

MINUTES OF THE OAK RIDGE CITY COUNCIL

August 10, 2015

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on August 10, 2015, in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The Invocation was delivered by Mayor Warren L. Gooch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Councilmember L. Charles Hensley.

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.; and Mayor Pro Tem Ellen D. Smith.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; and Diana R. Stanley, City Clerk.

Agenda Additions

Mayor Gooch noted three (3) additions requested to the August 10 agenda. The first, under "Special Reports," is an appearance and visitation by Congressman Chuck Fleischman, Representative for the 3rd District of Tennessee. The second as a "Special Report" was a report by the Special Events Advisory Task Force Chair Trina Baughn on the Task Force's recommendations regarding special events in accordance with Resolution No. 2-19-2015. Lastly, Mayor Gooch requested the inclusion of a City Manager's Report related to the Jackson Square Revitalization Project from City Manager Mark Watson. All of the aforementioned items would be addressed following "Proclamations and Public Recognitions."

Mayor Gooch moved to include the three (3) additions to the August 10 agenda, seconded by Councilmember Hope. The motion was approved by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Special presentation of a retirement plaque to Deputy Police Chief Alan Massengill for his years of service with the City of Oak Ridge.

The City Manager presented the retirement plaque to Deputy Police Chief Alan Massengill. Additionally, the City Manager, Police Chief James Akagi, and members of City Council expressed their appreciation for Deputy Police Chief Massengill's years of service to the community. In closing, the Deputy Chief thanked his family for their support and the community for the opportunity to serve.

SPECIAL REPORTS

Appearance and visitation by Congressman Chuck Fleischman, Representative for the 3rd District of Tennessee.

Representative Fleischmann commented about the importance of Oak Ridge, the work and dedication of the City Council, as well as expressed his gratitude for representing the community. Lastly,

Representative Fleischmann introduced members of his staff who had accompanied him to the meeting—Mr. Daniel Tidwell, Legislative Director; Ms. Sandy Boshure, Oak Ridge Office; and Bob White District Director—and expressed his appreciation for the work of Ms. Helen Hart, Oak Ridge Office.

A report by the Special Events Advisory Task Force Chair Trina Baughn on the Task Force's recommendations regarding special events in accordance with Resolution No. 2-19-2015.

Chairwoman Baughn outlined the work of the task force and basis for the Task Force's following recommendations:

1. Expand the scope of the Secret City Festival into a celebration that occurs within the timeframe of October into Veteran's Day, Nov 11, with a minimum duration of one week and includes the Secret City Festival.
2. Establish a 501(c)(3) non-profit to assume the responsibility of implementing the Secret City Celebration with the goal of becoming self-sustaining within five (5) years.
3. Appoint the inaugural board of directors of the Secret City Celebration non-profit at the October 2015 City Council meeting.
4. Encourage or require the non-profit organization to develop a Veterans theme for the Celebration around the arts, history, science and culture of the City of Oak Ridge either directly or indirectly with other organizations.
5. Appoint a board with a minimum of fourteen (14) members, seven (7) of which will include the previously appointed members of the special events advisory task force. In addition, Council will appoint non-voting, ex-officio members as representative members of community organizations with specific areas of expertise. The board shall hire an executive director or consultant within twelve (12) months of their first meeting.

Special Events Advisory Task Force Advisory Members Ms. Judy Gray and Mr. David Kitzmiller spoke in favor of the "umbrella" concept (expanding festival presence by incorporating other area events) and the work and consideration of the task force.

Throughout discussions of report from Chairwoman Baugh, members of City Council provided inquiries and comments regarding the recommendations with further discussions to occur at the August 18, 2015 Work Session.

"City Manager's Report" on an Update Jackson Square Revitalization Project

The City Manager recognized Mr. Dan'l Hall, Project Manager for Vaughn and Melton Consulting Engineers and Mr. Robert Noell of the Woolf-McClane Law Firm representing Ms. Angel Rich of Rich Construction who all provided an overview on the parking lot for the Jackson Square Revitalization Project.

Mr. Hall and Mr. Noell outlined the work that has been performed, the elements of the project that were remaining, and their roles as it relates to the project while also responding to questions, comments, and concerns of the City Council. Both Mr. Hall and Mr. Noell provided a substantial completion date of September 15, 2015 which will include the installation of a needed power component (power pedestal), the fountain, and landscaping.

Ms. Anne Garcia Garland, 120 Outer Drive, expressed her appreciation to the City Council regarding expectations of manageability of the project.

APPEARANCE OF CITIZENS

Ms. Anne Garcia Garland, 120 Outer Drive, inquired about a Solid Waste Fund expenditure of approximately \$6,000 for the "Not in Our City" Program and the possibility of a private ownership of Centennial Golf Course to pay down mortgage obligations.

Ms. Judy Kidd, 58 Riverview Drive, expressed concern regarding the participation of the Tennessee Creates Arts and Crafts Event in the Secret City Festival given other events competing in the fall.

