

# OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

May 18, 2009 – 7:00 p.m.

## AGENDA

1. **INVOCATION**

The Reverend Tim Borchert, First Baptist Church

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPEARANCE OF CITIZENS**

5. **APPROVAL OF AGENDA**

6. **RECOGNITION OF VISITORS**

7. **PROCLAMATIONS AND COURTESY RESOLUTIONS**

A proclamation designating June 19 and 20, 2009 as "Secret City Festival Time."

A resolution accepting the works of art that have been added to the display in the Municipal Building and commending the young artists for donating their work to the City for the enjoyment of all who visit the Municipal Building.

8. **PUBLIC HEARING**

- a. Amendment of the Community Development Block Grant (CDBG) PY08/FY09 Annual Action Plan
- b. Amendment of the FY 2009 Budget and Appropriations Ordinance to increase the Solid Waste Fund appropriation by \$210,800 for a total of \$2,250,000.

9. **CONSENT AGENDA**

- a. Approval of the Minutes of the May 4, 2009 City Council Meeting.
- b. Adoption of a resolution waiving competitive bids and making award in the estimated amount of \$66,400.00 to Superior Pavement Marking, Inc., Knoxville, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary for street striping services for the remainder of Fiscal Year 2009.
- c. Adoption of a resolution providing that the City shall participate in the TML Risk Management Pool and approving the Interlocal Cooperation Agreement relative to such participation.
- d. Adoption of a resolution authorizing the execution of the "Generation Partners Agreement Between Oak Ridge, Tennessee and the Tennessee Valley Authority" (Contract Number 00076331), thus maintaining the framework for the City to offer a pilot program to its citizens designed to evaluate the financial and operational feasibility of customer owned renewable power generation, including photovoltaic and wind turbine sources.

10. **SPECIAL REPORTS**

- a. Mayor and City Council
- b. Special Committees
- c. Boards and Commissions
- d. Other

11. **APPROVAL OF MINUTES**

12. **ORDINANCES**

- a. First Reading of New Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 21-08, AS AMENDED, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, BY AMENDING SAID APPROPRIATIONS.

- b. Adoption of Ordinances (Second Reading)

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 4.00, MAP 100A, GROUP C, FROM O-2, OFFICE TO B-2, GENERAL BUSINESS; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCEL FROM O, OFFICE/INSTITUTIONAL TO B, BUSINESS.

AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

13. **RESOLUTIONS**

- a. General Resolutions

A resolution amending the City's PY08/FY09 Annual Action Plan approved by Resolution No. 5-37-08 to allow for the expenditure of \$68,498 allocated from the 2009 American Recovery and Reinvestment Act (ARRA).

A resolution granting the request of Dr. Gary Goff, President of Roane State Community College, for the City of Oak Ridge to contribute \$500,000 to assist in the expansion of Roane State's Oak Ridge campus, conditional upon (1) the City's contribution is contingent upon Roane State receiving \$20 million in funding from the State of Tennessee by October 31, 2011 for the proposed expansion of the Oak Ridge campus, and (2) the City's contribution will be paid, provided all conditions are met, in three equal installments over a three-year period, with each payment being made approximately twelve months apart, the first payment to be made in January 2012.

b. Bids and Contracts

A resolution approving the Employment Agreement between the City of Oak Ridge and Kenneth R. Krushenski, as City Attorney, said agreement having been amended as recommended by the City Attorney Evaluation Committee to increase the salary of the City Attorney by 1%, to extend his term of office to March 1, 2014, and to provide that if terminated by City Council, the City Attorney would receive a cash payment equal to nine (9) months' aggregate salary plus accrued leave and benefits.

A resolution authorizing the City to enter into all necessary legal documents to transfer the roadways in Phase 1A of East Tennessee Technology Park from the U.S. Department of Energy to the City of Oak Ridge, which documents include but are not limited to the Operational Agreement Among the Department of Energy Oak Ridge Office, the City of Oak Ridge, and the Heritage Center, LLC for Transfer of Responsibility for Phase 1A Roadways at East Tennessee Technology Park.

A resolution awarding a contract in the estimated amount of \$256,449.00 to Rogers Group, Inc., Oak Ridge, Tennessee, for the furnishing of all labor, materials, equipment and supplies necessary to perform all work and services for milling and resurfacing of City streets.

A resolution awarding bids in the grand total estimated amount of \$141,576.00 to Nedrow & Associates, Murfreesboro, Tennessee, for the purchase of three (3) replacement pumps and variable frequency drives for the Robertsville Road pumping station, and to Principle Environmental, Inc., Atlanta, Georgia, for the purchase of three (3) rotary ball valves for the Robertsville Road pumping station.

A resolution awarding bids in the grand total amount of \$277,645.04 to Jacky Jones Ford, Maryville, Tennessee, for the furnishing of one (1) pickup truck, one (1) van, and one (1) mid-sized utility vehicle; to Cardinal Chrysler-Dodge, Inc., Louisville, Kentucky, for the furnishing of two (2) hybrid utility vehicles; to Alexander Ford Lincoln Mercury, Murfreesboro, Tennessee, for the furnishing of one (1) pickup truck; to Dean Stallings Ford, Oak Ridge, Tennessee, for the furnishing of one (1) small dump truck; and to Freightliner of Knoxville, Inc., Knoxville, Tennessee for the furnishing of one (1) large dump truck.

A resolution approving a Contract for Sale of Real Property between the City and Seward B. Norris Construction Company, for the sale of Parcel 219.01, Block 16-CM, located adjacent to Castlewood Condominiums on the east end of Oak Ridge.

14. ELECTIONS

Election of two (2) members to the Health and Educational Facilities Board for six-year terms of office commencing on June 7, 2009.

Election of one (1) member to the Board of Zoning Appeals for a five-year term of office commencing on June 18, 2009.

Notice of Elections

Six (6) elections are scheduled for the June 22, 2009 City Council meeting to appoint:

- One (1) member to the Anderson County Community Action Commission

- One (1) member to the Anderson County Economic Development Association
- Four (4) members to the Oak Ridge Convention and Visitors Bureau
- Three (3) members to the Elder Citizens Advisory Board
- One (1) member to the Board of Electrical Examiners
- Three (3) members to the Health and Educational Facilities Board

The deadline for filing is 5:00 p.m. on Tuesday, June 10, 2009.

15. **COMMUNICATIONS**
16. **CITY MANAGER'S REPORT**
17. **CITY ATTORNEY'S REPORT**
18. **UNFINISHED BUSINESS**
19. **NEW BUSINESS**
20. **MISCELLANEOUS**
21. **UPCOMING MEETINGS/MAJOR ISSUES**
22. **ADJOURNMENT**

**CITY CLERK MEMORANDUM**

**09-29**

DATE: May 1, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PROCLAMATION

SECRET CITY FESTIVAL TIME

The accompanying proclamation is presented for the Council's consideration at the request of the Director of the Receptions and Parks Department. Ms. Jane Gibson of the Recreation and Parks Department will be present at the council meeting to accept the proclamation.

  
City Clerk

Attachments

# PROCLAMATION

**WHEREAS**, the weekend of June 19 and 20, 2009, has been set aside in Oak Ridge as a time for celebration of Oak Ridge's heritage "from the 40's to the future"; and

**WHEREAS**, during this time the public will be invited to participate in a variety of activities intended to provide both entertainment and enhancement of the community's cultural life; and

**WHEREAS**, these activities will be presented by the City of Oak Ridge, the Arts Council of Oak Ridge, and the Oak Ridge Convention and Visitors Bureau with Festival sponsors being B&W Y12 and the City of Oak Ridge, media sponsorship by The Oak Ridger, WBIR -TV, Comcast, Lamar Outdoor Advertising, and BBB Communications, and will include arts and crafts shows, antiques and collectables, juried art show, dances, musical groups, athletic events, ORHPA's historical exhibits, community exhibitors, and Lavender Festival and special children's and teen activities; and

**WHEREAS**, to commemorate Oak Ridge's heritage, the events this year will encompass numerous activities planned for the Civic Center area, including two Festival Concerts, one on Friday featuring a "USO Variety Show" and on Saturday featuring "Survivor"; and

**WHEREAS**, spring in Oak Ridge is cause for great celebration.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE**, that June 19 and 20, 2009 be proclaimed

## **SECRET CITY FESTIVAL TIME**

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to honor this special time by participating in the events provided by the Arts Council, the Convention and Visitors Bureau, the City and other organizations for our entertainment and cultural enrichment.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 18th day of May in the year 2009.

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**MAYOR**

**CITY CLERK MEMORANDUM**  
**09-32**

DATE: May 6, 2009

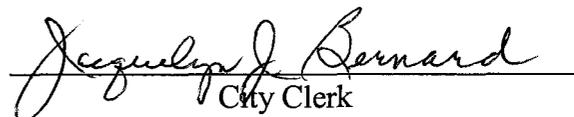
TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: RESOLUTION IN APPRECIATION OF STUDENT ART

Several pieces are scheduled to be added to the student art collection in the Municipal Building. The attached resolution will once again express the City's appreciation for this wonderful gift of student art.

Mr. Jim Dodson, the art teacher at Jefferson Middle School, has provided the leadership for this program. He will be present at the May 18<sup>th</sup> Council meeting, along with several of the student artists, to accept copies of the resolution and to answer any questions the Council may have about the program.

  
City Clerk

Attachment

RESOLUTION NUMBER 5-35-09

**IN APPRECIATION OF THE GIFT OF STUDENT ART**

WHEREAS, in May of 2003, the citizens of Oak Ridge enjoyed the "First Annual Municipal Art Show" in which the art works of students in Kindergarten through 12<sup>th</sup> grade classes in the Oak Ridge Schools were displayed in the Municipal Building; and

WHEREAS, the works of these young artists were a source of visual pleasure for the employees as well as the visitors to the Municipal Building; and

WHEREAS, because of the success of the Art Show and its enhancement of the décor of the Municipal Building, it was suggested by the Art teachers in the Oak Ridge School System that the student art be displayed on a year-round basis; and

WHEREAS, with the consent of the parents of the student artists, the teachers made a gift to the City of the pieces of art that were hanging in the Municipal Building and each year they add to the City's collection; and

WHEREAS, several new pieces are scheduled to be added to the City's student art collection this year; and

WHEREAS, the visual arts contribute greatly to our cultural heritage and the City of Oak Ridge is pleased to have a role in continuing this legacy through perpetual display of the works of our community's budding young artists.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That on behalf of the citizens of Oak Ridge, this Council accepts the works of art that have been added to the display in the Municipal Building and commends the young artists for donating their work to the City for the enjoyment of all who visit the Municipal Building.

BE IT FURTHER RESOLVED that the attached list of the young artists who donated their works this year is hereby incorporated into this resolution and shall become a part of the official records of the City of Oak Ridge.

BE IT FURTHER RESOLVED that this Council honors their teachers – Jim Dodson, Liz Hodgers, Gisela Nichols, Shawn Saacke-Crawford, Carolyn Skeen, Sara Cochran, Sean Seyfert, Cheryl Burchett, and Anna Wakefield – and extends to them its gratitude for guiding the course that led to this great gift of student art.

This the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## STUDENT ARTISTS – MAY 2009

Catherine Payzant  
9<sup>th</sup> grade - Oak Ridge High School

Chase Forester  
9<sup>th</sup> grade - Oak Ridge High School

Ashley Johnson  
4<sup>th</sup> grade – Woodland

Aeriel McCasland  
12<sup>th</sup> grade – Oak Ridge High School

Ben Cruz  
5<sup>th</sup> grade - Robertsville Middle School

Austin Bivins  
2<sup>nd</sup> grade - Glenwood

Sam Turner  
3<sup>rd</sup> grade - Linden

Jacob LaRose  
4<sup>th</sup> grade – Willow Brook

Kayla Stoner  
4<sup>th</sup> grade – Willow Brook

Loni Albrecht  
8<sup>th</sup> grade – Jefferson Middle School

**CITY CLERK MEMORANDUM**  
**09-35**

DATE: May 7, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PUBLIC HEARING

A public hearing is scheduled for the May 18, 2009 City Council meeting on the following:

- a. Amendment of the Community Development Block Grant (CDBG) PY08/FY09 Annual Action Plan
- b. Amendment of the FY 2009 Budget and Appropriations Ordinance to increase the Solid Waste Fund appropriation by \$210,800 for a total of \$2,250,000.

Supporting documentation for Item "a" follows this memorandum and appears later in the agenda under Resolutions. Item "b" will be found under First Reading of New Ordinances.

  
City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM**  
**09-19**

DATE: May 7, 2009

TO: James R. O'Connor, City Manager

FROM: Susie Stooksbury, Library Operations Manager  
Tim Ward, Community Development Department Division Manager  
Angie Marshall, Crime Analyst, Police Department  
Kahla Gentry, Community Development Department Senior Planner  
Susan Fallon, Contracts / Grants Coordinator *SF*

**SUBJECT: PUBLIC HEARING FOR THE AMENDMENT TO COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) PY08/FY09 ANNUAL ACTION PLAN**

A Public Hearing is scheduled for the May 18, 2009, City Council meeting to solicit input on the proposed amendment to the CDBG PY08/FY09 Annual Action Plan which is required to allow the City of Oak Ridge to receive funds totaling \$68,498 that have been allocated by the 2009 American Recovery and Reinvestment Act (ARRA) for the CDBG program.

The City of Oak Ridge was notified on March 6, 2009 of the allocation from the 2009 ARRA (notification letter attached). City staff received an email on May 6, 2009, from Stan Gimont, Director, Office of Block Grant Assistance with the U.S. Department of Housing and Urban Development (HUD), providing direction to amend the current year Annual Action Plan (PY08/FY09) and submit the amendment to HUD no later than June 5, 2009. To allow for the condensed time period, HUD is permitting a seven (7) day comment period (instead of 30 days) and the public notice is to be placed on the city's website instead of in the newspaper.

