

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

June 13, 2016

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on June 13, 2016 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

Reverend Tandy Scheffler, Oak Ridge Unitarian Universalist Church

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by AmeriCorps members Erin Kelbly and Ellen Comeau..

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; Janice McGinnis, Finance Director; Mary Beth Hickman, City Clerk; and Kenneth R. Krushenski, City Attorney.

Mayor Gooch made a motion to move Item 9a under Resolutions to immediately follow proclamations. Councilmember Hensley seconded the motion, and the motion was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye."

APPEARANCE OF CITIZENS

Linda Delgado, 105 Caldwell Circle, Oliver Springs, addressed Council regarding the Recovery House of East Tennessee, a new detox residential facility in Oliver Springs. She also invited members of Council to an open house for the facility.

Martin McBride, 954 W. Outer Drive, Oak Ridge, addressed Council regarding DOE housing practices. He requested that representatives from DOE headquarters in Washington be invited to a Council meeting to discuss the housing issue.

PROCLAMATIONS

A proclamation recognizing the 25th anniversary of the Sister City Agreement with Naka, Japan and the Middle School Student Exchange.

Mayor Pro Tem Smith moved for approval, and Councilmember Hensley seconded. The proclamation was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye."

A proclamation designating June 13-19, 2016 as Men's Health Week.

Councilmember Hope moved for approval, and Mayor Pro Tem Smith seconded. The proclamation was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Gooch, and Mayor Pro Tem Smith voting "Aye."

A proclamation recognizing AmeriCorps member Erin Kelbly for her service to the Oak Ridge Public Works Department and a proclamation recognizing Ellen Comeau for her service to the Oak Ridge Public Works Department.

Mayor Gooch asked that these two proclamations be voted on together. Councilmember Hope moved for approval, and Mayor Pro Tem Smith seconded. The proclamations were approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye."

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH REALTYLINK, LLC, AND THE UNITED STATES DEPARTMENT OF ENERGY (DOE) THROUGH ITS AGENT THE GENERAL SERVICES ADMINISTRATION (GSA) TO SECURE THE AMERICAN MUSEUM OF SCIENCE AND ENERGY (AMSE) PROPERTY AS SHOWN ON EXHIBIT A ATTACHED HERETO.

Mayor Gooch moved for approval of the resolution, and Councilmember Hensley seconded. City Manager Mark Watson provided an overview of the resolution, and Ray Evans, Neil Wilson from Realty Link and David Bradshaw with Pinnacle Bank answered questions from Council.

Walter Zobel, 110 Stanton Lane, Oak Ridge, asked what would happen if certain goals set for the mall property are not attained. Ray Evans stated that this would be negotiated during discussions between the City and the mall developer. Mayor Gooch pointed out that this resolution would set a framework for negotiations with the developer. Councilmember Baughn responded that she had shared these concerns about the tax increment financing agreement as it contained no clawback provisions.

Melanie Heiberg, 172 Cumberland View Drive, Oak Ridge, asked if the property could be used as a greenspace or for education and history for the citizens of Oak Ridge. Mayor Gooch stated that the choice comes down to whether or not a use for the property could potentially result in tax revenue for the City as opposed to leaving the property unused and undeveloped. Mayor Pro Tem Smith stated that although she is a strong advocate for open space, the property is one of the most highly valued retail space in the City. Councilmember Hensley pointed out that the resolution outlines that a certain amount of greenspace would be preserved by the developer to be used as a community amenity.

Hal Osucha, 249 Gum Hollow Road, Oak Ridge, stated that it is important to maintain the American Museum of Science and Energy as it currently exists. Councilmember Hensley remarked that he feels that the museum is more secure being operated by the City than by the Department of Energy. Mayor Pro Tem Smith stated that this resolution does not determine the future of the museum.

Bill Williams, 451 East Drive, Oak Ridge, provided a list of questions that were answered by City Manager Mark Watson.

Anne Garcia Garland, 120 Outer Drive, Oak Ridge, concurs with the intent of Realty Link and the City is right to give them right of first refusal.

Joe Lee, 99 E. Pasadena Road, Oak Ridge, stated his support for the resolution and thanked City staff and Realty Link developers for contributing to an increase in sales tax revenue for the City through moving the mall project forward.

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

SPECIAL REPORTS

Charter Review Committee report

City Attorney Ken Krushenski gave a brief overview of the committee report, and the committee recommended no changes to the City's charter. Mayor Pro Tem Smith moved that the report be accepted, and Councilmember Hensley seconded.

The report was unanimously accepted by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye."

CONSENT AGENDA

Councilmember Chinn moved for adoption, and Councilmember Hope seconded.