CONSENT AGENDA

Councilmember Chinn moved, seconded by Councilmember Baughn to approve the Consent Agenda as presented. The motion was approved by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye;” thereby,”

- Approving the July 13, 2015 City Council meeting minutes.
- Adopting **Resolution No. 08-83-2015** authorizing the city to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2015 calendar year.
- Adopting **Resolution No. 08-84-2015** to approve updated Rules and Procedures for the Oak Ridge Board of Building and Housing Code Appeals.
- Adopting **Resolution No. 08-85-2015** approving an Interlocal Agreement for the City of Oak Ridge to become a member of the Great Smoky Mountains Regional Greenway Council, and appointing Jon Hetrick as the city’s government representation and Roger Macklin as the City’s citizen representative on the greenway council.

RESOLUTIONS

Resolution No. 08-86-2015

A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC.; EXPRESS EMPLOYMENT PROFESSIONALS; ROBERT HALF INTERNATIONAL (ACCOUNTemps AND OFFICE TEAM); STAFFING SOLUTIONS; TEMP SYSTEMS, INC.; AND QUALIFIED TECHNICAL FIRMS FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR FISCAL YEAR 2016 IN AN AMOUNT NOT TO EXCEED \$150,000.00.

Mayor Pro Tem Smith moved, seconded by Councilmember Callison that the resolution be adopted. The resolution was approved by unanimous board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

Resolution No. 08-87-2015

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR FURNISHING CHEMICALS FOR THE WATER AND WASTEWATER TREATMENT PLANTS FOR FISCAL YEAR 2016 IN THE ESTIMATED AMOUNT OF \$300,000.00.

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

Councilmember Baughn moved to amend the resolution to reduce the amount to \$225,500.00 based on previous years of spending. The motion was seconded by Councilmember Chinn. During discussions of the amendment, Public Works Director recommended \$250,000.00 amount to maintain potable water based on possible weather needs. The City Manager noted that the request was a just in-case measure and recommended a 10% contingency based on \$237,000.00 (the highest dollar amount used in a three year time span) totaling approximately \$260,000.00.

Councilmember Baughn moved to change the amendment amount to \$260,000.00 with concurrence from Councilmember Chinn. The amendment failed by board vote with Councilmembers Baughn, Chinn, and Hope voting “Aye,” and Councilmembers Callison, Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting “Nay.”

Mr. T.J. Garland, 120 Outer Drive, remarked regarding his disapproval of using fluoridated treated water in Oak Ridge and recited studies of the effect of fluorides on humans and the environment.

The resolution, as presented, was unanimously approved by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Not Adopted

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL FOR PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE FOR FISCAL YEAR 2016 IN THE ESTIMATED AMOUNT OF \$1,305,000.00.

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

Personnel Director Penelope Sissom provided examples, such as recent purchases in equipment, pending litigation, and workman compensation claims that were factors in the increase in the City's insurance.

The resolution received "Aye" votes by board with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmember Baughn abstaining.

The City Attorney remarked that waiver of competitive bids required a unanimous vote of City Council to which the Mayor indicated that the resolution was adopted unless otherwise determined by the City Attorney and if the resolution was determined to not be adopted, the resolution could be reconsidered at another meeting.

NOTE: In accordance with Section 5-418 titled "Waiver of Bid Requirements" of the City Code, the resolution required a unanimous vote of those present and procedural could not be adopted as Robert's Rules of Order defines an "abstention" as a "negative vote." (*Robert's Rules of Order Newly Revised*, 11th Edition, page 403)

Resolution No. 08-88-2015

A RESOLUTION APPROVING A CONTRACT WITH S&C ELECTRIC COMPANY, CHICAGO, ILLINOIS, TO CONDUCT A RADIO STUDY FOR THE ELECTRIC DEPARTMENT IN THE AMOUNT OF \$56,050.00.

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

Electric Department Director Jack Suggs responded to questions and comments regarding the radio study being requested, while also addressing the inquiries of Council on the consideration of a city-wide fiber optic system.

Mr. David Kitzmiller, 144 Wellington Circle, expressed his support for discussions regarding a city-wide fiber optic system.

The resolution was approved by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Removed from the Agenda

A RESOLUTION AWARDED A CONTRACT (FY2016-018) TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE ABATEMENT AND DEMOLITION OF 105 WADDELL PLACE, A CITY-OWNED RESIDENTIAL STRUCTURE, IN AN AMOUNT NOT TO EXCEED \$29,000.00.

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

Mr. Watson requested to remove the item so that staff could eliminate the fire burn provision and rebid the project as the Fire Department would utilize the fire training at a later date. No opposition was expressed by City Council with Councilmember Hope and Hensley agreeing to withdraw their motion for approval.

Resolution No. 08-89-2015

A RESOLUTION AWARDDING A CONTRACT (FY2016-027) TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE ABATEMENT AND DEMOLITION OF 103 BENNETT LANE AND 106 PEMBROKE ROAD, CITY-OWNED RESIDENTIAL STRUCTURES, IN AN AMOUNT NOT TO EXCEED \$33,477.00.

