

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

May 9, 2016

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on May 9, 2016 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

Reverend Steve Sherman, First Christian Church

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Councilmember Charles J. Hope, Jr.

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.

APPEARANCE OF CITIZENS

Ed Martin, 76 Outer Drive, Oak Ridge, addressed the Council regarding the issue of traffic enforcement and speeding near his home. He stated that he was aware that the City Manager had spoken to the Police Chief, but he believes that more needs to be done.

Martin McBride, 954 W. Outer Drive, Oak Ridge, addressed the Council regarding the work session that was held in April with the Department of Energy (DOE) site managers. He thanked the Council and the Mayor for their leadership in putting together the work session, and he encouraged the Council to invite the supervisors from DOE headquarters to attend a work session in the next 60 days.

Mike Mahathy, 113 Falberry Street, Oak Ridge, commended the young man who had spoken at the previous City Council meeting regarding the keeping of backyard chickens. He also commended District Attorney Dave Clark and the Oak Ridge Police Department for the recent work they have been doing.

Agenda Addition

Prior to Proclamations and Public Recognitions, Mayor Pro Tem Ellen Smith moved to add a resolution to the "Resolutions" portion of the agenda to approve a contract with the Tennessee Department of Transportation (TDOT) for maintenance of state highways within the corporate city limits whereby the City is reimbursed by TDOT for said services in the amount of \$141,175.05. Councilmember Hensley seconded the motion to add the resolution to the agenda.

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

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

Jim Dodson, Art Teacher at Jefferson Middle School, and some of his students presented artwork to the City of Oak Ridge that depicted historic scenes in Oak Ridge history as part of the Ed Westcott Project.

Proclamations

A proclamation designating May 15-21, 2016 as Police Week and May 15, 2016 as Police Memorial Day. Mayor Pro Tem Smith moved for adoption, and Councilmember Hensley seconded. The proclamation was unanimously adopted by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

A proclamation recognizing Oak Ridge High School senior Thomas Colburn for receiving the bronze medallion in the 21st Annual Prudential Spirit of Community Awards. Councilmember Baughn moved for adoption, and Councilmember Hope seconded. The proclamation was unanimously adopted by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

SPECIAL REPORTS

City Judge Salary Review Committee report, by Chair Ellen Smith

Mayor Gooch moved to adopt the report, and Councilmember Callison seconded. Mayor Pro Tem Smith provided a brief summary of the committee meeting and its findings, including the recommendation that no change be made in the compensation of the City Judge, and answered questions from members of Council.

The report was adopted by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye" and Councilmember Baughn voting "No."

Budget and Finance Committee Report, by Chair Kelly Callison

Mayor Gooch moved to adopt, and Councilmember Hensley seconded. Councilmember Callison provided a brief overview of the Committee's recommendations.

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

CONSENT AGENDA

Councilmember Chinn moved for adoption, and Councilmember Mayor Pro Tem Smith seconded. At the request of Councilmember Hensley, items a. and b. were removed from the Consent Agenda for discussion.

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."

Resolution No. 5-25-2016

A RESOLUTION MAKING AN AWARD TO OMICRON ELECTRONICS CORPORATION, USA, HOUSTON, TEXAS, FOR FURNISHING OF ELECTRONIC TEST EQUIPMENT, ATTACHMENTS, AND SOFTWARE FOR THE ELECTRIC DEPARTMENT IN THE ESTIMATED AMOUNT OF \$45,323.00.

Items Removed from Consent Agenda

Approval of the April 11, 2016 City Council meeting minutes

Councilmember Hensley moved to amend the April 11, 2016 City Council meeting minutes by deleting the comments of Joseph Lee during Appearance of Citizens as written in the minutes and replacing them with the following:

Joe Lee, 99 E. Pasadena Road, Oak Ridge, spoke in favor of the marina bathroom project and encouraged the City Council to move on.

Councilmember Chinn seconded the motion to amend. Mayor Pro Tem Smith proposed an amendment to Councilmember Hensley's amendment which would delete the comments of Anne Garcia-Garland and Joseph Lee as they are written in the minutes and replace them with the following:

Anne Garcia-Garland, 120 Outer Drive, Oak Ridge, expressed concern about the costs associated with the construction of the marina bathrooms.

Joseph Lee, 99 E. Pasadena Road, Oak Ridge, also addressed the marina bathroom cost issue and expressed the opinion that the costs were reasonable.

Councilmember Chinn seconded Mayor Pro Tem Smith's amendment. Anne Garcia-Garland, 120 Outer Drive, Oak Ridge, respectfully requested a correction of the record to reflect that her concerns were not specifically related to the cost of the marina bathrooms but the manner in which the project was undertaken.