During the approval process for the PY09/FY10 CDBG Annual Action Plan, the CDBG staff committee recommended partial funding of activities provided by Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC), so that when the ARRA funding was received, it would be granted to ADFAC to fully fund the activities. Due to the availability of funds from the Neighborhood Stabilization Program, ADFAC has requested an amendment to their original applications which includes withdrawing the application for major home rehab and increase the funding requested for minor home repair, down payment assistance and housing counseling services.

The CDBG staff committee recommends the following allocation to ADFAC projects for the CDBG funds received from the ARRA.

Minor Home Repair	\$40,000.00
Down Payment Assistance	\$27,000.00
Housing Counseling Services	<u>\$ 1,498.00</u>
Total	\$68,498.00

Staff will seek City Council approval of the proposed amendment to the CDBG PY08/FY09 Annual Action Plan during the May 18, 2009 meeting, so that the approved amendment can be submitted to HUD no later than June 5, 2009.



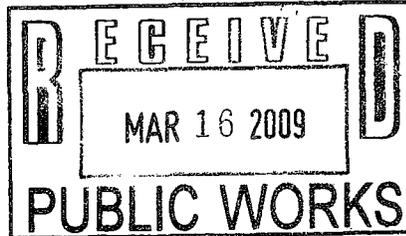
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
 THE SECRETARY  
 WASHINGTON, DC 20410-0001

RECEIVED

2009 MAR 13 AM 8:04  
 OFFICE OF THE CITY CLERK

March 6, 2009

The Honorable Tom Beehan  
 Mayor of Oak Ridge  
 PO Box 1  
 Oak Ridge, TN 37831-0001



Dear Mayor Beehan:

I am pleased to inform you that the U.S. Department of Housing and Urban Development has allocated \$10.1 billion, made available through the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Public Law 111-5) signed into law by President Obama on February 17, 2009.

This letter provides the allocations from the Recovery Act for the following programs administered by the Department: Community Development Block Grants; Public Housing Capital Fund; Lead Hazard Reduction; Section 8 Project-Based Rental Assistance; Homelessness Prevention Fund; and Tax Credit Assistance. These programs provide funding for housing, community and economic development, and assistance for low- and moderate-income persons and special populations across the country.

Table 1 reflects the level of funding directly available for those programs in your community. Table 2 identifies funding available through other partners in your community, and finally, Table 3 identifies the allocation provided to your state for which you may apply:

**Table 1 – Grants awarded directly to your community**

<i>Recovery Act of 2009 Program</i>	<i>Grant Amount</i>
Community Development Block Grant	\$68,498
Homelessness Prevention Fund	\$0
Lead Hazard Reduction	\$0

**Table 2 – Grants awarded to partners in your community**

<i>Recovery Act of 2009 Program</i>	<i>Grant Amount</i>	<i>Percent of Units in Your Community</i>
Public Housing Capital Fund*	\$240,920	100%
Section 8 Project-Based Rental Assistance**	\$905,924	
Lead Hazard Reduction Grant	\$0	

\*Some housing authorities serve areas larger than the city or county. The Grant Amount reflects the total grant to the housing authority(ies), and Percent of Units in Your Community reflects the percent of its (their) public housing units that are in your community.

\*\*The Project-Based Rental Assistance reflects the funding needed to meet the Federal Government’s contractual obligation with project-based owner(s).

**Table 3 – Grants awarded to the state. Partners in your community might be able to apply for these funds.**

<i>Recovery Act of 2009 Program</i>	<i>Grant Amount</i>
Tax Credit Assistance	\$39,032,515

Additional competitive funding will become available in the near future for the Neighborhood Stabilization Program, the Public Housing Capital Fund Program (renovation and energy conservation), and the Section 8 Project-Based Rental Assistance Program (energy conservation).

Investments made with Recovery Act funds must be efficient, effective, and without waste, fraud, or abuse. To this end, the Recovery Act requires unprecedented levels of transparency, oversight, and accountability – measures that HUD rigorously will enforce. Effective performance measurement and accountability are crucially important in all formula grant programs, and it is essential that HUD have complete performance data to report to President Obama, the Congress, and the American people. Your dedication to complete accurate reporting of performance measurement data will be necessary to demonstrate the effectiveness of your investments specifically, and of HUD formula grant programs and the Recovery Act at large. To ensure transparency and accountability for Recovery Act investments, public reports will be disclosed through a central website, [www.Recovery.gov](http://www.Recovery.gov), and through HUD’s Recovery website, [www.hud.gov/recovery](http://www.hud.gov/recovery).

Local governments nationwide are grappling with effects of the current economic challenge. The timely expenditure of Recovery Act funds being announced in this allocation, in addition to the competitive funds that will be made available in the near future, are targeted to help communities and families recover from the economic situation. Furthermore, many of these Recovery Act funds make it possible for communities to reap the three benefits of energy retrofitting: the creation of local green jobs, utility cost savings, and a reduction in carbon emissions. HUD strongly encourages its grantees to focus on this opportunity.

As with all HUD Recovery Act programs, your community has HUD's commitment to be as flexible as possible to help communities such as yours address local needs in the most effective manner.

I look forward to establishing a partnership to help strengthen your community for years to come. HUD is always available to help you implement your programs effectively. If you or your staff have any questions, please contact your local HUD Field Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Shaun Donovan", with a long horizontal flourish extending to the right.

Shaun Donovan

**CITY CLERK MEMORANDUM**  
09-33

DATE: May 7, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: CONSENT AGENDA

The following items are presented for the Council's consideration as the Consent Agenda for the May 18, 2009 City Council meeting.

Approval of Minutes – May 4, 2009

Resolutions – Bids and Contracts

Adoption of a resolution waiving competitive bids and making award in the estimated amount of \$66,400.00 to Superior Pavement Marking, Inc., Knoxville, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary for street striping services for the remainder of Fiscal Year 2009.

Adoption of a resolution providing that the City shall participate in the TML Risk Management Pool and approving the Interlocal Cooperation Agreement relative to such participation.

Adoption of a resolution authorizing the execution of the "Generation Partners Agreement Between Oak Ridge, Tennessee and the Tennessee Valley Authority" (Contract Number 00076331), thus maintaining the framework for the City to offer a pilot program to its citizens designed to evaluate the financial and operational feasibility of customer owned renewable power generation, including photovoltaic and wind turbine sources.

**The documentation for these items follows this memorandum.**

  
City Clerk

# MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

May 4, 2009

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on May 4, 2009 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

## **INVOCATION**

The Reverend Jim Bailes, Kern Memorial United Methodist Church, gave the Invocation.

## **PLEDGE OF ALLEGIANCE**

Ms. Nicky Reynolds of the Oak Ridge Convention and Visitors Bureau led the Pledge of Allegiance to the Flag of the United States of America.

## **ROLL CALL**

The following members of Council were present: Willie Golden, Jr., Thomas W. Hayes, L. Charles Hensley, D. Jane Miller, David N. Mosby, Ellen D. Smith and Mayor Thomas L. Beehan.

The following members of the Board of Education were present: John W. Smith, Jr., Chairman; Jennifer Richter, Angi Agle, Keys Fillauer, and Dan DiGregorio.

Also present were James R. O'Connor, City Manager; Thomas E. Bailey, Superintendent of Schools; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Jacquelyn J. Bernard, City Clerk.

## **APPEARANCE OF CITIZENS**

### Honoring Kenneth Tilley

Ms. June Griffin, a member of the Citizen-Soldiers for the Atomic Bomb, made a presentation honoring Mr. Kenneth Tilley, a World War II veteran and Oak Ridge resident, for his "exercise of patriotism in resisting domestic enemies." Ms. Griffin referred specifically to Mr. Tilley's activities in opposition to the "Environmental Peace Alliance" which periodically organizes a protest march that culminates at the entrance to the Y-12 Plant in Oak Ridge. Mr. Tilley was present and made a few remarks in acknowledgement of the honor bestowed upon him by the Citizen-Soldiers for the Atomic Bomb.

### SR 95 Improvement Project – Oak Ridge West

The following residents of Southwood and Sweet Gum Lanes presented statements requesting design changes in the SR 95 Improvement Project that is scheduled for construction by the Tennessee Department of Transportation in the west end of Oak Ridge:

Mr. Victor Hazlewood, 123 East Southwood Lane  
Ivan Kravchenko, 205 Sweet Gum Lane  
Roxanna Kravchenko, 205 Sweet Gum Lane  
Stephany Beane, 126 East Southwood Lane

Mr. Hazlewood also presented a petition signed by 25 residents of the area, titled "Petition for the modification of design and construction plans of 2008-2011 State Transportation Improvement Plan Amendment #116."

#### City Council Report Card

Mr. Andy Marathe, 121 Westlook Circle, commented on the City Council's performance over the past two years, calling it "mediocre at best." He encouraged the Council to develop a plan and "do something."

#### **APPROVAL OF AGENDA**

Councilman Hensley moved that the agenda be approved as published, seconded by Councilman Golden.

Mayor Beehan noted that the staff has recommended the following additions to the agenda:

- Under Proclamations – A proclamation designating the week of May 10–18, 2009 as "Police Week" and May 15, 2009 as "Police Memorial Day."
- Under Elections – The appointment of Councilman Tom Hayes to serve as the City Council representative on the Youth Advisory Board Screening Panel.

Councilwoman Miller moved that the agenda be so amended. The motion was seconded by Councilman Mosby and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The Mayor then announced that Mr. Michael Magill has withdrawn his name from consideration as a candidate for the Industrial Development and it would be appropriate to remove his name from the ballot for that election at this time.

Councilman Hayes moved that the ballot be so amended. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The agenda was approved, as amended, by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

#### **RECOGNITION OF VISITORS**

Mayor Beehan welcomed all visitors to the meeting.

#### **PROCLAMATIONS AND COURTESY RESOLUTIONS**

##### Building Safety Week

##### **A proclamation designating May 3–9, 2009 as "Building Safety Week."**

Councilwoman Smith moved that the proclamation be adopted. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The Mayor recognized members of the City's Code Enforcement staff who were present at the meeting, including Mr. Denny Boss, Mr. Arnold Blackwell, Mr. Jake Martin, Ms. Kay Littlejohn and Mr. Tim Cochran. The proclamation was presented to the Manager of the Code Enforcement Department, Mr. Tim Ward.

National Day of Prayer

**A proclamation designating May 7, 2009 as "National Day of Prayer."**

Councilwoman Miller moved that the proclamation be adopted. The motion was seconded by Councilman Golden and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Vasculitis Awareness Week

**A proclamation designating May 3–9 as "Vasculitis Awareness Week."**

Councilman Golden moved that the proclamation be adopted. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." The proclamation was presented to Ms. Delores Kuhaida, representing the Vasculitis Foundation.

Police Week/Police Memorial Day

**A proclamation designating the week of May 10–16, 2009 as "Police Week" and May 15, 2009 as "Police Memorial Day."**

Councilwoman Miller moved that the proclamation be adopted. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." The proclamation was presented to the Deputy Police Chief for the City of Oak Ridge, Mr. Alan Massengill.

**PUBLIC HEARING**

A public hearing was held on the following:

1. Rezoning of Anderson County Tax Map 100A, Group C, Parcel 4.00, located at 106 Administration Road between Milan Way and the Oak Ridge Turnpike, from O-2, Office District, to B-2, General Business District; and amendment of the Comprehensive Plan's Land Use Plan by changing the designation of the parcel from O, Office/Institutional, to B, General Business

The City Manager briefly reviewed this rezoning request, noting that it was submitted in order to broaden the use of the property to include a pharmacy. He advised that at its meeting on April 23, 2009, the Oak Ridge Municipal Planning Commission voted to recommend its approval.

Mr. Andy Marathe, 121 Westlook Circle, expressed support for the rezoning because it will allow the location of a pharmacy at this site. His was the only citizen comment.

2. FY 2010 City of Oak Ridge Proposed Budget

The Chairman of the Oak Ridge Board of Education, Mr. John W. Smith, Jr., made the budget presentation for the Oak Ridge Schools, following which he and the Superintendent, Dr. Thomas E.

Bailey, responded to the questions and comments of City Council members.

The City Manager gave a general overview of the total budget for City operations, the formal presentation having been made at a previous meeting. Following his overview, he responded to the questions and comments of City Council members.

Dr. Gary Goff, President of Roane State Community College (RSCC), made a presentation in support of Roane State's request for an investment of \$500,000 from the City of Oak Ridge to assist in the expansion of the Roane State/Oak Ridge branch facility. He clarified that he was not seeking an appropriation of funds in the FY 2010 City budget, but a commitment today with payout in 2012, 2013, and 2014. At the request of the Mayor, the City Attorney agreed to provide a resolution of intent in this regard for the Council's consideration at the May 18, 2009 City Council meeting.

Following his presentation, Dr. Goff also responded to the questions and comments of City Council members.

Mr. Andy Marathe, 121 Westlook Circle, (1) opposed the requested investment in Roane State Community College, (2) encouraged the Council to adopt a different "mind set" that would focus on reducing expenditures instead of increasing the City debt, and (3) urged the adoption of a strategic plan.

Ms. Trina Baughn, 119 Newport Drive, (1) commented that the City should acquire more tangible cost/benefit information about the proposed RSCC investment before increasing the City's debt (2) commended the City and Schools for staying within the budgetary model and proposing no increase in the tax rate, (3) approved the effort to increase internal efficiency and encouraged its continuation, (4) expressed appreciation to the City and Schools for improvements in safety for school children and (5) encouraged funding of additional School Resource Officers.

Mr. Walter Zobel, 110 Stanton Lane, expressed objections to funding for lobbying contracts and the economic development contract with the Oak Ridge Chamber of Commerce.

**CONSENT AGENDA** - None

**SPECIAL REPORTS**

Communication from TDOT Commissioner Gerald Nicely

Mayor Beehan reported that the City received a letter today from Commissioner Gerald Nicely of the Tennessee Department of Transportation (TDOT) advising that TDOT has released its 2010 Comprehensive Multimodal Work Program which includes projects funded with American Recovery and Reinvestment Act (ARRA) dollars, and while the SR-95 Improvement Project was not selected as an ARRA funded project, it has been funded under TDOT's traditional 2010 funding program. Further, he reported, Commissioner Nicely states that TDOT has taken under advisement the City's proposal for work on Edgemoor Road and he asked that the City contact Mr. Paul Degges, TDOT's Chief Engineer, to discuss options available to the City for funding the Melton Lake Greenway.