The Consent Agenda was unanimously adopted by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Approval of the May 9, 2016 City Council meeting minutes

Approval of the May 31, 2016 City Council special meeting minutes

Rejection of Eighth Rowing Lane Bids

Resolution No. 6-33-2016

A RESOLUTION 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 2016 CALENDAR YEAR.

Resolution No. 6-34-2016

A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR AN OPERATING ASSISTANCE GRANT TO REIMBURSE THE CITY FOR UP TO EIGHTY PERCENT (80%) OF THE NET OPERATING EXPENSES OF THE CITY'S PUBLIC TRANSPORTATION PROGRAM IN THE ESTIMATED AMOUNT OF \$168,000.

PUBLIC HEARING AND FINAL ADOPTION OF BUDGET ORDINANCE

Ordinance No. 3-2016

AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

Councilmember Callison moved for adoption of the ordinance, and Councilmember Hensley seconded.

Councilmember Hensley moved to open the public hearing, and Councilmember Callison seconded. Seeing no citizens wishing to speak, Councilmember Callison moved that the public hearing be closed, and Mayor Pro Tem Smith seconded. The public hearing was closed by unanimous voice vote.

Councilmember Callison moved to amend the budget ordinance for a \$500,000 increase in the budget appropriation for General Fund/Municipal Operations for acceptance of the Tennessee Housing Development Association (HOME) grant, and Councilmember Hensley seconded. The amendment was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Gooch, and Mayor Pro Tem Smith voting "Aye."

Mayor Pro Tem Smith requested a report on the status of the nonrecurring school expenses being approved by the state Department of Education. City Manager Mark Watson stated that a joint resolution to be considered for adoption by both the Council and the schools is in the agenda packet, and there is an email from the state Department of Education that indicates the nonrecurring expenses will be accepted once both bodies have adopted the joint resolution. She also asked Council to consider a freeze of the refuse fee for people who qualified for the property tax freeze. It was determined that the time to entertain this type of amendment would be when the ordinance implementing the rate change is considered by Council.

Mayor Gooch asked for the legal and procedural ramifications if the City does not receive written

confirmation from the Department of Education by June 30. City Attorney Ken Krushenski stated that the state has indicated by email that they will approve the resolution once they have received it. Mayor Gooch asked for the record for the names of each individual on the conference call with Maryanne Durski with the Tennessee Department of Education. City Manager Mark Watson stated that the following people participated in the call: Karen Gagliano, Finance Director for Oak Ridge Schools, City Finance Director Janice McGinnis, City Manager Mark Watson and City Attorney Ken Krushenski.

Councilmember Baughn asked if Maryanne Durski has final approval authority for the Tennessee Department of Education. Karen Gagliano with Oak Ridge Schools verified that she was.

Councilmember Callison asked if for some reason, the Department of Education decides they do not want to approve it, can the Council hold another budget session and reconsider its decision. City Manager Mark Watson confirmed that that would be possible.

The ordinance was adopted as amended by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye," and Councilmember Baughn voting "Nay."

Resolution No. 6-35-2016

A JOINT RESOLUTION BY THE CITY COUNCIL OF OAK RIDGE, TENNESSEE AND THE OAK RIDGE SCHOOLS BOARD OF EDUCATION AGREEING TO NONRECURRING (ONE-TIME) EXPENDITURES FOR FISCAL YEAR 2017 TO FUND DEBT SERVICE PAYMENTS AND OTHER RELATED NONRECURRING CAPITAL PROJECT EXPENSES.

Councilmember Hope moved for approval of the resolution, and Councilmember Callison seconded.

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

RESOLUTIONS

Resolution No. 6-36-2016

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO SPILLMAN TECHNOLOGIES, INC., SALT LAKE CITY, UTAH, FOR MAINTENANCE SERVICES FOR THE PUBLIC SAFETY COMPUTER SYSTEM FOR FISCAL YEAR 2017 IN THE ESTIMATED AMOUNT OF \$45,000.00.

Councilmember Chinn moved for approval of the resolution, and Councilmember Callison seconded.

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

Resolution No. 6-37-2016

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO ORACLE AMERICA, INC., DALLAS, TEXAS, FOR FURNISHING OF ANNUAL MAINTENANCE SERVICES FOR THE FINANCIAL SOFTWARE SYSTEM UTILIZED BY THE CITY FOR FISCAL YEAR 2017 IN THE ESTIMATED AMOUNT OF \$26,455.00.

Councilmember Hensley moved for approval of the resolution, and Councilmember Hope seconded.

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

Resolution No. 6-38-2016

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO MANSFIELD OIL COMPANY FOR FURNISHING UNLEADED AND DIESEL FUEL FOR FISCAL YEAR 2017 IN THE ESTIMATED AMOUNT OF \$575,000.00.