The amendment to Councilmember Hensley's original amendment failed by board vote with Councilmembers Chinn and Hensley voting "Aye" and Councilmembers Baughn, Callison, Hope, Mayor Pro Tem Smith and Mayor Gooch voting "No."

Councilmember Hensley renewed his original motion to amend the minutes. The motion to amend failed by board vote with Councilmembers Chinn and Hensley voting "Aye" and Councilmembers Baughn, Callison, Hope, Mayor Pro Tem Smith and Mayor Gooch voting "No."

Councilmember Callison moved to approve the April 11, 2016 City Council meeting minutes as presented, and Councilmember Hope seconded. The minutes were adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hope, Mayor Pro Tem Smith and Mayor Gooch voting "Aye" and Councilmember Hensley voting "No."

Resolution No. 5-26-2016

A RESOLUTION AWARDED A CONTRACT (FY2016-137) TO USTANX, LLC, MARYVILLE, TENNESSEE, FOR REHABILITATION AND REPAINTING OF THE STEEL RAW WATER STORAGE TANK AT THE WATER TREATMENT PLANT IN THE ESTIMATED AMOUNT OF \$150,200.00.

Mayor Pro Tem Smith moved for approval and Councilmember Callison seconded. The resolution was approved by board vote with Councilmembers Baughn, Callison, Chinn, Hope, Mayor Pro Tem Smith and Mayor Gooch voting "Aye" and Councilmember Hensley voting "No."

RESOLUTIONS

Resolution No. 5-27-2016

A RESOLUTION AWARDED A CONTRACT TO TENNESSEE MUNICIPAL LEAGUE (TML) RISK MANAGEMENT POOL FOR PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE FOR FISCAL YEAR 2017 IN THE ESTIMATED AMOUNT OF \$884,744.00, WITH THE OPTION TO RENEW FOR UP TO FOUR (4) ADDITIONAL FISCAL YEAR PERIODS.

Councilmember Hensley moved for approval and Mayor Pro Tem Smith seconded. City Manager Mark Watson provided background on the resolution, and Personnel Director Penelope Sissom answered questions from Council. The resolution was approved unanimously by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 5-28-2016

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CANNON & CANNON, INC., KNOXVILLE, TENNESSEE, FOR ENGINEERING SERVICES RELATED TO THE OAK

RIDGE TURNPIKE INTERSECTION PEDESTRIAN SAFETY IMPROVEMENTS PROJECT IN THE ESTIMATED AMOUNT OF \$96,000.00.

Councilmember Hensley moved for approval, and Mayor Pro Tem Smith seconded. City Manager Mark Watson and Community Development Director Kathryn Baldwin provided background and answered questions from Council, including questions about the synchronization of traffic lights and how the projects were prioritized.

The resolution was approved by board vote with Councilmembers Callison, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye" and Councilmembers Baughn and Chinn voting "No."

Resolution No. 5-29-2016

A RESOLUTION AWARDED A CONTRACT (FY2016-168) TO DURACAP ASPHALT PAVING, CO., INC., KNOXVILLE, TENNESSEE, FOR STREET MILLING AND RESURFACING OF DESIGNATED CITY STREETS IN THE ESTIMATED AMOUNT OF \$430,000.00.

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

Councilmember Hensley moved to amend the resolution to award the contract to Rogers Group, and Councilmember Chinn seconded.

Mayor Pro Tem Smith questioned where the sales tax would be paid on the project. The City Manager stated that the sales tax collection is based on the situs of the project.

Councilmember Chinn commented that Rogers Group is the oldest company in Oak Ridge and has been a good corporate citizen through its service to the community.

Councilmember Baughn stated that Rogers Group has been awarded several contracts in the past and that the competitive bid process should be respected.

Mayor Gooch stated that the bid did not take into account the amount of sales tax paid by Rogers Group to the City of Oak Ridge and the fact that the management team is local and employs local people.

Councilmember Callison indicated that by federal procurement standards the bids were basically a tie and that Council should be able to award the bid to either company.

Anne Garcia-Garland, 120 Outer Drive, Oak Ridge, commented that the contract had been put out for bid with certain parameters that the low bid would be awarded and that rules should not be changed at this stage.

Matt Bailey, 17 Riverside Drive, Oak Ridge, commented on the importance of encouraging local companies to do business with the City.

Bill Chesney, an employee of Rogers Group, stated that more value should be placed on their bid due to the sales tax revenue.

Mary Dixon, 192 Robertsville Road, Oak Ridge, asked who has oversight responsibility after the work has been completed on a project. City Engineer Roger Flynn responded that after a 1-year legal warranty, the City has responsibility, but he has known of instances where a contractor has fixed problems that have arisen after the warranty has expired.

The amendment was adopted by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith and Mayor Gooch voting "Aye" and Councilmember Baughn voting "No."

