

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

March 9, 2015

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on March 9, 2015, in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The Invocation was delivered by Reverend Gary Nistler, Pastor of First Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Pro Tem Smith.

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Councilmember Rick Chinn, Jr.; Mayor Warren L. Gooch; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem Ellen D. Smith.

Councilmember Kelly Callison was absent.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; Bruce M. Applegate Jr., Acting City Clerk.

APPEARANCE OF CITIZENS

Mayor Gooch noted that a request from Councilmember Callison to add a resolution for consideration as an addition to the March 9, 2015 agenda related to the Oak Ridge Police Department was withdrawn and would not be on the agenda.

Ms. Kay Williamson, 420 Jefferson Avenue, commented on crime issues experienced in her neighborhood, delivered congratulations to Mayor Gooch for welcoming rowers, and expressed her support to the Oak Ridge High School Boys Basketball team.

Mr. William Kane, President of Knox County Chapter of the Southern States Police Benevolent Association, 410 Sherwood Circle, Clinton, Tennessee, expressed his concern over a possible addition of an agenda item presented three (3) days prior to the March 9, 2015 City Council meeting regarding a Municipal Technical Advisory Service (MTAS) Police Department Review by Police Management Consultant, Rex Barton. Mr. Kane indicated a possible conflict of interest given Mr. Barton's involvement with the State's Law Enforcement Accreditation Program that is administered by the Tennessee Association of Chiefs of Police whose membership includes Oak Ridge Chief of Police James Akagi.

Mr. Jack Mansfield, 103 Hendrix Lane, commented regarding the Police Chief's Order of Protection and the State of Tennessee's provision that a citizen who is issued an Order of Protection is not permitted to carry a firearm.

Mr. Joel Stevens, 507 Black Oak Drive, remarked about the model of government and the City Charter.

Ms. Tracy Stout Powers, 103 Norton Road, requested consideration to install a guard rail located on Lafayette Drive.

Mr. Anthony Alan, 109 Bedford Lane, commented about the importance of defining the process, whether a review or an investigation, of the Oak Ridge Police Department.

Ms. Kristin Thomas, 182 Wade Lane, requested that City Council review the City's policy in relation to Order

of Protections and the Oak Ridge Chief of Police.

Dr. James Horton, 106 Carson Lane, commented about consideration of a larger venue for City Council meetings to accommodate the audience and expressed his opposition to the change in property tax and delinquent property tax date changes and the calculations utilized.

Ms. Emily Smith, 118 Underwood Road, commented about allowing time for City Council processes to work and for new City Councilmembers to become acclimated their role.

Mr. Wesley Miller, 317 East Turn Hill Lane, requested an update on Clark Center Park to which the City Manager explained that the park was currently closed due to conditions resulting from the recent inclement weather.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating April as Fair Housing Month.

Councilmember Hensley moved, seconded by Mayor Pro Tem Smith to approve the proclamation as presented. The motion was approved by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

A proclamation designating April 12-18 National Library Week.

Councilmember Hensley moved, seconded by Councilmember Hope to approve the proclamation as presented. The motion was approved by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Oak Ridge Public Library Director Kathy McNeilly accepted the proclamation.

SPECIAL REPORTS

(NONE)

Addition to the Agenda

Councilmember Hope moved, seconded by Mayor Pro Tem Smith to amend the March 9, 2015 agenda to include the following resolution as part of "Appointments/Elections:"

A RESOLUTION APPOINTING MEMBERS OF A JOINT CITY/SCHOOL COMMITTEE FOR THE STUDY OF PRE-SCHOOL FACILITY OPTIONS AND LONG RANGE PLANS FOR ADDRESSING FINANCING PLANS, TIMETABLES, PUBLIC EDUCATION AND ENROLLMENT CONSIDERATIONS INCLUDING APPOINTMENT OF SPECIFIC CITY REPRESENTATIVES.

As part of the discussions amongst City Council regarding amending the agenda to include the above mentioned resolution, inquiries arose from Council on what constitutes adequate notice given that the posting of the agenda amendment request occurred on a Friday afternoon. City Staff explained their processes for posting the agenda amendment request, as well as provided definitions, time frames, and examples of proper notifications.