Council's Night Out

Mayor Beehan reported that the Council's Night Out is scheduled for tomorrow, May 5, 2009, from 6:00 to 8:00 p.m. at the Civic Center. He announced that this is a special "Night Out" because on this date 50 years ago, the people of Oak Ridge voted overwhelmingly to incorporate. He advised that cake and punch will be served to those in attendance in celebration of this anniversary.

### **APPROVAL OF MINUTES**

Councilman Hensley moved that the minutes of the April 13, 2009 City Council meeting be approved as submitted. The motion was seconded by Councilwoman Miller and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

### **ORDINANCES**

#### **First Reading of New Ordinances**

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 4.00, MAP 100A, GROUP C, FROM O-2, OFFICE TO B-2, GENERAL BUSINESS; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCEL FROM O, OFFICE/INSTITUTIONAL TO B, BUSINESS.

Councilman Golden moved that the ordinance be approved on first reading, seconded by Councilman Hensley.

Councilwoman Smith moved that the ordinance be amended by substitution of the UB-2, Unified General Business District for the B-2, General Business District. The motion was seconded by Councilman Hayes and a brief discussion followed in which the City Manager, the Director of Community Development, Mr. Ron Asher, a realtor, and Mr. James Munsey, the rezoning applicant, responded to the Council's questions and comments.

The amendment failed by electronic vote with Councilwoman Smith casting the only affirmative vote.

The ordinance was approved unanimously on first reading by electronic vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

Councilman Golden moved that the ordinance be approved on first reading, seconded by Councilman Hensley.

Mayor Beehan announced that a communication was received from the Oak Ridge Schools on Friday, May 1, 2009, advising that the Federal Projects Fund had increased by approximately \$205,000; consequently, the Board of Education has requested that the General Purpose School Fund appropriation be increased from \$51,371,198 to \$51,576,180.

Councilman Hensley moved that the ordinance be so amended. The motion was seconded by Councilwoman Miller and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The ordinance was then deliberated at some length with the City Manager and Ms. Janice McGinnis, the City's Finance Director, responding to the Council's questions and comments. Questions were related to several programs and Funds, including the Drug Enforcement Fund, School Resource Officer Program,

Emergency Communications Fund, the Water Fund, and the Equipment Rental Fund, in addition to the Debt Service and Economic Diversification Funds.

It appeared to be the consensus that an opportunity should be provided for greater review of both the Debt Service Fund and the Economic Diversification Fund, and the Mayor suggested that perhaps they could be addressed at the agenda review session scheduled for May 11, 2009 prior to second reading of this ordinance. The City Manager said that if Council members will forward to him their specific questions regarding these Funds, the staff will be prepared to address them at that time.

The ordinance was approved unanimously on first reading by electronic vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Adoption of Ordinances (Second Reading)

Ordinance No. 7-09

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF A 1.25-ACRE PORTION OF PARCEL 1.00, MAP 105C, GROUP B, FROM R-4-B, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, TO O-2, OFFICE DISTRICT; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF THE 1.25-ACRE PORTION OF SAID PARCEL FROM R, RESIDENTIAL, TO O, OFFICE.

Councilman Hensley moved that the ordinance be adopted. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Ordinance No. 8-09

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF AN APPROXIMATE 29.3 ACRE PORTION OF PARCEL 1.01, MAP 101G, GROUP A, FROM R-1-B, ONE-FAMILY RESIDENTIAL DISTRICT, TO R-4, HIGH DENSITY RESIDENTIAL DISTRICT; AN APPROXIMATE 44.3 ACRE PORTION OF PARCEL 1.01, MAP 101G, GROUP A, FROM R-1-B, ONE-FAMILY RESIDENTIAL DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT; AN APPROXIMATE 10.7 ACRE PORTION OF PARCEL 1.01, MAP 101G, GROUP A, FROM R-3, MULTIPLE-FAMILY RESIDENTIAL AND HOTEL DISTRICT, TO R-4, HIGH DENSITY RESIDENTIAL DISTRICT; AND AN APPROXIMATE 8.9 ACRE PORTION OF PARCEL 1.01, MAP 101G, GROUP A, FROM R-3, MULTIPLE-FAMILY RESIDENTIAL AND HOTEL DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT; AND TO APPROVE THE REVISED PRELIMINARY MASTER PLAN FOR CENTENNIAL VILLAGE AT MELTON LAKE AS SUBMITTED BY CENTENNIAL VILLAGE DEVELOPMENT, LLC, WHICH CONTAINS A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OVERLAY ON SAID PARCEL; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF AN APPROXIMATE 76.8 ACRE PORTION OF SAID PARCEL FROM R, RESIDENTIAL AND P, PUBLIC TO B, GENERAL BUSINESS.

Councilwoman Miller moved that the ordinance be adopted, seconded by Councilman Golden.

The Mayor noted that based upon the most recently revised preliminary master plan for Centennial Village at Melton Lake, as submitted on April 15, 2009 by Mr. John Chilton of Centennial Village Development, the staff has recommended that the ordinance be amended to specify the approval of that

revised plan with certain conditions. He called on the City Clerk to read the staff recommendation for amendment of the ordinance, and she did so as follows:

That Section 4 of the ordinance be amended to read as follows:

The Planned Unit Development Revised Preliminary Master Plan for *Centennial Village at Melton Hill Lake, A Golf & Lakeview Community*, as shown on Drawing No. C-1, ACHW Job #08509.1, dated April 15, 2009, is hereby approved, conditional upon the following:

1. There will be no grading, grubbing or tree removal prior to preliminary plat or site plan approval.
2. A "Type B" vegetative buffer will be established at the rear of lots adjacent to Lots 81, 76 and Lots 1-3 in Rivers Run. It is recommended that this be extended along Lots 77 through 80 if needed (Prior designation Lot 9.01) in Rock Bridge Greens.
3. Grading and associated tree removal performed by the Developer of Record in The Highlands will be limited to roadway and utility construction. Limitation of tree removal subsequent to house construction shall be reflected in Deed Restrictions for The Highlands.
4. Existing trees shall be maintained in Coldwater Creek where feasible, especially along the eastern perimeter. In those areas where tree removal is extensive, a "Type B" buffer shall be established composed of a mixture of existing vegetation and/or newly established plantings and may include Tulip Poplars at the rear of lots within Centennial Village and may extend onto Golf Course property, subject to approval of the City of Oak Ridge and Casper Management or its successor.
5. Along the eastern edge of Fairway's Edge canopy trees, which may include Tulip Poplars, shall be generally planted on staggered 40-foot centers.
6. Tree protection fencing shall be installed prior to grading or grubbing or tree removal on site.
7. A landscape plan identifying location, size and species shall be presented and approved at the Preliminary Plat review stage for each individual phase.
8. A performance bond for establishment of the vegetative buffer areas and tree plantings, as approved during Preliminary Plat review, shall be posted prior to issuance of a grading permit and will be included in the land disturbance bond.
9. Lots adjacent to Rivers Run and Rock Bridge Greens will have a rear setback of 35 feet and the lot areas will be 20,000 square feet or more.

Councilman Hensley moved that the ordinance be so amended, seconded by Councilwoman Miller.

The motion was then deliberated at length with the City Manager and Mr. Ray Evans, Consultant to Mr. John Chilton, responding to the Council's questions and comments.

Mr. John Mulloy, 112 Park Meade Drive, expressed concerns about increased traffic on Park Meade Drive, the potential for an additional golf cart track crossing, possible drainage problems on the golf course, and the need for improvements on Edgemoor Road. He said, "I'm for development, but let's do it smart."

The amendment was adopted unanimously by electronic vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

The ordinance was adopted, as amended, by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

## **RESOLUTIONS**

### **General Resolutions**

Resolution No. 5-34-09

**A resolution approving the Community Development Block Grant (CDBG) Annual Action Plan for FY 2010 and the reallocation of funding, and approving proposed allocations of Community Development Block Grant Entitlement funds for FY 2010, totaling an estimated \$261,000.00.**

Councilwoman Smith moved that the resolution be adopted. The motion was seconded by Councilman Hensley and after brief deliberation, it carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

Bids and Contracts – None

## **ELECTIONS**

### **Youth Advisory Board Screening Panel**

Acting on the recommendation of Mayor Beehan, Councilman Golden moved that Councilman Hayes be appointed to serve as the City Council representative on the Youth Advisory Board Screening Panel. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

### **Environmental Quality Advisory Board**

Councilman Hensley moved that Ms. Courtney Walls be elected by acclamation to serve as an Oak Ridge High School student representative on the Environmental Quality Advisory Board for two years commencing on June 1, 2009 or until graduation from high school, whichever occurs first. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.” There were no other candidates.

### **Industrial Development Board**

On first ballot, Dr. David L. Mason was elected to serve on the Oak Ridge Industrial Development Board for the balance of an unexpired term of office ending on May 1, 2012. He received the votes of Council members Golden, Hayes, Hensley, Miller, Mosby, and Mayor Beehan. Councilwoman Smith voted for Ms. Stella Schramm. The remaining candidate, Mr. Jerry Cooksey, Sr., received no votes.

### **Traffic Safety Advisory Board**

Councilwoman Smith moved that Ms. Sonja Solomon be elected by acclamation to serve as the Oak Ridge High School student representative on the Traffic Safety Advisory Board for a one-year term of

office commencing on June 1, 2009. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." There were no other candidates.

Notice of Elections

Mayor Beehan announced that two (2) elections are scheduled for the May 18, 2009 City Council meeting to appoint five (5) members to the Health and Educational Facilities Board and one (1) member to the Board of Zoning Appeals, with the deadline for filing being 5:00 p.m. on Tuesday, May 5, 2009.

**COMMUNICATIONS** – None

**CITY MANAGER'S REPORT** – None

**CITY ATTORNEY'S REPORT** - None

**UNFINISHED BUSINESS**

Citizen Concerns about the SR 95 Improvement Project (See "Appearance of Citizens")

At the request of several Council members, the City Manager agreed that he would ask the City Engineer to look into the concerns expressed by the residents in the area of the Southwood Subdivision with reference to the SR 95 Improvement Project.

**ADJOURNMENT**

The meeting adjourned at 10:44 p.m.

  
City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM**  
**09-16**

DATE: April 24, 2009  
TO: James R. O'Connor, City Manager  
FROM: Gary M. Cinder, P.E., Public Works Director

**SUBJECT: ANNUAL ORDER FOR STREET STRIPING SERVICES**

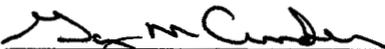
The accompanying resolution provides for a routine annual order for the remainder of FY09 for the furnishing of street striping services from Superior Pavement Markings, Inc., on an as-needed basis, in the estimated amount of \$66,400.

The city requires a contractor for street striping activities such as lane lines, centerlines and edge lines. These services utilize a striping truck, which the city does not have. The striping of the lane lines for the following projects will require assistance from the contractor, which is a reimbursable item by the State of Tennessee from the city's road maintenance contract.

- \$24,800 Oak Ridge Turnpike from New York Avenue to Melton Lake Drive
- \$ 4,400 Intersection for Edgemoor Road and Melton Lake Drive
- \$37,200 Illinois Avenue from Solway Bridge to Union Valley Road

The recommended contractor for these services is Superior Pavement Marking, Inc., the only proven company, known to city staff, to provide the type of street striping services required. Superior Pavement Markings, Inc. has submitted a written quotation that includes the estimated prices for their services. The City of Oak Ridge has previously contracted with Superior Pavement Markings, Inc. and has been pleased with their work.

Staff recommends approval of the attached resolution as submitted. Funds are available to be reimbursed by the street maintenance contract with the State of Tennessee.

  
\_\_\_\_\_  
Gary M. Cinder, P.E.

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor, City Manager

Date 5/6/09

NUMBER \_\_\_\_\_

**RESOLUTION**

WHEREAS, the City of Oak Ridge owns and/or maintains City streets and State Highways and the routine striping of these streets is necessary to maintain proper traffic control; and

WHEREAS, funding is available under the street maintenance contract with the State of Tennessee for reimbursement of the required street striping; and

WHEREAS, Superior Pavement Marking, Inc., city, state, is the only proven company known to City staff to provide the type of street striping services required; and

WHEREAS, Superior Pavement Marking, Inc., has provided satisfactory services in the past; and

WHEREAS, Superior Pavement Marking, Inc., has submitted a written proposal to perform the required services and said proposal is reasonable; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Superior Pavement Marking, Inc., based upon their written proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager to waive competitive bids is approved and award is hereby made to Superior Pavement Marking, Inc., P. O. Box 5572, Knoxville, Tennessee 37928-0572, for the furnishing of all labor, tools, materials, equipment and supplies necessary for street striping services for the remainder of Fiscal Year 2009, in the estimated amount of \$66,400.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**PERSONNEL MEMORANDUM**  
**09-061**

May 6, 2009

TO: James R. O'Connor, City Manager

THROUGH: Steven W. Jenkins, Deputy City Manager

FROM: Penelope H. Sissom, Personnel Director

SUBJECT: TML RISK MANAGEMENT POOL INTERLOCAL COOPERATION AGREEMENT UPDATE

The City has been a participant in the Tennessee Municipal League (TML) Risk Management Pool since 1981. At that time City Council adopted Resolution 9-98-81 that approved an agreement setting forth the City's participation in the Pool.

The TML Pool Board of Directors has made modifications that need to be accepted and adopted by participating municipalities. These changes essentially remove the assessment clause and wording, add an addendum relative to the Ethics Policy required by the Tennessee Ethics Reform Act of 2006, and implement a housekeeping change regarding the Board structure.

Staff recommends adoption of the attached resolution that incorporates the new Interlocal Cooperation Agreement.

