

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

July 8, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on July 8, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Councilmember David N. Mosby

PLEDGE OF ALLEGIANCE

The Boy Scout Troup 42 from the First Presbyterian Church led the Pledge of Allegiance 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; Janice E. McGinnis, Finance Director; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

(Diverting from the order of the agenda)

Board of Education Vice Chairman Bob Eby introduced two (2) new school administrators: Dr. Chris Marczak, Assistant Superintendent and Dr. Bruce Borchers, School Superintendent to which Dr. Borchers remarked about his excitement for beginning this new role.

APPEARANCE OF CITIZENS

Mr. Pedro Otaduy, 111 Westoverlook Drive, expressed his support for staff bringing business expeditiously before the City Council, and noted that he had submitted a communication regarding his service on the Beer Permit Board to Council previously and that he would be unable to attend the remaining portion of the Council meeting.

Mr. Andy Marathe, 121 Westlook Circle, requested that City Council and the City Manager consider a mechanism to control the deer population.

Mr. Charles Washington, Jr., 118 Decatur Road, commented that individuals should be cautious on speaking about the City's resources, specifically the schools, in order to help the community.

Ms. Kay Williamson, 120 Jefferson Avenue, commented about showing a positive attitude for Oak Ridge Schools, and urged citizens to donate supplies to the schools as it was indicated to her that donations were needed.

Mr. Aditya Savara, 109 Trenton Drive, complimented the Recreation and Parks and Community Development Department for their information regarding their budgets and wished to see better detail from the Oak Ridge Public Library in response to possible budget reductions.

Mr. Chuck Agle, 101 West Melbourne, commented that City Council consider censoring Councilmember Baughn regarding recent remarks about the Oak Ridge Schools because it was his opinion that her recent remarks were not accurate. Mr. Agle concluded his remarks by expressing the positive aspects of the Oak Ridge Schools.

Mr. Joe Lee, 99 East Pasadena Road, reviewed his connection with the Oak Ridge Schools and his

relative's connection with other schools, and expressed his disapproval with recent public remarks on the Oak Ridge Schools.

Mr. Dan DiGregorio, 110 Daniel Lane, recited the principles of Rotary in its application to all individuals and expressed his wish for the City Council and Board of Education to work more cohesively.

Ms. Emily McLean, 12 Palisades Parkway, expressed her opinion that the recent message regarding the Oak Ridge Schools and the medium used was not appropriately approached.

Ms. Cathy Toth, 100 Westview Lane, explained that her children, who were products of Oak Ridge Schools, thought the newspaper articles were fiction and expressed her dissatisfaction regarding the recent, and closed by explain that the City needed to work together.

Mr. Jim Andress, 24 Rivers Run Boulevard, remarked that the school system described in a recent news article was not an accurate representation of the school that he attended.

Ms. Linda Andress, 24 Rivers Run Boulevard, remarked that the reason the school staff was leaving the school systems was due to frustration with school testing standards, not security issues, and requested that the public support the school system.

Ms. Ellen Bast, 100 Pelham Road, remarked that those commenting on school issues use civility and accuracy.

Mr. Brett Beeler, 24 Windhaven Lane, commented that the school has extracurricular activities to embrace a variety student personalities, and noted that there are several mechanisms in place that do not permit students to be afraid.

Ms. Louis Johnson, 134 Danbury Drive, remarked that she feels safe at the Oak Ridge High School and commented about the positive aspects of the school system.

Ms. Brenda Fellner, 913 West Outer Drive, commented that the "B" and "C" school students need to be heard as well, and that the Board of Education and City Council need to work together to make the school system better.

Ms. Mary Dixon, 248 South Benedict, had several inquiries regarding the main topic of discussion during the Appearance of Citizens.