Mr. Gary Carver, 117 North Purdue Avenue, inquired about adequate notice and defining said notice.

City Attorney Kenneth Krushenski clarified for Mr. Joel Stevens, 507 Black Oak Drive, that he was citing Tennessee Supreme Court during discussions of municipalities providing public notice as part of his discussions with City Council.

Ms. Myra Mansfield, 103 Hendrix Lane, suggested that City Council consider reviewing their rules for public notices.

Ms. Emily Smith, 118 Underwood Road, inquired about contracting with a local newspaper for public notices.

Mr. Mike Mahathy, 113 Fallberry Street, inquired about a proposal; however, Mayor Gooch noted that the item was not on the agenda intended for discussion.

The motion was approved by voice vote with Councilmembers Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmember Baughn abstained.

CONSENT AGENDA

Councilmember Hensley moved, seconded by Councilmember Hope that the Consent Agenda be approved.

Councilmember Baughn requested that the February 9, 2015 City Council meeting minutes be removed from the Consent Agenda. Following removal of the minutes, the remainder of the Consent Agenda was unanimously approved by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye;" thereby:

- Adopting **Resolution No. 03-21-2015** 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. 03-22-2015** authorizing the Mayor to sign and issues Certificates of Compliance for persons granted permits to engage in the retail sale of alcoholic beverages for two years.
- Adopting **Resolution No. 03-23-2015** authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Hope Chadwell, Fraternal Order of Eagles, 1650 Oak Ridge Turnpike.
- Adopting **Resolution No. 03-24-2015** authorizing the transfer of tax equivalents from the electric and waterworks funds to the general fund for the fiscal year ending June 30, 2015, and to authorize its distribution between the City of Oak Ridge and Anderson and Roane counties in accordance with state law.
- Adopting **Resolution No. 03-25-2015** assigning Louise (Lou) Dunlap to the unexpired term of office on the Oak Ridge Industrial Development Board, which term expires on December 31, 2018 and not December 31, 2020 as erroneously noted in the January 12, 2015 Agenda when elections were held.
- Adopting **Resolution No. 03-26-2015** making an award to ERMCO Distribution Transformers, C/O Utility Sales Agency, LLC, Lenoir City, Tennessee for the furnishing of twelve(12) Three-Phase Pad Mounted Transformers in various sizes and voltages for the Electric Department in the estimated amount of \$92,727.00.
- Adopting **Resolution No. 03-27-2015** waiving competitive bids and making an award to Infor(US), Inc., for a three-year renewal of software maintenance of the asset management system in the Public Works Department for fiscal years 2016-2018 in the estimated amount of \$77,331.78.

Item Removed from the Consent Agenda

Mayor Pro Tem Smith moved, seconded by Councilmember Chinn to approve the February 9, 2015 City Council meeting minutes.

Councilmember Baughn requested to defer approval of the minutes to the next City Council meeting given (1) lack of content from presented substitute resolutions; (2) ambiguity of intent of Oak Ridge Police Department review; (3) content error, specifically citizen names; and (4) citizen comments. As a result, Councilmember Baughn moved to have the meeting fully transcribed and approved at the April 13, 2015 City Council meeting. The motion was seconded by Councilmember Hope.

Councilmember Hensley moved to divide the question to (1) the deferral of the minutes and (2) the transcription of the meeting. The motion was seconded by Mayor Pro Tem Smith and approved by voice vote with Councilmembers Chinn, Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmember Baughn and Hope voting "Nay."

The deferral of the February 9, 2015 City Council meeting minutes to the April 13, 2015 City Council meeting was unanimously approved by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Following discussions amongst City Council and the City Staff to the process and value of including verbatim comments to the minutes, Councilmember Hope moved to include a verbatim script to the February 9, 2015 City Council meeting minutes for the original resolution on the Oak Ridge Police Department investigation through the end of discussions on the subject. The motion was seconded by Councilmember Baughn.

Mr. Gary Carver, 117 North Purdue Avenue, suggested that the City consider having the work performed internally.

Ms. Kay Williamson, 420 Jefferson Avenue, requested that the City consider make audio and video accommodations in the hallway entrance of the Municipal Building Courtroom.