  
Penelope H. Sissom

Attachment

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor

  
\_\_\_\_\_  
Date

**RESOLUTION**

WHEREAS, by Resolution 9-98-81, City Council approved an agreement with the Tennessee Municipal League (TML) Insurance Pool setting forth the City's participation; and

WHEREAS, the TML Insurance Pool, now referred to as the TML Risk Management Pool, has recently updated the agreement to include an ethics policy and to complete some housekeeping measures; and

WHEREAS, the City Council of Oak Ridge, Tennessee, has determined it is the best interest of the City and its citizens to continue participation in the TML Risk Management Pool, which participation is authorized by state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City of Oak Ridge, Tennessee, shall participate in the TML Risk Management Pool and the agreement, a copy thereof being attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**INTERLOCAL COOPERATION AGREEMENT**  
**RELATIVE TO PARTICIPATION IN THE**  
**TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL**

**INTERLOCAL COOPERATION AGREEMENT**  
**RELATIVE TO PARTICIPATION IN THE**  
**TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL**

This agreement is entered into by the undersigned political subdivision of the State of Tennessee pursuant to the Interlocal Cooperation Act, Tennessee Code Annotated, Section 12-9-101, et seq., and the Tennessee Governmental Tort Liability Act, Tennessee Code Annotated, Section 29-20-101, et seq.

Each political subdivision entering into this Interlocal Cooperation Agreement agrees to exercise its powers, privileges, authority, and financial and administrative resources jointly with other political subdivisions to provide a method for obtaining risk management, self insurance, insurance and reinsurance, or any combinations thereof, for any and all areas of their liability or insurability, including, but not limited to, property insurance, the liabilities created by the Tennessee Governmental Tort Liability Act, liabilities under the Workers' Compensation Law, and any other areas of liability or insurability authorized by Tennessee Code Annotated, Section 29-20-401. The Agreement to establish the TML Insurance Pool, an Interlocal Cooperation Agreement between the Tennessee cities of Athens and Hendersonville, became effective in 1979 and the corporation was created. The name of the corporation was changed to Tennessee Municipal League Risk Management Pool in 1984. The Corporation's political subdivisions who have participated in the Tennessee Municipal League Risk Management Pool (TML Pool) pursuant to the 1979 Agreement ratify that Agreement, and amend it by substituting this Agreement. The power and authority conferred by the 1979 Agreement are carried forward and continued in this Agreement.

Any other political subdivision of the State of Tennessee may become a participant in this Agreement by passage of an ordinance or resolution as may be legally appropriate. This Agreement shall be completely terminated only upon the action of all but one participating political subdivision to repeal, revoke, or rescind that action authorizing and effectuating their participation unless otherwise terminated by the board of directors. If the Agreement is completely terminated, the property of the Corporation shall be disposed of as provided in the Charter.

In order for this political subdivision to increase the advantages of exercising its powers, privileges, authority, and financial and administrative resources jointly with other political subdivisions and to effectuate this Agreement, it approves the creation, establishment, and operation of the not-for-profit Tennessee corporation known as the Tennessee Municipal League Risk Management Pool, whose charter and amendments are in Exhibit A, attached to and incorporated in this agreement, with the powers, purposes, and attributes set forth in them.

After joining the Interlocal Cooperation Agreement, each political subdivision may enter in to plans, agreements, or contracts with the TML Pool for the provision of any or all of the services the TML Pool is created to provide upon terms agreed to by the political subdivision and the TML Pool. Terms shall include the nature and scope of services to be provided; the method by which contributions or premiums shall be levied and paid, and any other necessary terms.

The TML Pool shall be financed from the contributions or premiums paid by participating political subdivisions, to the TML Pool, in accordance with the terms of their plans, agreements, or contracts with the TML Pool.

Establishment and maintenance of a budget for the Corporation shall be the responsibility of the Board of Directors.

The powers of the corporation shall be exercised by the Board of Directors in accordance with its charter.

The Corporation may do all acts authorized by the Tennessee Governmental Tort Liability Act, Tennessee Code Annotated, Section 29-20-101, et seq., and as it may be amended, and as authorized by the Tennessee Non-profit Corporation Act, Tennessee Code Annotated, Section 48-51-101, et seq., and as it may be amended.

## INTERLOCAL COOPERATION AGREEMENT

### SIGNATURE SECTION

Signed By: \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Entity

Attest: \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

## **Addendum #1 to the TML Pool Interlocal Agreement - Ethics Policy**

### **RESOLUTION NO. 2007- 01**

#### **A RESOLUTION OF THE TML RISK MANAGEMENT POOL BOARD ESTABLISHING A CODE OF ETHICS**

**WHEREAS**, the Comprehensive Governmental Ethics Reform Act of 2006 (Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly), requires governmental entities to adopt a Code of Ethics, and

**WHEREAS**, the Act provides that such Code of Ethics shall apply to all boards, commissions, authorities, corporations, and other entities created or appointed by such governmental entities, as well as their employees.

**NOW THEREFORE, BE IT RESOLVED BY THE TML POOL BOARD OF DIRECTORS, THAT THE TML POOL CODE OF ETHICS SHALL READ AS FOLLOWS:**

#### **TML RISK MANAGEMENT POOL CODE OF ETHICS**

##### **SECTION 1: Applicability and interpretation.**

(a) This article establishes the code of ethics for the TML Risk Management Pool (the Pool) and applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation or other instrumentality appointed or created by the Pool. When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel provisions. In any situation in which a personal interest is also a conflict of interest under state law, the more restrictive provision shall apply.

(b) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

##### **SECTION 2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Censure* means an expression of severe criticism or reproach.

*Credible*, for the purposes of complaints alleging that any official or employee has violated any provision of this article, means that the complaint is not:

- (1) Submitted anonymously.
- (2) Clearly unbelievable.
- (3) From a source not considered to be trustworthy under the circumstances.

*Employment interest* includes a situation in which an official or employee or a designated family member is employed with or negotiating possible employment with a person or organization that is the subject of a vote or that is to be regulated or supervised.

*Gift* means the transfer of anything of economic value, regardless of form, without reasonable consideration. "Gift" may include a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred. "Gift" does not include political campaign contributions which are solicited or accepted in accordance with applicable laws and regulations.

*Official(s)* means the members of the board of directors, or other person(s) in a position of authority, as well as members appointed thereby to committees, task forces, etc.

*Personal interest* means:

- (1) Any financial, ownership or employment interest in the subject of a vote by the Pool board not otherwise regulated by state statutes on conflicts of interests; or
- (2) Any financial, ownership or employment interest in a matter to be regulated or supervised; or
- (3) Any such financial, ownership or employment interest of the official's or employee's immediate family. For the purposes of this article, "immediate family" includes spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes.

*Pool* means The TML Risk Management Pool.

### **SECTION 3. Disclosure of personal interest by official with vote.**

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

**SECTION 4. Disclosure of personal interest in nonvoting matters.**

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of discretion shall disclose the interest, before the exercise of the discretion when possible, on a form provided by and filed with the personnel director. Copies of such forms filed with the personnel director shall be provided to the President and, in the case of an employee, filed in the employee's personnel file. In addition, the official or employee may, to the extent allowed by law, charter, or policy, recuse himself from the exercise of discretion in the matter.

**SECTION 5. Acceptance of gifts, gratuities, etc.**

(a) An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the Pool:

- (1) For the performance of an act, or refraining from performance of an act, that the individual would be expected to perform, or refrain from performing, in the regular course of the individual's duties; or
- (2) That might reasonably be interpreted as an attempt to influence the individual's action, or reward the individual for past action, in executing Pool business.

(b) Unless impartiality and independent judgment of an official or employee would be compromised, this section shall not apply to meals provided to officials or employees or gifts of food, candy or other items of de minimis value.

**SECTION 6. Use of information.**

(a) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(b) An official or employee may not use or disclose information obtained in his official capacity or position of employment and not available to the general public with the intent to result in financial gain for himself or any other person or entity.

(c) Confidential information will remain the exclusive property of the employer and will only be used by an employee for permitted purposes. Employees will not use confidential information for any purpose which might be directly or indirectly detrimental to the employer or any of its affiliates.

**SECTION 7. Use of Pool time, facilities, etc.**

An official or employee may not use or authorize the use of Pool time, facilities, equipment, supplies or other resources for private gain or advantage to himself or to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of directors to be in the best interests of the Pool. This prohibition shall not apply when the board of directors or the President has authorized the use of such resources and established policies governing such use.

**SECTION 8. Use of position or authority.**

(a) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the Pool; provided, however, that this section shall not apply to reasonable amounts paid for:

- (1) Food, transportation, lodging and other travel expenses incurred in accordance with the Pool's adopted travel policy.
- (2) Dues, registrations, meals and similar expenses incurred in conjunction with membership or participation in a professional or community organization to which the official or employee belongs in his official capacity.
- (3) Meals purchased in the course of an official business meeting conducted on the Pool's behalf.

(b) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized in this article or by law, the charter, or policy of the Pool.

(c) No official or employee shall provide commercial or advertising endorsements in such a manner as to convey the Pool's approval of any private for-profit enterprise; provided, however, that an official or employee may respond to inquiries seeking information as to the Pool's experience with a vendor or other private enterprise.

**SECTION 9. Ethics opinions; complaints; investigations.**

(a) *Ethics officer.* The general counsel is designated as the ethics officer of the Pool. The general counsel, in his discretion, may request that the President or board of directors appoint another attorney, individual or entity to act as ethics officer for the purposes of any specific investigation. For complaints considered by the board of directors under the provisions of this section, the board of directors may choose an individual or entity other than the general counsel to act as the ethics officer for the purposes of investigating the complaint.

(b) *Ethics opinions.* Upon the written request of an official or employee potentially affected by a provision of this article, the ethics officer may render an oral or written advisory ethics opinion based upon this article and other applicable law.

(c) *Ethics complaints and investigations.* Allegations that any official or employee has violated any provision of this article will be processed and handled as follows:

- (1) A complaint will be acted upon only if the complaint is in writing, signed by the person making the complaint and submitted to:
  - a. The ethics officer, if the complaint is against any employee other than the President or the ethics officer.
  - b. The President, if the complaint is against the ethics officer or any official.
  - c. The chairman of the board, if the complaint is against the President.
- (2) The ethics officer shall investigate any credible written complaint against an employee, other than the President or the ethics officer.
- (3) When a complaint is filed against the President, the ethics officer, an appointed official or a member of the board of directors, the complaint shall be referred to the board of directors. For any such complaint, other than a complaint against the President, the President may gather information and present pertinent facts to assist the board of directors in its determination. The board of directors, by majority vote of its entire membership, shall determine that the complaint is credible and that a violation of this article has occurred, that the complaint is not credible or does not have merit, or that the complaint has sufficient merit to warrant further investigation; except that if the complaint is filed against a member of the board of directors, the disposition of the complaint shall be determined by a majority vote of the remaining members of the board of directors. If the board of directors determines that a complaint warrants further investigation, it shall authorize an investigation by the ethics officer, provided that the board of directors may choose an individual or entity other than the general counsel to act as the ethics officer for the purposes of the investigation.
- (4) The ethics officer may also undertake an investigation on his own initiative when he acquires information indicating reasonable suspicion of a violation.

- (5) Any person who is the subject of an investigation by the ethics officer shall be notified in writing at the beginning of the investigation and allowed the opportunity to respond to all allegations in person and/or in writing during the course of the investigation.
- (6) In the course of an investigation, the ethics officer, at his discretion, may hold meetings and conduct interviews in person or by telephone, involving officials and employees of the Pool, as well as other individuals. The ethics officer may also request any information that he believes may be pertinent to the investigation. An employee's failure to cooperate in any investigation by the ethics officer shall be considered an act of insubordination and treated as such under the Pool's personnel rules and regulations.
- (7) At the conclusion of an investigation, the ethics officer may issue written findings and make recommendations for action to end or seek remedies for any activity that, in the ethics officer's judgment, constitutes a violation of this code of ethics. For an investigation of any employee other than the President, copies of such findings and recommendations shall be provided to the employee, the President, the personnel director and the employee's department head. For an investigation of any other individual, copies of such findings and recommendations shall be provided to the President, the board of directors and the individual who is the subject of the investigation.

#### **SECTION 10. Violations.**

(a) A member of the board of directors who violates any provision of this article is subject to punishment as provided by the Pool's charter, bylaws and/or other applicable law, and in addition is subject to censure by the board of directors. Any action taken by the board of directors against a member of the board of directors shall be determined by a majority vote of the remaining members of the board of directors.

(b) An official other than a member of the board of directors who violates any provision of this article is subject to punishment as provided by the Pool's charter, bylaws, and/or other applicable law. In addition, the board of directors may, by majority vote of its entire membership, censure the official or remove the official from office in such manner as may be permitted by law.

(c) In addition to any other remedy provided by law, an employee who violates any provision of this article is subject to disciplinary action, in accordance with the Pool's personnel rules and regulations, including but not limited to dismissal.

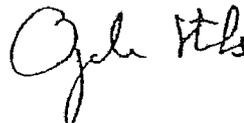
**SECTION 11.** In case of conflict between this policy or any part hereof, and the whole or part of any existing policy of the Pool, the provision that establishes the higher standard shall prevail.

**SECTION 12.** If any section, subsection, clause, provision or portion of this policy is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this policy.