Councilmember Hope and Councilmember Hensley asked questions of the City Engineer regarding whether certain streets were included in the resurfacing list or if they were part of another contract.

The resolution was adopted as amended by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith and Mayor Gooch voting "Aye" and Councilmember Baughn voting "No."

A RESOLUTION AUTHORIZING THE EXPENDITURE OF APPROXIMATELY \$105,138.00 FROM THE EQUIPMENT REPLACEMENT FUND FOR THE PURCHASE AND EQUIPPING OF TWO (2) PATROL VEHICLES FOR THE POLICE DEPARTMENT UTILIZING STATE CONTRACT PRICING.

Councilmember Hensley moved for approval of the resolution, and Mayor Pro Tem Smith seconded. City Manager Mark Watson and Police Chief James Akagi provided background on the resolution and answered questions from City Council.

The resolution failed by board vote with Councilmembers Callison, Hensley, and Mayor Pro Tem Smith voting "Aye" and Councilmembers Baughn, Chinn, Hope, and Mayor Gooch voting "No."

Resolution No. 5-30-2016

A RESOLUTION APPROVING THE FY2017 ANNUAL ACTION PLAN AND PROPOSED ALLOCATIONS OF COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS FOR FY2017 ESTIMATED AT \$217,646.00.

Councilmember Hensley moved for approval of the resolution, and Mayor Pro Tem Smith seconded. Sherith Colverson with the Community Development Department provided an overview of the annual action plan and answered questions from Council.

Joe Lee, 99 E. Pasadena Road, Oak Ridge, expressed his support for demolition as a key for adding value to housing stock and stated that the City has made great strides in addressing the housing problems.

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. 5-31-2016

A RESOLUTION APPROVING A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR MAINTENANCE OF STATE HIGHWAYS WITHIN THE CORPORATE CITY LIMITS WHEREBY THE CITY IS REIMBURSED BY TDOT FOR SAID SERVICES IN THE AMOUNT OF \$141,175.05.

Mayor Pro Tem Smith moved for approval of the resolution, and Councilmember Hensley seconded. The resolution was passed unanimously 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 TITLE 10, TITLED "ANIMAL CONTROL," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY ADDING A NEW CHAPTER 4, TITLED "KEEPING OF HENS," FOR THE PURPOSE OF SETTING FORTH REGULATIONS FOR THE KEEPING AND POSSESSING OF FEMALE DOMESTICATED CHICKENS (HENS) IN RESIDENTIAL AREAS EXCEPT FOR RG-1.

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

City Manager Mark Watson stated that the ordinance before City Council is a version of the Knoxville ordinance passed in 2010 that has been adapted for Oak Ridge.

Several members of Council suggested amendments to the ordinance that could be discussed at an

upcoming work session. Councilmember Hensley stated that he favors adding a restriction on re-application after a violation and that all tenants in a multi-family dwelling should have to give their consent for a tenant to possess hens. Mayor Pro Tem Smith stated that the "slaughtering of hens" in Section 10-405 be changed to read "slaughtering of chickens" so to include roosters and also that a reference in Section 10-408 that references a specific City department be changed to read "the City Manager or a designee." Councilmember Chinn expressed concern about lot size and stated that due to the potential for noise and smell, the lot size should be increased to .5 acres. Bruce Applegate, Assistant to the City Manager, pointed out that most houses in the Manhattan District Overlay were less than .5 acres, so such an amendment would make most homes in the MDO ineligible to have hens.

Kayla Wyatt, 121 Revere Circle, Oak Ridge, addressed the issues of lot size, noise and smell. She also, at the request of Mayor Gooch, conveyed to Council comments made by Shigeko Uppuluri regarding her experiences 40 years ago with a neighbor who had chickens and how her son had helped to gather eggs even back then.

Risa Karisa, 173 Golfcrest Lane, Oak Ridge, expressed support for the ordinance.

Alex Groff, 198 LaSalle Road, Oak Ridge, expressed support for the ordinance.

Regina Guy, 107 Wendover Circle, Oak Ridge, stated that she had 3 hens that her daughter considered pets. She had been reported for having the hens but had written a letter to Council indicating she was unaware she was not zoned RG-1. She also expressed support for the ordinance.

Angela Pinkham, 120 Newport Drive, Oak Ridge, expressed support for the ordinance.

Councilmember Baughn stated that supporters of this ordinance had gone above and beyond in terms of due diligence regarding this issue and that this ordinance would enhance the City's reputation as a green city and a self-sustaining city. She stated that she fully intended to support this ordinance.

Mayor Pro Tem Smith expressed her support for the ordinance and provided some historical background on the issue with respect to the Knoxville ordinance that seems to be working very well.