The motion to include a verbatim transcript for the original resolution on the Oak Ridge Police Department investigation through the end of discussions on the subject as part of the February 9, 2015 minutes was approved by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, and Mayor Gooch voting "Aye," and Mayor Pro Tem Smith voting "Nay."

The motion to defer the February 9, 2015 City Council meeting minutes to the April 13, 2015 City Council meeting and to include a verbatim transcript for the original resolution on the Oak Ridge Police Department investigation through the end of discussions on the subject was approved by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, and Mayor Gooch voting "Aye," and Mayor Pro Tem Smith voting "Nay."

RESOLUTIONS

Resolution No. 03-28-2015

A RESOLUTION AWARDDING A CONTRACT (FY2015-220) TO WRIGHT CONTRACTING, INC., KNOXVILLE, TENNESSEE FOR THE REPLACEMENT OF WINDOWS AT THE WATER TREATMENT PLANT IN THE ESTIMATED AMOUNT OF \$150,600.00.

Councilmember Baughn moved, seconded by Councilmember Hope to approve the resolution as presented. The resolution was approved unanimously by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

A RESOLUTION AWARDDING A CONTRACT (FY2015-238) TO S & W CONTRACTING CO., INC.,

MURFREESBORO, TENNESSEE FOR THE INSTALLATION OF TRAFFIC SIGNAL ON THE OAK RIDGE TURNPIKE AT THE OAK RIDGE HIGH SCHOOL IN THE ESTIMATED AMOUNT OF \$177,183.00.

Mayor Pro Tem Smith moved, seconded by Councilmember Hope to approve the resolution as presented.

Mr. Bill Polfus, 110 Victoria Road, Chairman of the Traffic Safety Advisory Board (TSAB), explained that the traffic signal recommended by TSAB was the best option to provide safety for the students crossing.

City Council discussed possible other traffic and/or safety alternatives for the location, as well as had Interim City Engineer Roger Flynn respond to questions regarding traffic patterns, traffic count, and operation of the traffic signal.

Ms. Myra Mansfield, 103 Hendrix Lane, expressed her support for the crosswalk and signal at Emory Valley Road and requested that City Council consider the cost for this effort.

Ms. Tracy Stout Powers, 103 Norton Road, expressed her concern about a red light at this location.

Mr. Gary Carver, 117 North Purdue Avenue, inquired about a new traffic pattern for exiting cars and commented that he did not believe the traffic signal was the best option.

Ms. Kay Williamson, 420 Jefferson Avenue, expressed her concern about the effectiveness of the red light at this location and to consider other alternatives that would permit students to cross safely.

Following citizen comments, Mr. Polfus responded to inquiries of City Council regarding TSAB's consideration process and variables, as well as their analysis of the traffic data.

Councilmember Hensley moved to postpone consideration of the item to the April 13, 2015 City Council meeting. The motion was seconded by Councilmember Chinn.

Ms. Melanie Heiberg, 172 Cumberland View Drive, recommended no left turns from the Civic Center and alter the crossing location and traffic logistics.

The motion to postpone consideration of the item passed by voice vote with Councilmembers Baughn, Chinn, Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmember Hope voting "Nay."

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING ARTICLE VII, TITLED "PARKING AND BUSINESS DISTRICTS" SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," AS FOLLOWS: BY DELETING SUBSECTIONS (A)(12), (A)(13), (A)(14) AND (A)(17) WITHOUT REPLACEMENT AND BY ADDING A NEW SUBSECTION (A)(19) TO ADD PUBLIC MUSEUMS AS A PERMITTED PRINCIPAL USE; BY AMENDING THE TITLE OF SUBSECTION (C) TO "SPECIAL EXCEPTIONS" FOR CONSISTENCY WITHIN THE ZONING ORDINANCE; BY AMENDING THE INTRODUCTORY LANGUAGE OF SUBSECTION (C) TO INCLUDE THE WORD "ZONING" IN THE PHRASE "BOARD OF APPEALS;" AND BY AMENDING SUBSECTION (C) TO DELETE PUBLIC MUSEUM; CEMETERY; WHOLESALE, STORAGE AND WAREHOUSE FACILITY, FREEZER AND LOCKER; AND TRANSITIONAL ACCESSORY USES AS SPECIAL EXCEPTIONS AND TO ADD MULTIFAMILY DWELLINGS AS PART OF A PLANNED UNIT DEVELOPMENT AS A SPECIAL EXCEPTION.