Ms. Dory Adler, 515 Delaware Avenue, commented that she was receiving below average grades, but it is now doing well with the support of the school administration, and noted that the Oak Ridge Schools have been a huge help to her.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

(NONE)

SPECIAL REPORTS

Verbal "State of the Youth Address" delivered by Mr. Patrick Williams, Vice-Chair of the Youth Advisory Board.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope to accept the 2013 State of the Youth Address was delivered by Mr. Patrick Williams for the record. The motion passed by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

CONSENT AGENDA

The City Manager introduced the Consent Agenda and explained its length by noting that several items listed contained purchases as part of annual orders and indicated that the waiving of competitive bids required a unanimous vote. The City Manager noted that if a waived competitive bid is not approved unanimously then the City will begin its normal bid process to continue with the process of obtaining the services or items.

Councilmember Baughn requested to allow citizens the opportunity to speak on a particular Consent Agenda item. No citizens provided comments regarding the Consent Agenda.

Councilmember Baughn requested to remove the following items:

A resolution waiving competitive bids and making awards to Performance Contracting Group (PCI Branch), Rather Sewer Inspection Services, Intuitive Technologies Inc., and other suitable companies as needed for sewer cleaning and CCTV inspection for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$200,000.00.

A resolution waiving competitive bids and making awards to Integracon, Infor Global Solutions, Geo-Jobe GIS Consulting, ZI I Communications LLC, and other suitable companies as needed for furnishing temporary technical support for the information services department for Fiscal Year 2014 in the estimated amount of \$300,000.00.

A resolution waiving competitive bids and making awards to Temp Systems Inc., Accountemps, Alternate Staffing Inc., Recruitwise, Staffing solutions, At-Work, and other suitable companies as needed for furnishing temporary employment services for fiscal year 2014 in the estimated amount of \$475,000.00.

A resolution supporting the passage of the Marketplace Fairness Act, which will benefit Oak Ridge businesses by putting main street retailers on an equal footing with internet sellers; commending United States Senators Lamar Alexander and Bob Corker for their support of the Marketplace Fairness Act throughout the debate and passage in the United States Senate; and urging the Tennessee Delegation to the United States House of Representatives, particularly Congressman Chuck Fleischmann, to support the Marketplace Fairness Act granting individual states the authority to streamline their sales tax laws and collect sales taxes directly from online retailers.

An ordinance to amend Title 10, titled "Animal Control" of the Code of Ordinances, City of Oak Ridge, Tennessee," by creating a new Chapter 4, titled "Dog Parks," to establish permission for dogs to be off-leash in city-owned dog parks and to establish certain requirements for use.

Councilmember Mosby disclosed that YAB candidate Riley Mosby was his daughter.

The remainder of the Consent Agenda 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 June 10, 2013 City Council Meeting Minutes.
- Approval of the June 18, 2013 City Council Special Meeting Minutes.
- Confirming sixteen (16) members—Caroline Bradshaw, Shelby Chambers, Lauren Collier, Abigail Douglas, Richard Goyette, Shane Harris, Peter Magill, Ryan Mihealsick, Riley Mosby, Ashley Riedy, Wesley Robinson, Laura Skipper, Joel Turner, Lewis Wang, Kelsey Warmbrod, and Shichen Zhang—to the Youth Advisory Board (YAB), as selected by the YAB Screening

Panel, for one year terms of office commencing on August 1, 2013.

