was for the capital improvements for technology, and the remainder was for teacher learning.

In response to inquiries regarding the school's fund balance, Chairman of the Board of Education Keys Fillauer explained that the Schools are required to keep a certain amount of funding reserves.

The ordinance was approved on first reading by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

Redflex Traffic Solutions, Inc. Agreement

- Option 1) A RESOLUTION EXTENDING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS FOR AN ADDITIONAL TWO-YEAR TERM ENDING APRIL 21, 2016.
- Option 2) A RESOLUTION TERMINATING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS ON APRIL 21, 2014.

The Mayor suggested that staff present information related to the item for consideration, discussions take place, and then a request for a motion be made for approval of either Option 1 or Option 2.

Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan presented their opinions for support for or against the cameras. During these comments, the Council discussed alternative usage with the utilization of mobile units, change in locations, reduction in quantity,

renegotiation of payment received by the City, traffic management studies and data, and the use of police officers as an alternative to issuing tickets.

(Councilmember Hope was absent during discussion of this item and for the remainder of the meeting.)

Mr. T.J. Garland, 120 Outer Drive, expressed his opposition to the traffic cameras.

Mr. Aditya Savara, 109 Trenton Drive, encouraged City Council to contact the Traffic Safety Advisory Board given that the Board has held some discussions regarding changes in traffic behavior as a result of the cameras, and noted that the City has been relying on the monies generated by said cameras for several projects.

Ms. Kay Williamson, 420 Jefferson Avenue, discussed the potential of changing traffic patterns and measures as a matter of safety for the community.

Mr. Dale Gedcke, 1033 West Outer Drive, commented about taking time to analyze the situation to determine the City's needs in regards to traffic cameras and vendors.

Ms. Sharon Crane, 107 Wakefield Road, expressed her opposition to the cameras as a revenue source and their locations in the community.

Mr. Joe Lee, 99 East Pasadena Road, expressed his support for the cameras and their impact on traffic safety. Mr. Lee encouraged City Council to renew the cameras.

Mr. David Mast, West Paducah, Kentucky, representative of the American Traffic Solutions, spoke regarding the services offered by his organization.

Following clarifications from the City Clerk regarding procedures to consider one (1) of the two (2) options for the Redflex agreement with an amendment, Mayor Pro Tem Miller moved to consider Option 1 titled "a resolution extending the agreement (COR 08-01) between the City and Redflex Traffic Solutions, Inc., for automated red light and speed cameras for an additional two-year term ending April 21, 2016" (Option 1). The motion was seconded by Councilmember Hensley.

Mayor Pro Tem Miller moved to amend the resolution (Option 1) by including some revisions, such as location changes, fee renegotiations, consideration of mobile units, and consideration of a Request for Proposal (RFP). The City Attorney clarified that a motion to consider an RFP would cancel the contract thus making the request null. Mayor Pro Tem Miller agreed to remove the consideration for the RFP, but keep the remaining three (3) revisions as part of the amendment. The motion was seconded by Councilmember Hensley.

The City Attorney noted that, according to new changes in State law, a traffic study would have to be performed, at the expense of the City, before consideration of new locations of cameras since that would institute a change in the existing contract.

Following discussions on the proposed amendment, the amendment passed by board vote with Councilmembers Garcia Garland, Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," Councilmember Mosby voting "Nay," and Councilmember Baughn abstaining.

Councilmember Hensley moved to postpone consideration of the item, seconded by Mayor Pro Tem Miller. Additionally, during discussions regarding postponement, it was noted that since the following resolution for a traffic signal at the intersection of the Oak Ridge Turnpike and the Oak Ridge High School was contingent on consideration of the traffic cameras then it would need to be considered at a later time.

The motion to postpone consideration of Option 1, as amended, was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor

Beehan voting "Aye."