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

The Mayor opened the floor to receive public comments:

Mr. Joel Stevens, 507 Black Oak Drive, inquired about the reference to cemeteries.

Community Development Director Kathryn Baldwin explained that the reference is for the inclusion of a new cemetery that would not be permitted in the zoned district.

Councilmember Baughn moved to close the public hearing, seconded by Mayor Pro Tem Smith. The motion was approved by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Following additional discussions, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

AN ORDINANCE TO AMEND ORDINANCE NO. 06-2014, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, BY AMENDING SAID APPROPRIATIONS TO ELIMINATE THE SOLID WASTE FUND AND INCREASE THE GENERAL FUND APPROPRIATION TO INCLUDE SOLID WASTE EXPENDITURES.

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

The Mayor opened the floor to receive public comments. No citizens participated in the public hearing.

Councilmember Hensley moved to close the public hearing, seconded by Mayor Pro Tem Smith.

The ordinance was approved on first reading by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

FINAL ADOPTION OF ORDINANCES

Ordinance No. 05-2015

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 PARCEL 015.02, ANDERSON COUNTY TAX MAP 100B, GORUP B, (APPROXIMATELY 2.58 ACRES) FROM B-3, ROADSIDE BUSINESS, TO B-2, GENERAL BUSINESS, SAID PARCEL BEING LOCATED ON LABORATORY ROAD.

Councilmember Hensley moved, seconded by Mayor Pro Tem Smith to adopt the ordinance as presented.

The ordinance was adopted by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Elections

Resolution No. 03-29-2015

A RESOLUTION APPOINTING MEMBERS OF A JOINT CITY/SCHOOL COMMITTEE FOR THE STUDY OF PRE-SCHOOL FACILITY OPTIONS AND LONG RANGE PLANS FOR ADDRESSING FINANCING PLANS, TIMETABLES, PUBLIC EDUCATION AND ENROLLMENT CONSIDERATIONS INCLUDING APPOINTMENT OF SPECIFIC CITY REPRESENTATIVES.

Councilmember Hensley moved, seconded by Councilmember Hope to approve the resolution was presented.

Councilmember Chinn recused himself from participation in the item due to a possible conflict of interest.

Councilmember Hensley moved to nominate Councilmember Callison as the City Council representative to this committee. The motion was seconded by Councilmember Hope. Additionally, Mayor Pro Tem Smith moved to consider herself as the City Council representative.

Councilmember Baughn indicated that she would not be participating in the vote for the item given the ambiguity of the public notice for this item as an agenda addition.

Following the City Manager's recommendation that Finance Director Janice McGinnis serve as the City's voting member given the significance of funding, Mayor Gooch moved to amend the resolution to indicate that Mr. Jon Hetrick, Recreation and Parks Director, and Mr. Pat Fallon, Public Works Operation/Maintenance Division Manager would serve in a non-voting, advisory capacity to the Joint City-School Committee. The motion was seconded by Councilmember Hensley. The motion was approved by voice vote with Councilmembers Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmembers Baughn and Chinn abstaining.

Ms. Anne Garcia Garland, 120 Outer Drive, recommended that since there were only four (4) councilmembers that would vote for this item that City Council agree to Mayor Pro Tem's consideration of herself for the Committee.

Mayor Gooch nominated Dr. Shirley Raines and the Citizen Representative given her extensive background in Pre-K and her professional career overall. Councilmember Hensley nominated Mr. Mike Mahathy as the Citizen Representative.

The resolution, as amended, was approved by voice vote with Councilmembers Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmembers Baughn and Chinn abstaining.

