

**OAK RIDGE CITY COUNCIL MEETING**  
Municipal Building Courtroom

November 16, 2015

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:05 p.m. on November 16, 2015 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

**INVOCATION**

Reverend Curtis McClane, Highland View Church of Christ

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag of the United States of America was led by Councilmember Kelly Callison.

**ROLL CALL**

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Councilmember Kelly Callison; Councilmember Rick Chinn, Jr; Mayor Warren L. Gooch; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem Ellen D. Smith. Also present were Mark S. Watson, City Manager; Janice E. McGinnis, Finance Director; Bruce Applegate, City Clerk; and Kenneth R. Krushenski, City Attorney.

**APPEARANCE OF CITIZENS**

Mr. Martin McBride, 954 W. Outer Drive, commented on local hotel use practices by the Department of Energy (DOE) and distributed information about a recent ORNL conference held in Hardin Valley.

**PROCLAMATIONS AND PUBLIC RECOGNITIONS-(NONE)**

**SPECIAL REPORTS**

*Presentation of 2015 Annual Report by Gordon Fee chairman Board of Directors for the Oak Ridge Heritage Railroad Authority(ORHRA).*

Chairman Fee recounted information on the creation of the ORHRA group, and indicated ORHRA has managed to generate roughly 2 million over the time of its existence. Chairman Fee indicated that all funds have been used for track, bridge and other infrastructure upgrades. Recently, the state was sued over fund collection, and federal court ruled in favor of plaintiffs. Chairman Fee acknowledged the courts decision has led to a freeze of the funds for previous 2 years. Other updates included the Surface Transportation Board had been approached about the change in status of railway from common carrier to private provider, and recent bridge evaluations (2015) showed no significant issues.

Chairman Fee responded to questions and comments by the city council.

**CONSENT AGENDA**

Councilmember Hope moved seconded by Councilmember Callison to approve the Consent Agenda as presented.

**RESOLUTIONS**

City Manager Watson identified that there was an additional Resolution to add to the agenda as well as supplemental information for another item.

Councilmember Hensley moved to add these items seconded by Mayor Pro Tem Smith.

Vote to amend the Resolutions portion to include the additional items was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

**Resolution No. 11-125-2015**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ARTS COUNCIL OF OAK RIDGE TO PROVIDE ENTERTAINMENT, PRODUCTION SUPPORT, ACTIVITIES AND PROGRAMS RELATED TO THE UPCOMING 2016 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 Callison to adopt the resolution. City Manager Mark Watson responded to questions and comments of City Council regarding 2016 Secret City Festival planning financial aspects and planning responsibilities. The resolution was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

**Resolution No. 11-126-2015**

**A RESOLUTION APPROVING A CONTRACT WITH STRATEGIC SERVICES COMPANY, LLC, KNOXVILLE, TENNESSEE, FOR DEVELOPMENT OF A NUTRIENT MANAGEMENT PLAN FOR THE WASTEWATER TREATMENT PLANT IN THE ESTIMATED AMOUNT OF \$85,000.00.**

Mayor Pro Tem Smith moved, seconded by Councilmember Hensley to adopt the resolution. City Manager Mark Watson informed the Council that conforming to the National Pollutant Discharge Elimination System requirements would require additional review of Big Turtle Park wastewater treatment plant. City Manager Mark Watson and Interim Public Works Director Jack Suggs responded to questions and comments of City Council regarding the nutrient management plan specifics. The resolution was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

**Resolution No. 11-127-2015**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE REQUIRED LOCAL GOVERNMENT ISSUED CERTIFICATES WHICH MUST ACCOMPANY APPLICATIONS TO THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION FOR A RETAIL FOOD STORE WINE LICENSE.**

Mayor Pro Tem Smith moved, seconded by Councilmember Callison to adopt the resolution. City Attorney Ken Krushenski informed the council that pursuance of this resolution would "put Oak Ridge ahead of the curve" when related state legislation takes effect in June. The resolution was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

**Resolution No. 11-128-2015**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION TO THE NATIONAL PARKS SERVICE FOR THE TRANSFER OF CERTAIN SURPLUS FEDERAL PROPERTY (SPECIFICALLY AN APPROXIMATE 0.66 ACRE PARCEL AT THE CORNER OF ADMINISTRATION ROAD AND LABORATORY ROAD) TO THE CITY OAK RIDGE, AND AUTHORIZING THE CITY MANAGER TO ACCEPT SAID PROPERTY IF SAID APPLICATION IS APPROVED.**