**THIS RESOLUTION SHALL TAKE EFFECT FROM AND AFTER ITS FINAL PASSAGE IN ACCORDANCE WITH THE COMPREHENSIVE GOVERNMENTAL ETHICS REFORM ACT OF 2006 (Public Chapter 1 of the Extraordinary Session of the 2006 General Assembly).**

DATE APPROVED BY BOARD: June 8, 2007

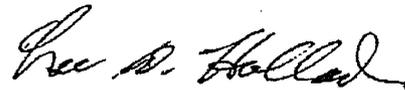
APPROVED FOR LEGAL FORM:



General Counsel



CHAIRMAN



PRESIDENT

**CORPORATE CHARTER**  
**OF**  
**TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL**

**CORPORATE CHARTER  
OF  
TML RISK MANAGEMENT POOL**

**The undersigned natural persons, having capacity to contract and acting as the incorporators of a corporation under the Tennessee General Cooperation Act, adopt the following charter for such corporation:**

- 1. The name of the corporation is Tennessee Municipal League Risk Management Pool.**
- 2. The duration of the corporation is perpetual.**
- 3. The address of the principal office of the corporation in the State of Tennessee is 5100 Maryland Way, Brentwood, Tennessee 37027.**
- 4. The corporation is not for profit. It shall not have any power to issue certificates of stock or declare dividends, and no part of its net earnings shall inure to the benefit of any trustee, officer, or individual.**
- 5. The purpose or purposes for which the corporation is organized are:
  - (a) to provide to governmental entities of the State of Tennessee including but not limited to, any municipality, metropolitan government, county, utility district, school district, human resource agency, and development district, duly created and existing pursuant to the constitution and laws of Tennessee, or any instrumentality of government created by any one or more of the herein named local government entities, or any instrumentality of government created by an act of the general assembly, such financial, administrative, and other services in the areas of risk management, insurance, and self-insurance in all areas of liability and insurability for such governmental entities, and to provide means for joint and cooperative action by such governmental entities, including a means for the pooling of their financial and administrative resources.****

**(b) to have and exercise all the powers necessary or convenient to effect any or all of the purposes mentioned in subsection (a) for which the corporation is organized, including but not limited to, the power to:**

**(1) prepare specifications, request bids, and enter into any contract for the purpose of underwriting, administering, or providing any part or all of the plans, policies, or services which may be provided by the corporation on behalf of and with participating governmental entities;**

**(2) determine the rates, risks, benefits and terms of any plans, policies, or services offered by the corporation; adjust the rates and benefits based on claim experience after proper notice to affected participating governmental entities;**

**(3) provide for individual or collective underwriting or other agreements for participating governmental entities in any plan, policy, or service offered by the corporation; serve as the policy-holder of any group policies or plans; determine the methods of claim administration and payment; provide for claim experience for participating governmental entities, collectively or separately; provide for risk management and loss prevention services for participating governmental entities;**

**(4) determine the amount of contributions, premiums or assessments required from participating governmental entities for the purpose of participating in any part or all of the plans, policies, or services established by the corporation;**

**(5) establish standards for eligibility of participating governmental entities or their employees in any plan, policy, or service; establish procedures for enrollment and withdrawal in any plan, policy, or service; and to establish effective dates of coverage;**

**(6) provide for the administration of all corporate funds, for the method of payments to such funds and for payment of all expenses in connection with the plans, policies, or services which may be established which shall include the power to provide for the partial for**

**complete pooling of such funds and to establish procedures for safekeeping, handling, and investing such fund or funds and any monies received or paid;**

**(7) to establish procedures for grievances of governmental entities and employees regarding allowance and payment of claims, eligibility, and other matters;**

**(8) employ such administrative, actuarial, legal, technical, clerical, or other employees or consultants as may be necessary to effectuate the purposes of the programs of the corporation;**

**(9) incur expenses, acquire and hold property, and enter into contracts necessary to accomplish the purposes of the corporation;**

**(10) to compromise and settle any action for damages or relief brought under the Tennessee Governmental Tort Liability Act, including specifically the provisions of T.C.A. 23-3321;**

**(11) act as the self-insuror for each governmental entity contracting with the corporation as to its liabilities under the Tennessee Governmental Tort Liability Act for purposes of the statutory limits on such liabilities, as they are now codified at T.C.A. 23-3327, or as the same may be modified;**

**(12) hire any individual, partnership, or corporation to provide any or all of the services, or to perform any or all of the acts which the corporation is authorized to provide; and,**

**(13) exercise the powers granted by Tennessee Code Annotated 48-402.**

**(c) to reinsure, in whole or in part, any of the areas of liability or insurability of governmental entities or governmental employees through the creation, operation, or ownership, in whole or in part, of reinsuring entities, by entering into contract or treaties or reinsurance with reinsuring entities, or by any combination thereof, provided that the reinsuring entity is lawfully created under the laws of its jurisdiction, or**

otherwise as permitted by law. This power to create, operate, or own shall include the power to invest the assets of the corporation in such reinsuring entities or to guarantee any loans or letters of credit in favor of such reinsuring entities.

6. The corporation is not to have members.
7. These articles may be amended in the manner provided by statute at the time of amendment.
8. In the event of any dissolution or liquidation of the corporation, the assets of the corporation shall be distributed in accordance with the vote of five-sevenths of the Board of Trustees provided that none of the assets of the corporation shall be distributed to any individual. In the event of the dissolution of this corporation, or in the event it shall cease to carry out the objects and purposes herein set forth, all the business, property, and assets of the corporation shall be distributed to such municipal corporation, or corporations, or governmental entities as may be selected by the Board of Trustees of this corporation. In no event shall any of the assets or property of this corporation, or the proceeds of any of the assets or property, be distributed to any individual, it being the intent in the event of dissolution of this corporation, or upon its ceasing to carry out the object and purposes herein set forth, that the property and assets then owned by the corporation shall be devoted to the selected governmental entities for the purpose of benefiting such entities and the public.

**ELECTRIC DEPARTMENT**  
**09-05**

DATE: May 1, 2009  
To: James R. O'Connor, City Manager  
From: Jack L. Suggs, Electrical Director  
SUBJECT: APPROVAL OF GENERATIONS PARTNER PILOT PROJECT

The attached resolution approves participation in the newly revised Generations Partners Pilot Project. This program replaces two such programs in which the City is already a participant.

Under the existing programs, residential customers were only allowed to sell TVA power produced through Photovoltaic (PV) sources; while commercial customers can sell power produced either through PV or wind power.

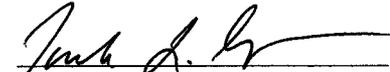
TVA has chosen to combine and expand these programs with a new pilot. The new program offers several advantages to customers including a one-time incentive of \$1000 to help offset the startup costs for installing qualifying renewable resources, such as wind and solar generation.

Other new features of the program include:

- Adding biomass energy and low-impact hydropower, as eligible sources of renewable energy
- Increasing the maximum installation size to 999 kilowatts
- Increasing the price TVA pays for the generation is now 12 cents per kilowatt-hour above the local electric rate for solar and 3 cents per kilowatt-hour for wind, low impact hydro, and biomass, including the Fuel Cost Adjustment.

Adoption of the program comes with no funding requirement, but will require staff time from several departments. That said, the program provides our customers with an opportunity to create and sell green power to TVA.

Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
Jack L. Suggs

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor

5/6/09  
Date

**RESOLUTION**

WHEREAS, the City of Oak Ridge is a distributor of electric power purchased from the Tennessee Valley Authority (TVA), which organization from time to time offers special programs and incentives to electric customers made available through its distributors; and

WHEREAS, by Resolution 2-19-08, City Council approved two agreements (Contract Numbers 00067538 and 00067539) with TVA for pilot programs, known as the Generation Partners pilot and the Demand Generation Partners pilot, designed to evaluate the financial and operational feasibility of customer owned renewable power generation, including photovoltaic and wind turbine sources which programs have been extended in January 2009 to still be in effect; and

WHEREAS, TVA has introduced a new agreement, Contract Number 0076331, which provides a new pilot Generation Partners Program, which terminates and replaces both of the previously adopted Generation Partners Programs and the City desires to participate in this new program; and

WHEREAS, the City Manager recommends approval of the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to execute the "Generation Partners Agreement Between Oak Ridge, Tennessee and Tennessee Valley Authority" (Contract Number 00076331), thus maintaining the framework for the City to offer a pilot program to its citizens designed to evaluate the financial and operational feasibility of customer owned renewable power generation, including photovoltaic and wind turbine sources.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**FINANCE DEPARTMENT MEMORANDUM**  
**09-03**

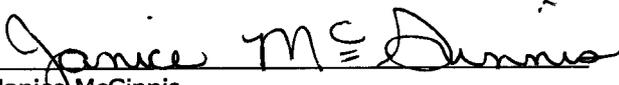
DATE: May 7, 2009  
TO: James R. O'Connor, City Manager  
THROUGH: Steven W. Jenkins, Deputy City Manager   
FROM: Janice E. McGinnis, Finance Director  
SUBJECT: Fiscal 2009 Budget Appropriation Amendment

The fiscal 2009 budgeted appropriation for the Solid Waste Fund requires an increase due to higher than budgeted costs for fuel surcharges and to allow for expenditures related to the new recycle program adopted by City Council on November 17, 2008. The amendment increases the budgeted appropriation for the Solid Waste Fund to \$2,250,000, a \$210,800 increase over the appropriation of \$2,039,200 adopted by City Council in ordinance number 21-08 on May 19, 2008. The amendment to the ordinance is necessary for total Solid Waste Fund expenditures to fall within the legal budget appropriation. The primary expenditures for the Solid Waste Fund are to Waste Connections, who is the City's contractor to perform the weekly residential refuse and recycle collection and the annual collection of household items and brush.

The new recycle program, which began service in the spring of this year, increased the monthly household cost the City pays Waste Connection for recycle by \$2. The refuse fee to residential customers was increased by the same amount. While the City has paid a fuel surcharge to Waste Connections for several years, the budget did not anticipate the unprecedented spike in fuel costs that occurred during 2008. For the first six months of fiscal 2009, the fuel surcharge was \$91,598. Since that time, the monthly fuel surcharge has dropped from these levels reflecting the decline in vehicle fuel costs.

The expenditures of the Solid Waste Fund are financed by the \$7 monthly residential refuse collection fee and operating transfers from the General Fund. The operating transfer from the General Fund only finances actual expenditure levels. The Solid Waste Fund does not maintain a fund balance.

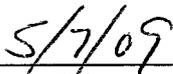
Staff recommends approval of the attached ordinance amendment.

  
Janice McGinnis

City Manager's Comments:

I have reviewed the above issue and recommend council action as outlined in this document.

  
James R. O'Connor

  
Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 21-08, AS AMENDED, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, BY AMENDING SAID APPROPRIATIONS.

WHEREAS, there exists a need to amend the original appropriations for Fiscal Year 2009 and for the accomplishment of the same, a public hearing has been held before the City Council after five (5) days' notice thereof published in The Oak Ridger, the official newspaper, as provided by law; and

WHEREAS, the City Manager has certified in writing that a sufficient amount of unappropriated revenue will be available for the needed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 21-08, which adopts appropriations for Fiscal Year 2009, is hereby amended by revising Section 3 so that the same, as revised, will read as follows:

Section 3. In accordance with Article V, Section 14, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2008:

General Fund, Municipal Operations	\$18,064,507
Debt Service (Bond and Interest Redemption Fund)	9,400,000
State Street Aid Fund	1,403,470
Streets and Public Transportation Fund	263,000
Drug Enforcement Program Fund	300,000
Grant Fund	4,168,000
General Purpose School Fund	51,039,940
Golf Course Fund	1,395,000
Capital Projects Fund	19,315,000
Solid Waste Fund	2,250,000
Economic Diversification Fund	2,530,000
West End Fund	2,750,000

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Public Hearing: 5/18/09  
First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM**  
**09-27**

DATE: April 24, 2009

TO: James O'Connor, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Request to Rezone 106 Administration Road, Parcel 100A C 4.00, from O-2 to B-2 and Land Use Plan Amendment from O to B**

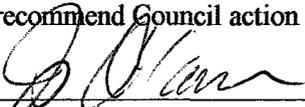
An item for the City Council agenda is a request to rezone 106 Administration Road, from O-2, Office to B-2, General Business. The applicant has stated that the rezoning is requested in order to broaden the use of the property to include a pharmacy. At their regular meeting on April 23, 2009, the Oak Ridge Municipal Planning Commission passed a motion recommending rezoning from O-2 to B-2. If the rezoning is approved, a minor amendment of the Land Use Plan is necessary changing the designation from O, Office/Institutional to B, General Business.

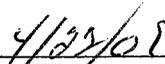
The subject property has an approximate area of 0.77 acres and is located at the intersection of Administration Road and Milan Way. There is an office building located on the property with an off-street parking lot as well as on-street parking. It is not expected that re-use of the building will result in a significant change in the number of cars using the on-street parking. If there are changes to the site, a site plan must be submitted, and the safety and adequacy of the parking would be evaluated at that time. Although the adjacent properties are zoned O-2, Office, staff recommends approval of the requested zoning to B-2, General Business. The adjacent and nearby properties zoned O-2, Office, have uses that are normally within B-2 or UB-2 zoning districts. These uses include the McDonald's restaurant, Jim's Off-Road Center and Apex Office Supply. Other nearby uses, which are allowed in either the O-2, Office or B-2, General Business districts, include the post office, Tennessee Members First Credit Union, PAI Corporation offices and the Tunnell Office Building. The property is within a commercial area with close proximity to the Oak Ridge Turnpike. There is no nearby residential development. The office zoning districts and the business zoning districts all allow closely related commercial uses. Although the adjacent properties are not zoned B-2, General Business, property located nearby on the north side of the Oak Ridge Turnpike is zoned B-2, General Business.

  
\_\_\_\_\_

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
\_\_\_\_\_  
James O'Connor

  
\_\_\_\_\_  
Date

**Staff Review of Rezoning Request**

Location & Approximate Area: Anderson County Tax Map 100A, Group C, Parcel 4.00, located at 106 Administration Road between Milan Way and the Oak Ridge Turnpike. Approximately 0.77 acres in area.

Date: April 14, 2009

**Owner:** Judy C. Carpenter  
1112 Bob Kirby Road  
Knoxville, TN 37923

**Applicant:** James Munsey  
981 Oak Ridge Turnpike  
Oak Ridge, TN 37830.

**Request Rezoning**

From: O-2, Office  
To: B-2, General Business

**Purpose:** To broaden the use of the property to include a pharmacy.

**Site Characteristics:** About same elevation as adjacent lands. Site is generally level.

**Existing Land Use:** Office building with access from Milan Way.

**Adjacent Land Uses & Zoning:**

North: O-2, Office, office building and parts shop for off-road vehicles, across Oak Ridge Turnpike the zoning is O-2 and B-2 with a mix of office and retail uses.  
East: O-2, Office, fast food restaurant  
South: O-2, Office, post office  
West: O-2, Office, office buildings

**Previous Rezoning Requests:** None

2. **Conformity with 1988 Comprehensive Plan:** The Land Use Plan designates this area as O, Office/Institutional. If rezoned a minor amendment to the Land Use Plan map is required to change the designation from O, Office/Institutional to B, General Business.