- Confirming the nomination of James W. Charles, III. by the Oak Ridge Utility District Board of Commissioners.
- Approving **Resolution No. 07-54-2013** waiving competitive bids and making awards to Poore's Tree Service, Blank's Tree Service, Wolf Tree Experts, Inc., and other suitable companies as needed for tree removal and trimming services for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$35,000.00.
- Approving **Resolution No. 07-55-2013** waiving competitive bids and making an award to Rogers Group, Inc., for emergency street resurfacing for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$150,000.00.
- Approving **Resolution No. 07-56-2013** waiving competitive bids and making awards to Superior Pavement Marking, Inc., and Volunteer Pavement Marking, Inc., for street striping services for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$85,000.00.
- Approving **Resolution No. 07-57-2013** waiving competitive bids and making awards to Curly Contracting, Bruce Long Company, C.K. Masonry Company, Inc., CIPP Technical Services, and other suitable companies as needed for minor manhole rehabilitation for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$50,000.00.
- Approving **Resolution No. 07-58-2013** authorizing the City to renew the current contract with Grid One Solutions, Inc., for meter reading and associated services for the term of August 1, 2013 through July 31, 2014 in the estimated amount of \$200,000.00.
- Approving **Resolution No. 07-59-2013** waiving competitive bids and making awards to various area city-approved companies for the rental of heavy equipment on an as needed basis for Fiscal Year 2014 in the estimated amount of \$100,000.00.
- Approving **Resolution No. 07-60-2013** waiving competitive bids and making an award to Aramark Uniform Services, Inc., for furnishing employee uniforms and various other services associated with employee uniforms for Fiscal Year 2014 in the estimated amount of \$59,000.00.
- Approving **Resolution No. 07-61-2013** making an award to Park Med Urgent Care for furnishing medical evaluations and drug and alcohol testing services for city employees for Fiscal Year 2014 in the estimated amount of \$40,000.00, and authorizing the City to renew said contract for up to two (2) additional one-year terms.
- Approving **Resolution No. 07-62-2013** making an award to Park Med Urgent Care for furnishing hazmat medical services for city employees for Fiscal Year 2014 in the estimated amount of \$51,000.00, and authorizing the City to renew said contract for up to two (2) additional one-year terms.
- Approving **Resolution No. 07-63-2013** amending Resolutions 2-9-11 and 4-22-2012 authorizing amendments to the Oral History Project Professional Services Agreements with Secret City Films and BBB Communications, LLC, to extend the contract terms through May 30, 2014 and to provide for \$30,000.00 each in compensation.
- Approving **Resolution No. 07-64-2013** to close the Inventory Fund, an Internal Service Fund, at the end of Fiscal Year 2013.

Items Removed from the Consent Agenda

A resolution waiving competitive bids and making awards to Performance Contracting Group (PCI Branch), Rather Sewer Inspection Services, Intuitive Technologies Inc., and other suitable companies as needed for sewer cleaning and CCTV inspection for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$200,000.00.

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

Public Works Director Gary Cinder explained the Public Works Department's process for awarding bids for the allotted \$200,000.00. The Public Works Director and Finance Director Janice McGinnis responded to inquiries and comments of the City Council.

Councilmembers Garcia Garland and Hensley offered alternatives to the resolution for approving bids for the Public Works Department upon Councilmember Baughn indicating that she would not be approving the resolution.

City Council discussed postponing consideration of this resolution so that Council could discuss the other bid waivers.

Following additional discussions on postponing consideration, Councilmember Hensley moved, seconded by Councilmember Baughn, to table consideration of the resolution. The motion passed by voice vote with Councilmembers Baughn, Garcia Garland, Hope, and Mosby voting "Aye," and Councilmember Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay."

Resolution No. 07-65-2013

A resolution waiving competitive bids and making awards to Integracon, Geo-Jobe GIS Consulting, Z11 Communications LLC, and other suitable companies as needed for furnishing temporary technical support for the information services department for Fiscal Year 2014 in the estimated amount of \$265,000.00.

Information Services and Government Affairs Director Amy Fitzgerald responded to inquires of City Council regarding the services and support offered by the companies and noted that the GIS services of Infor Global Solutions was related to the Environmental Protection Agency (EPA) Administrative Order (AO) support. Ms. Fitzgerald also responded to several inquiries and comments of City Council.

Councilmember Baughn indicated that she was willing to support most of the services of the companies presented in the resolution with the exception of Infor Global Solutions. City Council and City Staff discussed the most efficient means to pursue the bids.

Councilmember Garcia Garland moved to approve the resolution by excluding Infor Global Solutions services valued at approximately \$35,000.00; therefore, approving an estimated amount of \$265,000.00. The motion was seconded by Councilmember Baughn and approved by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

A resolution waiving competitive bids and making awards to Temp Systems Inc., Accountemps, Alternate Staffing Inc., Recruitwise, Staffing solutions, At-Work, and other suitable companies as needed for furnishing temporary employment services for fiscal year 2014 in the estimated amount of \$475,000.00.