Mayor Pro Tem Smith moved for approval of the resolution, and Councilmember Hensley seconded.

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

Resolution No. 6-39-2016

A RESOLUTION AWARDDING A CONTRACT (FY2016-179) TO MARBLE-PIRKLE SERVICES, LLC, CLEVELAND, TENNESSEE, FOR THE SPACER CABLE REPLACEMENT PROJECT ALONG GUM HOLLOW ROAD IN THE ESTIMATED AMOUNT OF \$526,857.61.

Councilmember Hensley moved for approval of the resolution, and Councilmember Chinn seconded.

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

Resolution No. 6-40-2016

A RESOLUTION MAKING AN AWARD TO IRBY UTILITIES, JOHNSON CITY, TENNESSEE, FOR UNDERGROUND DISTRIBUTION CABLE FOR THE ELECTRIC DEPARTMENT IN THE ESTIMATED AMOUNT OF \$74,941.65.

Mayor Pro Tem Smith moved to approve the resolution, and Councilmember Callison seconded.

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

Resolution No. 6-41-2016

A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A \$500,000.00 GRANT FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) AS PART OF THDA'S HOME GRANT PROGRAM.

Councilmember Hensley moves for approval of the resolution, and Mayor Pro Tem Smith seconded.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

FINAL ADOPTION OF ORDINANCES

Ordinance No. 4-2016

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING THE FOLLOWING: ARTICLE II, TITLED "DEFINITIONS," TO ADD A DEFINITION FOR "RELIGIOUS INSTITUTION"; SECTION 3.27, TITLED "RELIGIOUS INSTITUTIONS," TO ADD A NEW SUBSECTION (H) PERTAINING TO MOVING COPY SIGNS; AND SECTION 14.10, TITLED "SIGNS FOR OFFICE-INDUSTRIAL DISTRICTS," TO DELETE THE REQUIREMENT THAT MOVING COPY SIGNS SHALL NOT EXCEED ONE LINE OF MOVING COPY.

Mayor Pro Tem Smith moved for adoption of the ordinance, and Councilmember Callison seconded.

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

Ordinance No. 5-2016

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING ARTICLE II, TITLED "DEFINITIONS" TO ADD A DEFINITION FOR "FITNESS AND RECREATIONAL CENTERS;" AND AMENDING SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," AND SECTION 8.01, TITLED "IND-1, INDUSTRIAL DISTRICTS," TO ADD "FITNESS AND RECREATIONAL CENTERS" AS A PERMITTED PRINCIPAL USE.

Councilmember Hensley moved for adoption of the ordinance, and Mayor Pro Tem Smith seconded.

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

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

City Manager Mark Watson asked City Clerk Mary Beth Hickman to provide an update on applicants for mid-term vacancies on City boards and commissions. She stated that the deadline for applicants to the Youth Advisory Board was May 27, and there were 48 applicants. The YAB Screening Panel is set to meet on June 15. There have been 2 applicants for the vacancy on the Anderson County Economic Development Association board. To date, there have been no applicants for the Environmental Quality Advisory Board, the Convention and Visitors' Bureau board, and High School Representative position on the Traffic Safety Advisory Board. There has been 1 applicant for the student representative on the Environmental Quality Advisory Board. The deadline for applications for these vacancies is 5:00 p.m. on Friday, July 1.

Councilmember Hope commented on the outstanding quality of applicants for the Youth Advisory Board. Mayor Pro Tem Smith requested that in the future, if the Councilmembers could be notified when there are vacancies arise on boards and commissions and the reasons for those vacancies.

Announcements

Councilman Chinn will be traveling to Naka, Japan to attend the 25th Anniversary celebration of the Sister City program.

Councilmember Callison thanked the City Manager and all city staff for a great Secret City Festival. Mayor Gooch stated that he had multiple people positively comment on the quality of the festival.

Scheduling

City Manager Mark Watson announced that the June work session is cancelled.

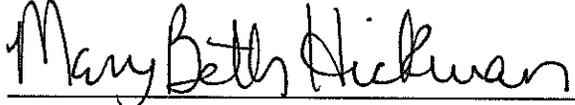
COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

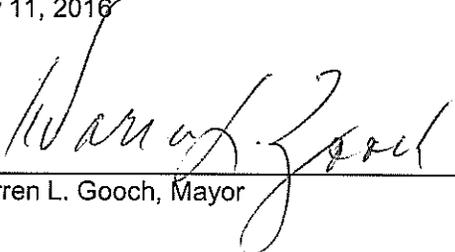
CITY ATTORNEY'S REPORT

ADJOURNMENT: 9:30 p.m.



Mary Beth Hickman, City Clerk

APPROVED BY CITY COUNCIL
July 11, 2016



Warren L. Gooch, Mayor