A RESOLUTION TO AUTHORIZE THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF THE OAK RIDGE TURNPIKE AND THE OAK RIDGE HIGH SCHOOL SUBJECT TO APPROVAL OF THE TRAFFIC SIGNAL DESIGN BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT), AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND TDOT TO ASSIGN PERPETUAL MAINTENANCE RESPONSIBILITY OF SAID TRAFFIC SIGNAL TO THE CITY.

Councilmember Baughn moved to remove the item from the agenda until the next City Council meeting. The motion was seconded by Councilmember Hensley and approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**Resolution No. 03-17-2014**

**A RESOLUTION AWARDED A BID IN THE ESTIMATED AMOUNT OF \$154,620.00 TO GUTHRIE SALES & SERVICES, INC., BRENTWOOD, TENNESSEE, FOR THE FURNISHING OF TWO REPLACEMENT MOTORS FOR THE EAST PLANT PUMP STATION.**

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

**Resolution No. 03-18-2014**

**A RESOLUTION AWARDED A CONTRACT (FY2014-103) TO DAVIS H. ELLIOT COMPANY, INC., LEXINGTON, KENTUCKY, TO PROVIDE AS NEEDED LABOR AND EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE OF UNDERGROUND AND OVERHEAD ELECTRIC POWER LINES IN THE ESTIMATED AMOUNT OF \$3,357,782.00.**

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

Electric Department Director Jack Suggs explained that sufficient funds existed for this item as it is an individual line item as submitted through Capital Improvement Program (CIP) and approved as part of the budget process. The resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**Resolution No. 03-19-2014**

**A RESOLUTION APPROVING AN ADMINISTRATIVE HEARING OFFICER AGREEMENT.**

Councilmember Hensley moved, seconded by Councilmember Garcia Garland that the resolution be approved. The City Manager explained that the funding for this position was coming from funds available from a vacant position at the library that has now been eliminated as it is no longer warranted as service levels are being maintained.

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

**PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

First Reading of an Ordinance

**AN ORDINANCE TO AMEND TITLE 5, TITLED "MUNICIPAL FINANCE AND TAXATION," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 5-102, TITLED "WHEN DUE, DELINQUENT," AND**

**SUBSTITUTING THEREFOR A NEW SECTION 5-102, WITH THE SAME TITLE, TO CHANGE THE DUE DATE AND DELINQUENT DATE FOR TAXES.**

(Public Hearing scheduled for March 24, 2014 special meeting of City Council.)

Councilmember Hensley moved, seconded by Councilmember Garcia Garland that the ordinance be approved on first reading.

The City Manager provided the benefits of moving the due and delinquent date for taxes, and noted that the City had enough fund balance to maintain services for that additional month.

Following additional discussions with staff and Council regarding the date change for tax collection, the ordinance was approved on first reading by board vote with Councilmembers Garcia Garland, Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn and Mosby voting "Nay."

**FINAL ADOPTION OF ORDINANCES**

**Ordinance No. 01-2014**

**AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," TO CREATE AN ADMINISTRATIVE HEARING OFFICER POSITION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §6-54-1001 ET SEQ.**

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

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

**ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Elections/Appointments

Announcements

Scheduling

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

The Mayor noted that a citizen has contacted himself and Councilmember Hensley and that he would forward the citizen's contact information to staff.

**SUMMARY OF CURRENT EVENTS**

CITY MANAGER'S REPORT

*Grant to Promote the Oak Ridge Farmers Market*

The information regarding the grant for the Oak Ridge Farmers Market was for informational purposes of the City Council. No action was taken regarding this item.

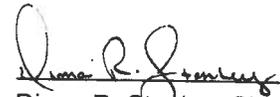
The City Manager also explained that he would like to follow-up on the recent Energy Communities Alliance (ECA) Peer Exchange with the Council.

CITY ATTORNEY'S REPORT

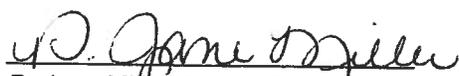
(NONE)

**ADJOURNMENT**

The meeting adjourned at 10:20 p.m.

  
Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL  
April 14, 2014

  
D. Jane Miller, Mayor Pro Tem