**Applicable Policies:**

Policy E-6: The City will support the growth and diversification of retail and service establishments to better serve resident consumers and broaden the city's regional shopping center function

Policy L-9: The City will also allow community-scale retail development on appropriately zoned sites having good traffic access and proper buffering from residential areas.

3. **Applicable Regulations:**

Setbacks: B-2, General Business setbacks are as follows: Front – 20 feet; Side – 0 feet;  
Rear – 0 feet

Maximum Usable Floor Area to Lot Area Ratio: 100%

**Analysis:**

The following criteria were used to evaluate the rezoning request.

- 1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**  
The B-2, General Business district will require an amendment to the Land Use Plan from O, Office/Institutional to B, General Business.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**  
Although nearby properties are zoned O-2, Office, they have uses that are normally within commercial retail zoning districts. These uses include the McDonald's restaurant, Jim's Off-Road Center and Apex Office Supply.
- 3) **Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?** Yes, the property is within a commercial area with close proximity to the Oak Ridge Turnpike. There is no nearby residential development.
- 4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**  
The rezoning will result in one parcel having different zoning than the adjacent parcels, however the following factors should be considered in deciding upon the appropriateness of the requested zoning. The office zoning districts and the business zoning districts all allow closely related commercial uses. The property is within a commercial area without nearby residential uses. Although the adjacent properties are not zoned B-2, General Business, property located nearby on the north side of the Oak Ridge Turnpike is zoned B-2, General Business. Also, as previously noted, there are uses normally within the B-2 district located within the adjacent and nearby properties zoned O-2, Office.
- 5) **Are public facilities and services adequate to accommodate the proposed zoning district?**  
Public utilities and road capacity are adequate.
- 6) **Would the requested rezoning have environmental impacts?**  
The property is already developed. Changing the zoning from O-2 to B-2 will not change the environmental impacts.

**Neighborhood Position:** No comments have been received.

**Landscaping/Buffering requirements:** If there is an addition totaling 50% of the ground floor area or any modification where the estimated cost of improvement exceeds 75% of the total assessed value of the structure, the landscaping and design standards within Article XIII of the Zoning Ordinance will apply.

**Notification of Property Owners Within 200':** April 9, 2009

**Rezoning signs posted:** April 13, 2009

**Conclusion and Planning Staff Recommendation:** Staff recommends approval of the rezoning to B-2, General Business and amendment of the Land Use Plan from O, Office/Instituional to B, General Business finding the proposed zoning consistent with existing uses and the character of development within the area.

Planning Commission Recommendation: April 23, 2009, recommended approval

385

385.01

**R-3**

385.02

**O-2**

MENTAL HEALTH CENTER 190

387

**UB-2**

**P**

EAST TYRONE

WEST TYRONE RD

TYNDALE ROAD (PRIVATE ROAD)

TYRONE WAY

TYLER ROAD

370 (3.79 Ac)

371

372

373

373.01

373

**O-2**

201 O & O.C.D. OFFICE

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**TITLE**

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 4.00, MAP 100A, GROUP C, FROM O-2, OFFICE TO B-2, GENERAL BUSINESS; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCEL FROM O, OFFICE/INSTITUTIONAL TO B, BUSINESS.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE TENNESSEE:

Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 4.00, Map 100A, Group C (± 0.77 Acres)	106 Administration Road between Milan Way and Oak Ridge Turnpike	O-2, Office District	B-2, General Business

Section 2. The changes shall be imposed upon said map and shall be as much a part of Ordinance No. 2 as if fully described therein.

Section 3. The rezoning requires a minor amendment to the Comprehensive Plan's Land Use Plan, and said Plan is hereby amended by changing the designation of Parcel 4.00, Map 100A, Group C, from O, Office/Institutional to B, Business.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
 \_\_\_\_\_  
 City Attorney

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

Public Hearing: 5/4/09  
 First Reading: 5/4/09  
 Publication Date: 5/11/09  
 Second Reading: \_\_\_\_\_  
 Publication Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

**FINANCE DEPARTMENT MEMORANDUM**  
**07-06**

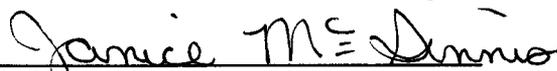
DATE: April 23, 2009  
TO: James R. O'Connor, City Manager  
THROUGH: Steven W. Jenkins, Deputy City Manager  
FROM: Janice E. McGinnis, Finance Director  
SUBJECT: FY 2010 Appropriation Ordinance



Attached is the fiscal 2010 Appropriation Ordinance reflecting appropriations for the various City Funds as presented in the proposed budget document. The calendar 2009 proposed property tax rate remains at the 2008 rate of \$2.77 per \$100 of assessed valuation as outlined in Section 2 of the ordinance. Each cent on the property tax rate generates approximately \$70,000 in revenue.

The City's General Fund municipal expenditures are budgeted at \$18,696,765, a 3.5% increase over fiscal 2009 expenditure levels. The City's operating transfer to the Oak Ridge Schools is presented at the School Board's requested fiscal 2010 funding level of \$13,980,802, a 3.5% increase over fiscal 2009 funding levels.

Agencies budgeted for funding for economic development and/or tourism services in the Economic Diversification Fund are the Convention & Visitors Bureau (CVB), Oak Ridge Chamber of Commerce, Anderson County Economic Development Association and Roane Alliance. Agencies budgeted for social service/cultural programs funding include Aid to Distressed Families of Appalachian Counties (ADFAC), Anderson County Health Council (ACHC) for the Healthy Start program, Arts Council of Oak Ridge, and Youth Advisory Board. There is a \$120,000 grant to the CVB budgeted in the Economic Diversification Fund to provide matching funds toward the construction of a new CVB facility.

  
Janice McGinnis

Attachments

**City Manager's Comments:**

I have reviewed the above issue and recommend approval of the attached ordinance.

  
James R. O'Connor

4/23/09  
Date

**TITLE**

AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, the City Manager, in accordance with the requirements of Article V, Section 10, of the Charter of the City of Oak Ridge, has submitted to City Council a proposed budget prior to the beginning of the fiscal year upon which a public hearing was held on May 4, 2009 as required by law; and

WHEREAS, in accordance with the requirements of the same Charter section, the Council held meetings on March 9, 2009 and April 27, 2009 which served to provide guidance to the City Manager on the preparation of the proposed budget.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. The budget for the fiscal year beginning July 1, 2009, submitted to City Council by the City Manager, is hereby adopted.

Section 2. In order to provide revenue for municipal purposes, there is hereby imposed on the value of all property within the City of Oak Ridge as such value has been ascertained by the taxing authority of the City, a levy at the rate of \$2.77 upon each One Hundred Dollars' (\$100.00) worth of assessed value of all taxable property, this levy to be the tax rate for the year 2009. This levy shall also be imposed upon such assessments as may be certified for tax purposes to the City of Oak Ridge by the Public Service Commission of the State of Tennessee.

Section 3. In accordance with Article V, Section 13, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2010:

General Fund, Municipal Operations	\$18,696,765
Debt Service (Bond and Interest Redemption Fund)	9,500,000
State Street Aid Fund	1,353,470
Streets and Public Transportation Fund	260,000
Drug Enforcement Program Fund	438,000
Grant Fund	4,500,000
General Purpose School Fund	51,576,180
Golf Course Fund	1,395,000
Capital Projects Fund	7,000,000
Solid Waste Fund	2,435,000
Economic Diversification Fund	2,860,000
West End Fund	2,750,000

Section 4. The following amounts in the proprietary-type funds are projected expenses for Fiscal Year 2010 and are provided for informational purposes:

Electric Fund	\$55,380,342
Waterworks Fund	20,521,284
Emergency Communications District Fund	650,000

Section 5. In order to provide funds to meet the expenditure requirements, the following transfers are projected for Fiscal Year 2010 and are provided for informational purposes:

<u>To General Purpose School Fund for Operations</u>	
From General Fund	\$13,980,802

<u>To Debt Service Fund</u>		
From General Fund		\$ 3,500,000
From Capital Projects Fund		1,134,000
 <u>To Economic Diversification Fund</u>		
From Electric Fund		\$ 164,000
From Waterworks Fund		132,000
 <u>To State Street Aid Fund</u>		
From General Fund		\$ 630,000
 <u>To Streets and Public Transportation Fund</u>		
From General Fund		\$ 30,000
 <u>To Solid Waste Fund</u>		
From General Fund		\$ 1,435,000
 <u>To Grant Fund</u>		
From General Fund		\$ 168,350

Section 6. All proceeds received through fines, forfeitures and the disposal of seized goods resulting from the City's drug enforcement program shall be used exclusively for that program. A Special Revenue Fund has been established and any funds expended will be limited to the funds collected for that program.

Section 7. The taxes levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

Section 8. The levy provided for herein shall be imposed on all taxable property as the same has been reported to the Council as a final total assessment of each class of property by the legally constituted Boards of Equalization for property situated in either Anderson County or Roane County within the City of Oak Ridge. The written report of the Equalization Boards shall be the assessment roll of the City of Oak Ridge.

Section 9. This Ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
 \_\_\_\_\_  
 City Attorney

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

Public Hearing: 5/4/09  
 First Reading: 5/4/09  
 Publication Date: 5/11/09  
 Second Reading: \_\_\_\_\_  
 Publication Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

**PUBLIC WORKS DEPARTMENT MEMORANDUM**  
**09-22**

DATE: May 7, 2009

TO: James R. O'Connor, City Manager

FROM: Susie Stooksbury, Library Operations Manager  
Tim Ward, Community Development Department Division Manager  
Angie Marshall, Crime Analyst, Police Department  
Kahla Gentry, Community Development Department Senior Planner  
Susan Fallon, Contracts / Grants Coordinator *sf*

**SUBJECT: AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PY08/FY09 ANNUAL ACTION PLAN**

The accompanying resolution recommends amending the City of Oak Ridge CDBG PY08/FY09 Annual Action Plan to allow for the expenditure of \$68,498 allocated from the 2009 American Recovery and Reinvestment Act (ARRA).

The City of Oak Ridge was notified on March 6, 2009 of the allocation from the 2009 ARRA (notification letter attached). City staff received an email on May 6, 2009, from Stan Gimont, Director, Office of Block Grant Assistance with the U.S. Department of Housing and Urban Development (HUD), providing direction to amend the current year Annual Action Plan (PY08/FY09) and submit the amendment to HUD no later than June 5, 2009. To allow for the condensed time period, HUD is permitting a seven (7) day comment period (instead of 30 days) and the public notice is to be on the city's website instead of in the newspaper.

During the approval process for the PY09/FY10 CDBG Annual Action Plan, the CDBG staff committee recommended partial funding of activities provided by Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC), so that when the ARRA funding was received, it would be granted to ADFAC to fully fund the activities. Due to the availability of funds from the Neighborhood Stabilization Program, ADFAC has requested an amendment to their original applications which includes withdrawing the application for major home rehab and increase the funding requested for minor home repair, down payment assistance and housing counseling services.

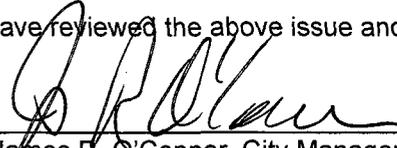
The CDBG staff committee recommends the following allocation to ADFAC projects for the CDBG funds received from the ARRA.

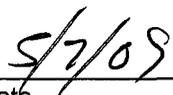
Minor Home Repair	\$40,000.00
Down Payment Assistance	\$27,000.00
Housing Counseling Services	<u>\$ 1,498.00</u>
Total	\$68,498.00

Staff recommends approval of the attached resolution as submitted.

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor, City Manager

  
\_\_\_\_\_  
Date



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
 THE SECRETARY  
 WASHINGTON, DC 20410-0001

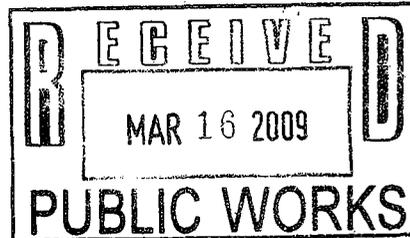
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2009 MAR 13 AM 8:04

OFFICE OF THE CITY CLERK

March 6, 2009

The Honorable Tom Beehan  
 Mayor of Oak Ridge  
 PO Box 1  
 Oak Ridge, TN 37831-0001



Dear Mayor Beehan:

I am pleased to inform you that the U.S. Department of Housing and Urban Development has allocated \$10.1 billion, made available through the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Public Law 111-5) signed into law by President Obama on February 17, 2009.

This letter provides the allocations from the Recovery Act for the following programs administered by the Department: Community Development Block Grants; Public Housing Capital Fund; Lead Hazard Reduction; Section 8 Project-Based Rental Assistance; Homelessness Prevention Fund; and Tax Credit Assistance. These programs provide funding for housing, community and economic development, and assistance for low- and moderate-income persons and special populations across the country.

Table 1 reflects the level of funding directly available for those programs in your community. Table 2 identifies funding available through other partners in your community, and finally, Table 3 identifies the allocation provided to your state for which you may apply:

**Table 1 – Grants awarded directly to your community**

<i>Recovery Act of 2009 Program</i>	<i>Grant Amount</i>
Community Development Block Grant	\$68,498
Homelessness Prevention Fund	\$0
Lead Hazard Reduction	\$0

**Table 2 – Grants awarded to partners in your community**

<i>Recovery Act of 2009 Program</i>	<i>Grant Amount</i>	<i>Percent of Units in Your Community</i>
Public Housing Capital Fund*	\$240,920	100%
Section 8 Project-Based Rental Assistance**	\$905,924	
Lead Hazard Reduction Grant	\$0	

\*Some housing authorities serve areas larger than the city or county. The Grant Amount reflects the total grant to the housing authority(ies), and Percent of Units in Your Community reflects the percent of its (their) public housing units that are in your community.