The City Manager recommended removal of the resolution from the agenda to allow the City Manager to bid those services. Councilmember Hensley moved, per the City Manager's recommendation, to remove the aforementioned resolution from the agenda. The motion was seconded by Councilmember Hope and approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 07-66-2013

A resolution supporting the passage of the Marketplace Fairness Act, which will benefit Oak Ridge businesses by putting main street retailers on an equal footing with internet sellers; commending United States Senators Lamar Alexander and Bob Corker for their support of the Marketplace Fairness Act throughout the debate and passage in the United States Senate; and urging the Tennessee Delegation to the United States House of Representatives, particularly Congressman Chuck Fleischmann, to support the Marketplace Fairness Act granting individual states the authority to streamline their sales tax laws and collect sales taxes directly from online retailers.

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

Following discussions of City Council regarding the potential economic impact of the Act, the resolution was approved by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

Ordinance No. 06-2013

An ordinance to amend Title 10, titled "Animal Control" of the Code of Ordinances, City of Oak Ridge, Tennessee," by creating a new Chapter 4, titled "Dog Parks," to establish permission for dogs to be off-leash in city-owned dog parks and to establish certain requirements for use.

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

RESOLUTIONS

Resolution No. 07-67-2013

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY AND THE OAK RIDGE CONVENTION AND VISITORS BUREAU (CVB) FOR THE PROVISION OF SERVICES AND MATERIALS TO PROMOTE TOURISM IN OAK RIDGE FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014 (FY2014) IN AN AMOUNT NOT TO EXCEED \$300,000.00.

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

The City Manager briefly reviewed the contract with the CVB and highlighted the benchmarking aspects of the contracts which included occupancy rates.

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

Director of the Oak Ridge Convention and Visitors Bureau Ms. Katy Brown expressed her appreciation for City Council's support.

Resolution No. 07-68-2013

A RESOLUTION REMOVING PEDRO OTADUY AS A MEMBER OF THE OAK RIDGE BEER PERMIT BOARD.

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

Chairman of the Oak Ridge Beer Permit Board Mr. William Tedford expressed his regret for the removal of Mr. Otaduy, but indicated that his actions as a board member resulted in pursuance of this act.

The City Manager explained that this item was before City Council given that the governing body appoints the board members and no policies exists for removal of a board member. The City Manager noted that

he and the Mayor had met with Mr. Otaduy to advise him that he could provide a communication to the City Council to include in the July 8, 2013 City Council meeting agenda.

City Council discussed different options related to this action including moving forward with the resolution, alternatives for removal of board members, other means for Mr. Otaduy to continue participating on the board, and possible development of board policies to address such a situation.

Secretary of the Oak Ridge Beer Permit Board Mr. Barton Bailey specified that the reason the board members requested to have Mr. Otaduy removed was due to this behavior at meetings when expressing his disagreement.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Verbal report from City Manager Evaluation Committee Chair, Charles J. Hope, Jr. regarding status of City Manager's evaluation.

Councilmember Hope provided an overview of the evaluation process, and noted that the Committee had recommended changes that simplify the evaluation forms and announced that the next meeting was occurring at the end of July.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Beehan requested information for the mall and the Land Bank to which the City Manager explained that the Land Bank would be placed on the Work Session in July and City Council agenda in August.

Councilmember Hope requested information regarding the business that is operating out of the YWCA building, specifically sales tax collection and property tax status from the City Attorney to which the City Attorney remarked that he would comply with this request for documentation.

Councilmember Mosby requested a proposal on a process to remove board members.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

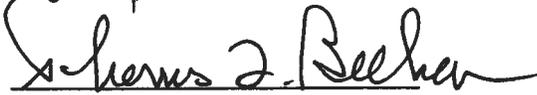
CITY ATTORNEY'S REPORT

ADJOURNMENT

The meeting adjourned at 9:50 p.m.


Diana R. Stanley, City Clerk

APPROVED BY CITY COUNCIL
August 12, 2013



Thomas L. Beehan, Mayor