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

Councilmember Baughn moved to table the item from the agenda for the item to be rebid for further bid opportunities by vendors.

Community Development Housing Specialist Matt Widner commented regarding the specialty of a Regulated Asbestos Containing Material (RACM) demolition. Mr. Widner also noted the since this demolition was being paid by Housing and Urban Development (HUD) Community Development Block Grant (CDBG) federal funds additional compliance with State regulations would also apply.

Ms. Laurel Patrick, First Place Finish, explained that the conditions of the house and the rules and regulations that govern its demolition require special care and handling as part of the demolition process.

Councilmember Baughn moved to defer consideration of the resolution and rebid the package. The motion was seconded by Councilmember Callison. The motion to defer failed by board vote Councilmembers Callison and Baughn voting "Aye," and Councilmembers Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Nay."

The motion to approve the resolution, as presented, was approved by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmember Baughn voting "Nay."

Resolution No. 08-90-2015

A RESOLUTION AWARDDING A BID IN THE AMOUNT OF \$56,397.00 TO LEGEND FITNESS, KNOXVILLE, TENNESSEE, FOR THE FURNISHING OF FITNESS EQUIPMENT FOR EACH OF THE FOUR FIRE STATIONS.

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

Following an overview by Oak Ridge Fire Chief Darryl Kerley, the resolution was unanimously approved by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 08-91-2015

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES DEPARTMENT OF ENERGY TO CONTINUE THE PROVISION OF FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES AT THE EAST TENNESSEE TECHNOLOGY PARK THROUGH SEPTEMBER 30, 2019.

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

Following an overview by Oak Ridge Fire Chief Darryl Kerley regarding the changes in the new MOA from the existing agreement, the resolution was unanimously approved by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 08-92-2015

A RESOLUTION AMENDING THE ADMINISTRATIVE HEARING OFFICER AGREEMENT BETWEEN THE CITY AND HUGH B. WARD, JR., TO PROVIDE FOR INCREASED COMPENSATION.

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

The resolution was approved by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye,” and Councilmember Baughn voting “Nay.”

Resolution No. 08-93-2015

A RESOLUTION APPROVING A CONTRACT WITH BARGE WAGGONER SUMNER & CANNON, INC., KNOXVILLE, TENNESSEE, TO PROVIDE PROFESSIONAL SERVICES FOR THE ADDITION OF AN EIGHTH LANE TO THE OAK RIDGE ROWING COURSE IN AN AMOUNT NOT TO EXCEED \$50,000.00.

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

The resolution was unanimously approved by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 17-98 (AS AMENDED), SECTION 1, TO INCREASE THE MONTHLY RESIDENTIAL REFUSE COLLECTION FEE FROM \$7.00 TO \$10.50.

Councilmember Hensley moved, seconded by Councilmember Callison to approve the ordinance on First Reading.

The ordinance was approved by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye,” and Councilmember Baughn voting “Nay.”

AN ORDINANCE TO AMEND TITLE 15, TITLED “MOTOR VEHICLES, TRAFFIC AND PARKING,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 15-114, TITLED “CRASH HELMETS FOR DRIVER AND PASSENGER ON MOTORCYCLE OR MOTOR-DRIVEN CYCLE,” AND AMENDING SECTION 15-227, TITLED “USE OF SAFETY BELTS IN PASSENGER VEHICLES”; AND BY CREATING THE FOLLOWING NEW SECTIONS: SECTION 15-132, TITLED “NOTIFICATION OF CHANGE OF ADDRESS AND/OR NAME”; SECTION 15-228, TITLED “ILLUMINATION OF REGISTRATION (LICENSE) PLATE”; AND SECTION 15-349, TITLED “TEXTING WHILE DRIVING PROHIBITED”; WITH ALL AMENDMENTS FOR THE PURPOSE OF BRINGING THE MOTOR VEHICLE PROVISIONS INTO COMPLIANCE WITH STATE LAW.

Councilmember Hope moved, seconded by Councilmember Hensley to approve the ordinance on First Reading.

The City Attorney noted that these changes were to allow safety and public issues listed above to be addressed by City Court. Additionally, Oak Ridge Police Chief James Akagi provided information regarding enforcement on traffic regulations.

The ordinance was unanimously approved by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Councilmember Hensley remarked that the Oak Ridge Municipal Planning Commission was intending to pass a resolution of the board in support of the Manhattan National Park Service Headquarters being located in Oak Ridge. No opposition was expressed by City Council

Scheduling

The City Manager noted that the he was planning of a future retreat for City Council.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Baughn inquired about how Oak Ridge citizens could contact the Metropolitan Knoxville Airport Authority regarding the possibility of an installation of an airport in Oak Ridge and Council's future involvement with that process. Mayor Pro Tem Smith further noted that the City needed to be involved in the discussions regarding land transfers and ownership for the airport as well.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

The City Attorney provided a Robert's Rules reference regarding the definition of an abstention as it related to the wavier of competitive bids indicating that an abstention was considered a "negative vote."

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Signature on file
Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
September 14, 2015

Signature on file
Warren L. Gooch, Mayor