\*\*The Project-Based Rental Assistance reflects the funding needed to meet the Federal Government’s contractual obligation with project-based owner(s).

**Table 3 – Grants awarded to the state. Partners in your community might be able to apply for these funds.**

<i>Recovery Act of 2009 Program</i>	<i>Grant Amount</i>
Tax Credit Assistance	\$39,032,515

Additional competitive funding will become available in the near future for the Neighborhood Stabilization Program, the Public Housing Capital Fund Program (renovation and energy conservation), and the Section 8 Project-Based Rental Assistance Program (energy conservation).

Investments made with Recovery Act funds must be efficient, effective, and without waste, fraud, or abuse. To this end, the Recovery Act requires unprecedented levels of transparency, oversight, and accountability – measures that HUD rigorously will enforce. Effective performance measurement and accountability are crucially important in all formula grant programs, and it is essential that HUD have complete performance data to report to President Obama, the Congress, and the American people. Your dedication to complete accurate reporting of performance measurement data will be necessary to demonstrate the effectiveness of your investments specifically, and of HUD formula grant programs and the Recovery Act at large. To ensure transparency and accountability for Recovery Act investments, public reports will be disclosed through a central website, [www.Recovery.gov](http://www.Recovery.gov), and through HUD’s Recovery website, [www.hud.gov/recovery](http://www.hud.gov/recovery).

Local governments nationwide are grappling with effects of the current economic challenge. The timely expenditure of Recovery Act funds being announced in this allocation, in addition to the competitive funds that will be made available in the near future, are targeted to help communities and families recover from the economic situation. Furthermore, many of these Recovery Act funds make it possible for communities to reap the three benefits of energy retrofitting: the creation of local green jobs, utility cost savings, and a reduction in carbon emissions. HUD strongly encourages its grantees to focus on this opportunity.

As with all HUD Recovery Act programs, your community has HUD's commitment to be as flexible as possible to help communities such as yours address local needs in the most effective manner.

I look forward to establishing a partnership to help strengthen your community for years to come. HUD is always available to help you implement your programs effectively. If you or your staff have any questions, please contact your local HUD Field Office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Donovan', with a long horizontal flourish extending to the right.

Shaun Donovan

RESOLUTION

Whereas, by Resolution 5-37-08, City Council approved the City's Community Development Block Grant (CDBG) PY08/FY09 Annual Action Plan of the Consolidated Plan for funds from the U. S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City received notice from HUD on March 6, 2009 of the allocation of funds totaling \$68,498 from the 2009 American Recovery and Reinvestment Act (ARRA); and

WHEREAS, during the approval process of the PY09/FY10 CDBG Annual Action Plan, the CDBG staff committee recommended partial funding of activities provided by Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC), so that when the ARRA funding was received, it would be granted to ADFAC to fully fund the activities; and

WHEREAS, the CDBG staff committee recommends that the \$68,498 from the ARRA be allocated to ADFAC; and

WHEREAS, pursuant to HUD regulations for receipt of ARRA funds, the grantee is required to amend its approved Consolidated Plan-Annual Action Plan and notify HUD of the decision.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City's PY08/FY09 Annual Action Plan approved by Resolution 5-37-08 is hereby amended to allow for the expenditure of \$68,498 allocated from the 2009 American Recovery and Reinvestment Act (ARRA).

BE IT FURTHER RESOLVED that the following proposed allocation of Community Development Block Grant funds, totaling an estimated \$68,498, is hereby approved:

- Aid to Distressed Families of Appalachian Counties, Inc.: \$68,498
  - Minor Home Rehabilitation \$40,000
  - Down Payment Assistance \$27,000
  - Housing Counseling Services \$ 1,498

BE IT FURTHER RESOLVED that upon approval of the amendment by the U. S. Department of Housing and Urban Development, the Mayor is hereby authorized to enter into subrecipient agreements with ADFAC for allocation of Community Development Block Grant ARRA funding.

This the 18<sup>th</sup> day of May 2009.

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**LEGAL DEPARTMENT MEMORANDUM**  
**09-11**

DATE: May 6, 2009  
TO: Honorable Mayor and Members of City Council  
FROM: Kenneth R. Krushenski, City Attorney  
SUBJECT: REQUEST FROM ROANE STATE COMMUNITY COLLEGE FOR A \$500,000.00 CONTRIBUTION TO ITS EXPANSION PROJECT FOR THE OAK RIDGE CAMPUS

At a special called meeting held on October 6, 2008, Council considered a resolution granting the request of Dr. Gary Goff, President of Roane State Community College, for the City of Oak Ridge to contribute \$500,000.00 to assist in the expansion of Roane State's Oak Ridge campus upon the following conditions:

- The City's contribution is contingent upon Roane State receiving \$20 million in funding from the State of Tennessee for the proposed expansion of the Oak Ridge campus; and
- The City's contribution will be paid, provided all conditions are met, in three equal installments over a three-year period, with each payment being made approximately twelve months apart.

Council postponed the resolution indefinitely and referred the issue to the Budget and Finance Committee for review, thereby giving the requester, City staff, and City Council more time to get data and plan the financial details between the City and Roane State more thoroughly.

At its May 4, 2009 meeting, Council advised the City Manager that it was prepared to reconsider a resolution approving the Roane State request at its May 18, 2009 meeting. The Legal Department has prepared the attached resolution at the direction of the City Manager.

  
Kenneth R. Krushenski

Attachment

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
James R. O'Connor

5/6/09  
Date

**RESOLUTION**

WHEREAS, Roane State Community College (Roane State) has proposed a \$25 million expansion of the Oak Ridge campus; and

WHEREAS, Roane State intends to request \$20 million in funding from the State of Tennessee for the proposed expansion, with the understanding that Roane State will need to raise \$5 million in contributions for this project; and

WHEREAS, on September 22, 2008, City Council received for the record a communication from Dr. Gary Goff, President of Roane State, requesting a contribution of \$500,000.00 from the City for this project; and

WHEREAS, at a special called meeting held on October 6, 2008, Council considered a resolution granting the request of Dr. Gary Goff, President of Roane State Community College, for the City of Oak Ridge to contribute \$500,000.00 to assist in the expansion of Roane State's Oak Ridge campus. However, Council postponed the resolution indefinitely and referred the issue to the Budget and Finance Committee for review, thereby giving the requester, City staff, and City Council more time to get data and plan the financial details between the City and Roane State more thoroughly; and

WHEREAS, at the direction of City Council, City Staff analyzed funding alternatives and their impact should City Council approve Roane State's request for \$500,000.00; and

WHEREAS, At its May 4, 2009 meeting, Council advised the City Manager that it was prepared to reconsider a resolution approving the Roane State request at its May 18, 2009 meeting; and

WHEREAS, after considering the request of Roane State and City Staff's analysis, City Council has determined it is in the City's best interests to approve the request.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the request of Dr. Gary Goff, President of Roane State Community College, for the City of Oak Ridge to contribute \$500,000.00 to assist in the expansion of Roane State's Oak Ridge campus is hereby granted upon the following conditions:

- The City's contribution is contingent upon Roane State receiving \$20 million in funding from the State of Tennessee by October 31, 2011 for the proposed expansion of the Oak Ridge campus; and
- The City's contribution will be paid, provided all conditions are met, in three equal installments over a three-year period, with each payment being made approximately twelve months apart, the first payment to be made in January 2012.

This the 18<sup>th</sup> day of May 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

## MEMORANDUM

DATE: May 5, 2009

TO: Fellow Members of City Council

FROM: City Attorney Evaluation Committee  
Councilwoman Ellen D. Smith, Chair  
Councilman Thomas W. Hayes  
Councilman Willie Golden, Jr.

SUBJECT: REPORT AND RECOMMENDATION

The City Attorney Evaluation Committee met on May 5, 2009 to develop its recommendations to the Council based on the completed performance evaluation of the City Attorney. All Committee members were present along with the City Attorney, Kenneth R. Krushenski, and the City Clerk, Jacquelyn J. Bernard. The Committee reviewed the *Summary of City Attorney Evaluation Questionnaires* prepared by the City Clerk and the City Attorney's Employment Agreement. Copies of both are attached.

Following the review, the Committee voted unanimously to recommend:

1. That Mr. Krushenski be awarded a 1% salary increase, retroactive to his anniversary date, based on the outstanding performance indicated by the Council's responses to the 2009 City Attorney Evaluation Questionnaire and the fact that with adoption of the proposed FY 2010 City budget, all regular employees, including the Senior Staff, will be limited to a 1% general wage adjustment.
2. That his term of office be extended for one additional year, to March 1, 2014. Mr. Krushenski's current term extends to March 1, 2013, and the recommendation to extend that term is likewise based on his outstanding performance as well as Council members' responses to Question 3 under "Overall Performance" on the Evaluation Questionnaire.

Following these actions, Mr. Krushenski requested that the Committee consider recommending to City Council an amendment to Section 5 of his Employment Agreement, Termination and Severance Pay, to provide that if terminated by the Council he would receive a cash payment equal to one year's aggregate salary plus any accrued leave and benefits. The agreement currently provides for a cash payment equal to six months' aggregate salary plus leave and benefits. He explained that due to his service as City Attorney, he has been out of private practice for more than eight years and it would take considerably longer than six months for him to reestablish himself in private practice. The Committee noted that an increase in the potential severance pay would be a tangible expression of City Council's confidence in Mr. Krushenski, as indicated by consistently high performance ratings over his years of City service. The Committee proposed to recommend that the agreement be amended to provide for a cash payment equal to nine months' aggregate salary plus accrued leave and benefits, and Mr. Krushenski agreed that this would be a fair compromise. The Committee cautioned that such an amendment be phrased to clearly indicate its applicability to the current City Attorney only, thereby eliminating any possibility that it will become a prototype for contracts with future City Attorneys.

The attached resolution amends the City Attorney's Employment agreement to increase his annual salary by 1%, to extend his term of office by one year, and to provide that in the event of his termination by the Council, he shall receive a cash payment equal to nine months' aggregate salary plus any accrued leave and benefits. The Committee unanimously recommends its adoption.

  
\_\_\_\_\_  
Ellen D. Smith *gB*

Attachments







**SUMMARY OF CITY ATTORNEY EVALUATION QUESTIONNAIRES**  
**MAY 2009**

Rating Scale 1– 5  
 1=Very Dissatisfied, 5=Very Satisfied  
 (0 = No Opinion)

<b>ADMINISTRATIVE SKILLS AND EFFECTIVENESS (Continued)</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>AVERAGE 2008 2009</b>	
<b>4. Has the City Attorney demonstrated effectiveness in avoiding unnecessary legal controversies?</b>				2	5		4.8	4.7
Comments: <ul style="list-style-type: none"> <li>• Yes</li> <li>• Some legal controversy is "necessary" and should not be avoided.</li> <li>• Very conservative.</li> </ul>								
<b>PERSONAL/PROFESSIONAL RELATIONSHIPS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>AVERAGE 2008 2009</b>	
<b>1. Does the City Attorney maintain high standards of ethics, honesty, and integrity in all personal and professional relationships?</b>				1	6		4.9	4.9
Comments: <ul style="list-style-type: none"> <li>• Very professional.</li> <li>• He maintains a high standard of ethics in his professional and personal relationships.</li> </ul>								
<b>2. Does the City Attorney retain your confidence when informing you of risks associated with proposed actions or decisions?</b>					7		4.9	5.0
Comments: <ul style="list-style-type: none"> <li>• Ken makes every effort to maintain your confidence in an attorney-client relationship.</li> </ul>								
<b>OVERALL PERFORMANCE</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>AVERAGE 2008 2009</b>	
<b>1. How would you rate the overall performance of the City Attorney over the past year?</b>				3	4		4.9	4.6
Comments: <ul style="list-style-type: none"> <li>• Ken is on top of legal issues that affect City policy and operations.</li> <li>• Excellent</li> </ul>								
<b>2. Is a salary increase for the City Attorney warranted?</b>  Yes <u>  7  </u> No <u>          </u>  If your answer is yes, how large a range would you recommend relative to the expected range of other municipal employee raises this year? (For example, top of range, middle of range, or bottom of range.) <ul style="list-style-type: none"> <li>• Same as other employees.</li> <li>• 1%</li> <li>• The same as other municipal employees.</li> <li>• I would recommend a range similar to what other employees receive.</li> </ul>	X	X	X	X	X	X	XXXXXXXXX	

**SUMMARY OF CITY ATTORNEY EVALUATION QUESTIONNAIRES**  
**MAY 2009**

Rating Scale 1- 5  
 1=Very Dissatisfied, 5=Very Satisfied  
 (0 = No Opinion)

<p><b>2. Is a salary increase for the City Attorney warranted? (Continued)</b></p> <ul style="list-style-type: none"> <li>• Mid-range for other city employees. He deserves increased compensation in recognition of a job well-done, but in a time of fiscal constraints it would not be fair to give larger raises to the City's most highly compensated employees than we give to lower-paid employees (who have had less opportunity to build a financial cushion against bad economic times).</li> </ul>							
<p><b>3. Is an extension of the City Attorney's Employment Agreement beyond 2013 warranted?</b></p> <p>Yes <u>4</u> No <u>2</u> (1-Only as a show of confidence)</p> <p>If your answer is yes, how long?</p> <ul style="list-style-type: none"> <li>• 1 Year</li> <li>• Not yet.</li> <li>• Same as last year.</li> </ul>	X	X	X	X	X	X	XXXXXXXX
<p><b>GOALS AND OBJECTIVES</b></p>	X	X	X	X	X	X	XXXXXXXX
<p><b>1. Are there special goals and objectives that you would like the City Attorney to achieve during the next evaluation period?</b></p> <p>Yes <u>2</u> No <u>3</u> (2 No Response)</p> <p>If your answer is yes, please list them here.</p> <ul style="list-style-type: none"> <li>• Review legal options relative to establishing retail enterprise in the downtown mall area.</li> <li>• See my comments to other statements.</li> <li>• I will discuss any specific new initiatives with the City Attorney as they arise.</li> </ul>							