Councilmember Hope moved, seconded by Mayor Pro Tem Smith to adopt the resolution. City Manager Mark Watson responded to questions and comments of City Council regarding site information and resolution wording. City Attorney Ken Krushenski addressed concerns by council about resolution wording by identifying the resolution wording had been provided by the national Park Service. City Attorney Krushenski stated the material should remain in its current form for the park systems application process. The resolution was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

**Resolution No. 11-129-2015**

**A RESOLUTION ENDORSING AND SUPPORTING THE EFFORTS OF THE OAK RIDGE CHAMBER OF COMMERCE'S STRATEGY COMMITTEE ON HOUSING TO DEVELOP A PROPOSED TEN-YEAR VISION AND MISSION STATEMENT ON HOUSING DEVELOPMENT AND REDEVELOPMENT IN OAK RIDGE.**

Councilmember Hensley moved, seconded by Councilmember Callison to adopt the resolution. City Manager Mark Watson and Land Bank representative Austin Lance addressed questions and comments from the council. Board member Austin Lance further outlined current data collection activities underway, related to Oak Ridge housing, and proposed the deliverable on this project would be ready for dispersal in 2016.

Resident Martin McBride, 954 W. Outer Dr., expressed interest in using the housing demographic data to investigate DOE residency numbers as well as DOE and other local company employee's attitudes about living in Oak Ridge.

The resolution was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

**Resolution No. 11-130-2015**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF OAK RIDGE, TENNESSEE IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000, IN ONE OR MORE SERIES; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS, ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS.**

Mayor Pro Tern Smith moved, seconded by Councilmember Callison to adopt the resolution. City Manager prefaced the report on bond issuance by Chris Bessler, by identifying the Finance Departments efforts on this resolution would save the city roughly \$5,000,000 through refinancing.

Chris Bessler of Cumberland Securities and Finance Director Janice McGinnis addressed council questions and concerns related to the 2005-2006 school debt refinancing process.

Finance Director Janice McGinnis presented news to the council that Oak Ridge's recent rating review from S& P had upgraded to AA+ status. The resolution was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

**Resolution No. 11-131-2015**

**A RESOLUTION TO TRANSMIT THE DOCUMENT ENTITLED *CITY OF OAK RIDGE COMMENTS ON THE U.S. DEPARTMENT OF ENERGY PROPOSED ENVIRONMENTAL MANAGEMENT DISPOSAL FACILITY TO THE U.S. DEPARTMENT OF ENERGY, THE U.S. ENVIRONMENTAL PROTECTION AGENCY, AND THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION AS THE OFFICIAL COMMENTS OF THE CITY OF OAK RIDGE.***

Mayor Pro Tern Smith moved, seconded by Councilmember Callison to adopt the resolution. City Manager Mark Watson gave background information on the proposed Low Level Radioactive Waste Landfill, and elaborated on the requests to DOE made within the proposed comments. Councilmember Hensley agreed with the comments, and stressed they could go farther as addressed by his amendment to bullet # 2.

*THE CITY OF OAK RIDGE REQUESTS CONSIDERATION AND A RESPONSE TO THE BAKER DONELSON REPORT, APPLICATION FOR THE RENEWAL OF ANNUAL ASSISTANCE PAYMENTS TO THE CITY OF OAK RIDGE, TENNESSEE UNDER THE ATOMIC ENERGY COMMUNITY ACT OF 1955. ALSO WE REQUEST CONSIDERATION OF RECOMMENDATIONS CONTAINED IN THE FERGUSON GROUP REPORT DATED SEPTEMBER 4, 2015 WITH RESPECT TO REESTABLISHING COMMUNITY AND TWO-COUNTY SUPPORT TO AN EXTENT EQUIVALENT TO A PRIVATE INDUSTRIAL ENTERPRISE WITHIN OUR CITY LIMITS.*

Councilmember Hensley moved, and seconded by Councilmember Baughn. City Manager Mark Watson addressed questions from councilmembers on how the Ferguson and Baker Donelson report had been paid for. Mayor Pro Tem Smith suggested Councilmember Hensley's amendment should be created as a new item within the letter. Councilmembers Hensley and Baughn agreed to change the amendment to suit Mayor Pro Tem Smith's suggestion without objection should the motion pass. Mayor Pro Tem Smith proposed the following substitute motion:

*A COUPLE OF SENTENCES / NEW ADDITIONAL ITEM SHOULD BE CRAFTED THAT STATES:  
THE CITY OF OAK RIDGE IN 2003 SUBMITTED THE APPLICATION FOR RENEWAL OF ANNUAL ASSISTANCE PAYMENTS TO THE CITY OF OAK RIDGE UNDER THE ATOMIC ENERGY COMMUNITY ACT OF 1955, AND NO OFFICIAL RESPONSE HAS BEEN RECEIVED. THE CITY OF OAK RIDGE REQUESTS CONSIDERATION AND RESPONSE TO THAT REQUEST, AND SPECIFICALLY WITH RESPECT TO REESTABLISHING COMMUNITY AND TWO-COUNTY SUPPORT TO AN EXTENT EQUIVALENT TO A PRIVATE INDUSTRIAL ENTERPRISE WITHIN OUR CITY LIMITS.  
(THE WORDSMITHING WILL BE COMPLETED BY STAFF)*

Councilmember Hensley moved, and seconded by Councilmember Baughn. The substitute amendment was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

Comments by resident Martin McBride, 954 W. Outer Dr., addressing the potential opportunity the CERCLA process poses for the city to have some long standing questions and concerns addressed. Councilmember Baughn suggests that Mr. McBride's comment has merit, and that prefacing this letter appropriately is necessary.

*PREFACE ENTIRE MEMORANDUM WITH STATEMENT THAT CITY OF OAK RIDGE CANNOT SUPPORT CONSTRUCTION OF THE EMDF UNTIL WE HAVE RECEIVED ADEQUATE RESPONSES TO OUR CONCERNS AND REQUESTS PUT FORTH WITHIN.*

Councilmember Baughn moved, and seconded by Councilmember Hensley. Councilmembers further discussed the motions merits and stipulated that addressing the issues put forth in the amendment did not guarantee support of landfill.

The amendment was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

The original resolution as amended was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

#### **Resolution No. 11-132-2015**

#### **A RESOLUTION TO EXTEND THE CURRENT WATER SERVICES CONTRACT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF ENERGY(DOE) THROUGH MARCH 31, 2016.**

Councilmember Baughn moved, seconded by Councilmember Callison to adopt the resolution. City Manager Mark Watson and Finance Director Janice McGinnis addressed questions from the council regarding current rate charge and potential impacts to resident's water rates. The resolution was unanimously adopted by board vote Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tern Smith, and Mayor Gooch voting "Aye".

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

#### **First Reading of Ordinances-(None)**

#### **FINAL ADOPTION OF ORDINANCES-(None)**

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

**Elections/Appointments**

Elect four (4) members to serve on the Oak Ridge Corridor Initiative Committee  
Councilmembers voted amongst the pool of candidates and elected Darrell Akins, Ken Rueter, Benjamin Stephens, and Ray Smith.

**Announcements**

Councilmember Callison identified that tax revenue for the state as a whole has recently been up.

Mayor Pro Tem Smith provided a printout and brief overview of the National League of Cities event she had attended in Nashville.

**Scheduling**

Councilmembers discussed the current number of Boards and Committees applicants and proposed extending the deadline for Boards and Commission applications to December 1, 2015.  
Councilmembers unanimously agreed to extend the deadline.

Councilmember Hope informed the Council that an update on 2015 ECA objectives and 2016 goals would be provided at the December 14, 2015 Council meeting.

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

**SUMMARY OF CURRENT EVENTS**

**City Manager's Report**

City Manager Mark Watson addressed city council questions and comments on the Inaugural Board of Directors for the 501(C)(3) for the Secret City Festival/Celebration, updated the council that a wastewater treatment tour would occur Tuesday November 17<sup>th</sup>, and that Information Technology and Government Affairs Department Head Amy Fitzgerald will have the new Oak Ridge Legislative Agenda compiled and ready for adoption at the December council meeting.

The City Manager responded to Councilmember Chinn's request for information on upcoming Council work sessions by stating there would be no work session in December, but planning for January was underway.

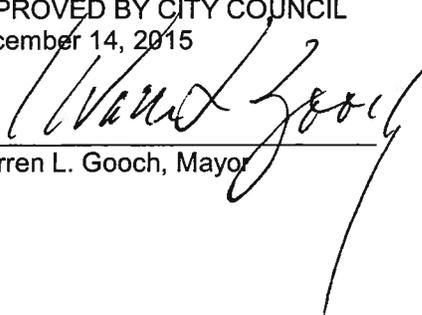
**City Attorney's Report-(None)**

**ADJOURNMENT**

The meeting adjourned at 9:33 p.m.

  
Bruce M. Applegate Jr., Acting City Clerk

APPROVED BY CITY COUNCIL  
December 14, 2015

  
Warren L. Gooch, Mayor