Mayor Gooch commented that he respected the supporters of this ordinance for being thorough, diligent, and respectful. However, he stated he was opposed to the ordinance because he does not believe the ordinance will do anything to enhance the image of the city and that he feels there will be implementation and enforcement issues.

Councilmember Hensley also commented on the respectful way in which supporters presented the issue and that positive things get done when there is a community spirit.

The ordinance was approved by board vote with Councilmembers Baughn, Callison, Hensley, Hope and Mayor Pro Tem Smith voting "Aye" and Councilmember Chinn and Mayor Gooch voting "No." After the vote, the Mayor asked the City Manager to clarify the process being recommended going forward by staff prior to second reading. The City Manager stated that the ordinance would be presented at the upcoming work session for final discussion, and any proposed amendments would be discussed at that time. The City Manager also stated that the ordinance would go to the Planning Commission for zoning adaptations, and Mr. Applegate would work with the Oak Ridge Police Department on any animal control issues that need to be addressed. The Manager gave the target date of August 1 for having the entire process completed.

Councilmember Hope and Councilmember Baughn asked what would happen to citizens that currently had hens and whether or not they would be considered as in violation. The City Manager indicated he would direct staff to hold off on enforcement during the transition process.

FINAL ADOPTION OF ORDINANCES

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Appointment of Councilmember Charles J. Hope, Jr. to the Youth Advisory Board Screening Panel

Councilmember Baughn moved to appoint Councilmember Hope to the Youth Advisory Board Screening Panel, and Mayor Pro Tem Smith seconded. The motion was unanimously adopted by voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith and Mayor Gooch voting "Aye."

Announcements

Mayor Pro Tem Smith presented a plaque honoring the City Council with the 2016 Pinwheel Award from the Prevent Child Abuse Tennessee organization for the Council's overwhelming support for children and families in Tennessee.

Councilmember Hensley represented the City Council at the Holocaust Remembrance Service on May 8th at the Jewish Congregation of Oak Ridge.

Councilmember Hope announced that he will be traveling to Washington, D.C. May 11-13 to attend the Energy Communities Alliance meeting.

Mayor Gooch announced that the bell from the USS Oak Ridge along with a flag that was flown over the ship in 2000 is on display in the foyer of the Municipal Building. He also informed City Council that he recently traveled to Baltimore to meet with the Commander and of the Coast Guard Yard where the USS Oak Ridge is now docked as well as the Commander of the ship and its Executive Officer. He extended an invitation to them to visit Oak Ridge next year for the 55th anniversary of the re-commissioning of the ship. The reunion of the crewmembers will also be held in Oak Ridge next year as well.

Scheduling

City Manager Mark Watson presented the timeline for upcoming budget meetings both for the City of Oak Ridge and the Board of Education.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Discussion and possible actions/staff direction on recent e-communication identifying potential savings at Centennial Golf Course by Mr. Richard Spraker.

City Manager Mark Watson provided background information on this issue for members of Council.

Councilmember Baughn stated that Mr. Spraker has offered a favorable alternative that on the surface appears to provide a cost savings and commented that it would be fiscally irresponsible not to consider an alternative to the existing contract.

Mayor Pro Tem Smith stated that the Budget and Finance Committee has discussed this issue, and the committee's recommendation that if a new contract were considered, there would need to be a competitive bid process planned at least one year prior to the contract's expiration date.

Councilmember Chinn stated that it is important to consider the property values of the residents living near the golf course and encouraged staff to explore opportunities with different golf course operators if it is possible to save the City money.

Councilmember Hensley stated that he supported either sending the issue to the Budget and Finance Committee for a recommendation or leaving the contract as it is, since the current manager is projecting a

declining loss and has plans to make some necessary improvements.

Councilmember Hope stated that the Council owes it to the citizens of Oak Ridge to explore all options that could potentially save the City money.

Richard Spraker, 207 Whippoorwill Drive, Oak Ridge, made brief comments and answered questions from Council.

Don Tiller, 180 Waterview Drive, Oak Ridge, who is the current manager of the golf course, briefly addressed some issues raised by members of Council.

Mayor Gooch requested that City staff put together a realistic timetable to review available options and discuss it at the upcoming work session.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

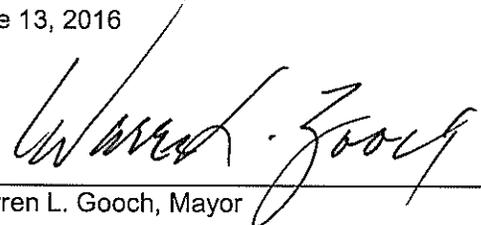
CITY ATTORNEY'S REPORT

ADJOURNMENT: 10:57 p.m.



Mary Beth Hickman, City Clerk

APPROVED BY CITY COUNCIL
June 13, 2016



Warren L. Gooch, Mayor