On the first round of ballot voting for Council Representative, Councilmember Callison received the vote of Councilmember Hope and Mayor Pro Tem Smith received the votes of Mayor Gooch, Mayor Pro Tem Smith, and Councilmember Hensley. On the second round of ballot voting, Mayor Pro Tem Smith received the votes of Councilmember Hensley, Councilmember Hope, Mayor Pro Tem Smith, and Mayor Gooch thus being appointed as the Council Representative. During both rounds, Councilmembers Baughn and Chinn abstained.

On the first round of ballot voting for Citizen Representative, Mr. Mike Mahathy received the vote of Councilmember Hensley and Dr. Shirley Raines received the votes of Mayor Gooch, Mayor Pro Tem Smith, and Councilmember Hope. On the second round of ballot voting, Dr. Shirley Raines received the votes of Councilmember Hensley, Councilmember Hope, Mayor Pro Tem Smith, and Mayor Gooch thus being appointed as the Citizen Representative. During both rounds, Councilmembers Baughn and Chinn abstained.

Announcements

The City Manager announced that the Budget and Finance Committee Meeting would be held on March 10, 2015 at 9 a.m. in the Municipal Building.

Scheduling

The City Manager noted that the City made an emergency purchase of salt given inclement winter weather. Additionally, Mr. Watson noted that the National Park Review Team would be visiting Oak Ridge March 25 and 26, 2015.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Baughn moved to discuss her interest in scheduling a special meeting of City Council the week of March 23, 2015 that allows for (1) discuss and possible vote on the parameters of the investigation voted on in the February 9, 2015 regarding the resolution of the Oak Ridge Police Department morale, turnover, and administrative policies; and have the option to review and possibly select an investigator; and (2) to discuss and possibly vote on the merits of the City Manager placing the Chief of Police on administrative leave for the duration of the investigation. The motion was seconded by Councilmember Chinn.

Following discussions of scheduling and business to be discussed for this special meeting, Councilmember Baughn moved to schedule a special called meeting the week of March 23, 2014 that allows for (1) discuss the parameters of the investigation and seek clarification on the resolution passed on February 9, 2015 regarding the Oak Ridge Department morale, turnover, and administrative policies; and have the option to review and possibly select an investigator; and (2) to discuss and possibly vote on the merits of the City Manager placing the Chief of Police on administrative leave for the duration of the investigation. The motion was seconded by Councilmember Chinn.

Upon explanation of the City Attorney regarding the Charter provisions in which to call a special meeting, the City Council recessed so as to allow those members interested an opportunity to submit their written requests.

The meeting reconvened with the acknowledgement by the City Clerk of two (2) written requests for business to be conducted at a special-called meeting on March 27, 2015 at 6:00 p.m.

Ms. Tracy Stout Powers, 103 Norton Road, remarked about the processes of recent City Council meetings.

Mr. Matt Bailey, 17 River Side Drive, requested that councilmembers sign a conflict of interest statement.

Mr. Joel Stevens, 507 Black Oak Drive, requested that the parameters of the meeting be as broad as possible.

Mr. William Kane, President of Knox County Chapter of the Southern States Police Benevolent Association, 410 Sherwood Circle, Clinton, Tennessee, commended City Council for having a special meeting.

Mr. Anthony Alan, 109 Bedford Lane, requested a definition on the parameters of the review of the Oak Ridge Police Department.

Mr. David Kitzmiller, 144 Wellington Circle, confirmed citizen participation was allowed during special meetings.

Mr. Joe Lee, 99 East Pasadena Drive, remarked about the difficulty of the items for the March 27, 2015 special meeting.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

(NONE)

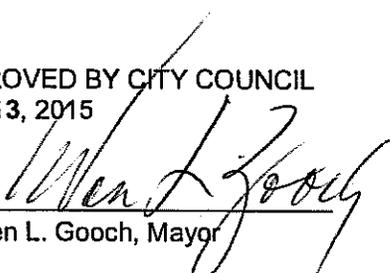
CITY ATTORNEY'S REPORT

(NONE)

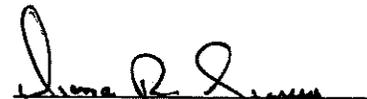
ADJOURNMENT

The meeting adjourned at 10:04 p.m.

APPROVED BY CITY COUNCIL
April 13, 2015



Warren L. Gooch, Mayor



Diana R. Stanley, City Clerk