**SUMMARY OF CITY ATTORNEY EVALUATION QUESTIONNAIRES**  
**MAY 2009**

Rating Scale 1- 5  
 1=Very Dissatisfied, 5=Very Satisfied  
 (0 = No Opinion)

<p><b>GENERAL COMMENTS ON THE CITY ATTORNEY'S PERFORMANCE OR THE EVALUATION PROCESS:</b></p>	X	X	X	X	X	X	XXXXXXXXXX
<ul style="list-style-type: none"> <li>• Ken keeps us informed and out of legal problems. He does a great job.</li> <li>• Ken is very knowledgeable of municipal law.</li> <li>• Very professional in his dealings</li> <li>• A very good team player</li> <li>• An asset to the City</li> <li>• We are very fortunate to have someone with Ken's expertise as an attorney for the City of Oak Ridge.</li> <li>• See my comments to other statements.</li> <li>• Ken does a great job for the City. We are fortunate to have him.</li> </ul>							

**RESOLUTION**

WHEREAS, Article III, Section 13, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall appoint a City Attorney; and

WHEREAS, on February 22, 2001, City Council entered into an employment agreement in which the Council agreed to employ Kenneth R. Krushenski as City Attorney; and

WHEREAS, said Employment Agreement provides that formal evaluations of the City Attorney shall be conducted on an annual basis by May 30<sup>th</sup> of each year, and to this end the Council appointed a City Attorney Evaluation Committee (the Committee) to develop an evaluation procedure; and

WHEREAS, the Committee has completed its work and based on the evaluation results, recommends that the City Attorney's salary be increased by 1% and that his term of office be extended by one year; and

WHEREAS, at the request of the City Attorney, the Committee also recommends that City Council consider amending the provisions of Section 5, Termination and Severance Pay, of the City Attorney's Employment Agreement to provide that if terminated, the City Attorney shall receive a cash payment equal to nine (9) months aggregate salary plus any accrued leave and benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the attached Employment Agreement between the City of Oak Ridge, Tennessee, and Kenneth R. Krushenski, as City Attorney, is hereby approved, said agreement having been amended as recommended by the City Attorney Evaluation Committee to increase the salary of the City Attorney by 1%, to extend his term of office to March 1, 2014, and to provide that if terminated by City Council, the City attorney would receive a cash payment equal to nine (9) months' aggregate salary plus accrued leave and benefits.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal documents to accomplish the same.

This the 18<sup>th</sup> day of May 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

\_\_\_\_\_  
City Clerk

**EMPLOYMENT AGREEMENT**  
**City Attorney**

This is an agreement entered into this 22nd day of February, 2001, between the City of Oak Ridge (the City) by the City Council and Kenneth R. Krushenski (City Attorney) to provide for the employment of Kenneth R. Krushenski as City Attorney of the City of Oak Ridge and to set forth the terms and conditions of his employment and the mutual obligations, rights and duties of each party.

Now, therefore, in consideration of the mutual promises as set forth in this Agreement, the City of Oak Ridge and Kenneth R. Krushenski agree as follows:

Section 1.     Duties

City Council agrees to employ Kenneth R. Krushenski as City Attorney of the City of Oak Ridge to perform the functions and duties as specified in the City Charter and the City Code, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign. Article III, Section 13 of the Charter of the City of Oak Ridge specifies as follows:

The City Attorney shall be responsible for representing and defending the City in all litigation in which the City is a party, shall be the prosecuting officer in the City Court, shall advise the Council, City Manager, and other officers and employees of the City concerning legal aspects of the City's affairs, shall approve as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents and shall perform such other duties as may be prescribed by the Council or the City Manager.

The City Attorney shall also be responsible for representing all boards and commissions sanctioned by or established by the City Council. The City Attorney shall be responsible for defending all boards and commissions in all litigation in which the respective board or commission is a party and shall attend meetings of the various boards and commissions if in the discretion of the City Attorney his attendance is necessary.

Section 2.     Term

A.     Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of the City Attorney at any time, subject only to the provisions set forth in Section 5, Paragraphs A and B of this Agreement.

B.     Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Attorney to resign at any time.

C.     Except as otherwise herein stated, this Agreement shall become effective as of March 1, 2001, and shall continue in effect until ~~March 1, 2013~~ **March 1, 2014**, except as provided in Section 2, Paragraph D. (Amended 6/2/03, Resolution No. 6-70-03; 5/23/05, Resolution No. 5-54-05; 6/19/06, Resolution No. 6-64-06; 5/21/07, Resolution No. 5-58-07; 5/19/08, Resolution No. 5-45-08)

D. In order to extend the term of this Agreement, City Council shall take action no later than six months prior to the expiration of the current term. However, upon the request of the City Attorney during this same period, City Council shall make a decision as to whether it desires to extend said Agreement. (Amended 6/3/02, Resolution No. 6-60-02; 5/19/08, Resolution No. 5-45-08)

Section 3. Performance Evaluation

A. No later than July 1<sup>st</sup> of each year, City Council and the City Attorney shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Attorney. The performance criteria and the goals and objectives will be those that are necessary for the proper operation of the City and the attainment of City Council's policy objectives. The performance criteria and the goals and objectives shall be assigned a relative priority, and shall generally be attainable within the time limitations established and within the annual operating and capital budgets and the appropriations provided. Thereafter, City Council and the City Attorney may modify the performance criteria and the goals and objectives during the annual evaluation process. (Amended 5/19/08, Resolution No. 5-45-08)

B. The first formal evaluation of the City Attorney's performance shall be completed by May 30, 2002. Thereafter, evaluations shall be conducted on an annual basis by May 30<sup>th</sup> of each year.

Section 4. Code of Ethics

The City Attorney agrees to adhere to the standards of the American Bar Association Code of Professional Responsibility and the City of Oak Ridge Ethics Ordinance, and to conduct himself accordingly. (Amended 5/19/08, Resolution No. 5-45-08)

Section 5. Termination and Severance Pay

A. In the event the City Attorney's employment is terminated by the Council at its will and pleasure during such time that the City Attorney is willing and able to perform his duties under this Agreement, ~~then in that event~~ **due to Kenneth R. Krushenski's longevity as City Attorney and his consistently high performance during fiscal years 2002 through 2009**, the City agrees to pay ~~the City Attorney to Mr. Krushenski~~ a lump sum cash payment equal to ~~six (6)~~ **nine (9)** months' aggregate salary plus any accrued leave and benefits less applicable deductions as required by agreement, law, ordinance or policy for other employees and/or the City Attorney's matching portion of benefits provided for and during said ~~six (6)~~ **nine (9)** months' severance period. At City Council's option, the actual resignation date may be extended through earned and accrued leave balances due the City Attorney then in effect. Provided, however, that in the event the City Attorney is terminated "for just cause," then in such event, the City shall have no obligation to pay the aggregate severance sum designated in this paragraph. "Just cause" is defined and limited for the purposes of this Agreement to the following reasons: (1) willful neglect of duty; (2) felony or misdemeanor conviction of any crime involving moral turpitude; (3) violation of duties by the City Attorney of honesty and sobriety; (4) any other act of a similar nature of the same or greater seriousness.

B. In the event the City at any time reduces the salary or other financial benefits of the City Attorney in a greater percentage than an applicable across-the-board reduction for all City employees, then the City Attorney may at his option be deemed to be "terminated" at the date of such reduction under the terms of Section 5A, with the City Attorney being entitled to the lump sum cash payment as described.

Section 6. Disability

If the City Attorney becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of six (6) successive weeks beyond any accrued leave, the City shall have the option to terminate this Agreement.

Section 7. Salary

A. City agrees to pay the City Attorney for his services rendered pursuant hereto an annual base salary of ~~\$101,441.60~~ **\$102,460.80**, retroactive to ~~February 24, 2008~~ **February 22, 2009**, and payable in installments at the same time as other City employees are paid. (Amended 6/3/02, Resolution No. 6-60-02; 5/18/04, Resolution No. 5-71-04; 5/23/05, Resolution No. 5-54-05; 6/19/06, Resolution No. 6-64-06; 5/21/07, Resolution No. 5-58-07; 5/19/08, Resolution No. 5-45-08)

B. In addition, the City Attorney shall be entitled to longevity payments in the same manner as other City employees and as specified in Article 6 of the Personnel Plan for Employees of the City of Oak Ridge. (Amended 6/19/06, Resolution No. 6-64-06)

C. City agrees to increase said base salary and/or other benefits of the City Attorney in such amounts and to such an extent as the City Council may determine desirable on the basis of the performance evaluation developed as required by Section 3 of this Agreement. Nothing in this paragraph shall require the City to increase the base salary or other benefits of the City Attorney. (Amended 6/19/06, Resolution No. 6-64-06)

Section 8. Hours of Work

A. The City of Oak Ridge requires the full-time service of its City Attorney and, therefore, in the event the City Attorney is not available for his duties, he shall designate the Senior Staff Attorney as his representative to be responsible in his place, and so inform members of City Council when appropriate. (Amended 5/19/08, Resolution No. 5-45-08)

Section 9. Communications Equipment

The City agrees to provide a cellular or digital telephone for the exclusive business and personal use of the City Attorney.

Section 10. Dues and Subscriptions

A. The City agrees to budget and pay the professional dues and subscriptions of the City Attorney for his continuance and full participation in national, regional, state and local associations and organizations as necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

B. The City agrees to budget and pay the Tennessee Professional Privilege Tax and Tennessee Board of Professional Responsibility fees on behalf of the City Attorney.

Section 11. Professional Development

A. The City agrees to budget and to pay the travel and subsistence expenses of the City Attorney for professional and official travel, meetings, and occasions adequate to continue the professional development of the City Attorney and to adequately pursue necessary official and other functions for the City, including but not limited to the Annual Conference of the Tennessee Bar Association, the Tennessee Municipal League, and such other national, regional, state, and local governmental groups and committees thereof which the City Attorney serves as a member.

B. The City also agrees to budget and pay for the travel and subsistence expenses of the City Attorney for short courses, institutes, and seminars that are necessary for his professional development and for the good of the City.

Section 12. General and Emergency Leave

A. The City Attorney shall accrue general and emergency leave in the same manner as other City employees and as specified in Article 11 of the Personnel Ordinance.

(Amended 5/19/08, Resolution No. 5-45-08)

B. As of the date of commencement of the term of employment, the City Attorney shall have credited to his account ten (10) days of sick leave and one hundred twenty (120) hours of annual leave. Thereafter, the City Attorney shall accrue, and have credited to his personal account general leave and emergency leave at the same rate as other employees of the City. The City Attorney shall be entitled to all leave and employee benefit programs granted to all general employees of the City.

(Amended 5/19/08, Resolution No. 5-45-08)

Section 13. Medical, Dental, Disability and Life Insurance Benefits

The City agrees to provide medical, dental, disability, long-term care and life insurance benefits to the City Attorney and to pay the premiums thereon equal to that which is provided all other general employees of the City.

(Amended 5/19/08, Resolution No. 5-45-08)

Section 14. Retirement

The City Attorney shall be immediately covered by the Tennessee Consolidated Retirement System in the same manner as is provided all other general employees of the City.

Section 15. Liability Protection

The City shall provide the same liability protection for the City Attorney as provided for all general employees of the City, as specified in Section 13.4 of the Personnel Ordinance.

Section 16. Bonding

The City agrees to bear the full cost of any fidelity or other bonds required of the City Attorney under any law, ordinance or regulation.

Section 17. Residence

The City requires and the City Attorney agrees to maintain his principal residence inside the corporate limits of the City during the term of this Agreement, including any renewals and extensions.

Section 18. General Provisions

A. The text herein shall constitute the entire agreement between the parties.

B. If any provisions contained in this Agreement, or portion thereof, are held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

APPROVED AS TO FORM AND LEGALITY:           CITY OF OAK RIDGE, TENNESSEE

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

**PUBLIC WORKS MEMORANDUM**  
**09-20**

**DATE:** April 30, 2009

**TO:** James R. O'Connor, City Manager

**THROUGH:** Gary M. Cinder, P.E., Director of Public Works 

**FROM:** Steven R. Byrd, P.E., City Engineer

**SUBJECT:** **Transition of Phase 1A Roadways in East Tennessee Technology Park from DOE to the City of Oak Ridge**

The accompanying resolution authorizes approval of an Operational Agreement with the Department of Energy (DOE) for the transition to the City of the Phase 1A roadways in the East Tennessee Technology Park (ETTP) as shown on the enclosed drawing. DOE has requested the City to formally accept the roadways for perpetual maintenance purposes upon completion of activities identified in the Operational Agreement. This is the first of several roadway phases that DOE proposes to transfer to the City in ETTP.

The Partners for Progress initiative has always envisioned the City taking ownership of certain off-site and on-site infrastructure at ETTP to allow for efficient deliver of utility and access service to all the west end projects, i.e.; ETTP Reindustrialization, Rarity Ridge, Horizon Center, Breeder site development, etc. In November 2005, City Council approved (Resolution No. 11-117-05) a *Memorandum of Agreement Between the U. S. Department of Energy, the Community Reuse Organization of East Tennessee, And the City of Oak Ridge, Tennessee on the Transition of The East Tennessee Technology Park Water Treatment Plant and Water, Wastewater, and Fire Protection Systems*. This MOA serves as the general roadmap for the transition to the City of the west end infrastructure, which includes the City's intent to accept responsibility for major roadways at the entrance to and within the boundaries of ETTP.

The first transition of utility infrastructure began with City Council approval (Resolution No. 5-50-08) of the *Department of Energy Easement for Rights-of-Way Utility Lines and Roadways* authorizing the Mayor to execute all documents necessary to complete the transfer of various water and sewer infrastructure at the ETTP. The easement document included, but was not limited to the following: a quit claim deed for the water treatment plant and associated facilities such as the river intake pump station and two above-ground storage tanks, a services agreement for the City to provide water and sewer service to DOE facilities, and easement documents for the various utilities that were transferred.

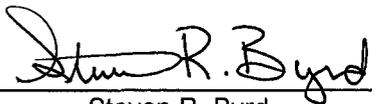
For several months city staff has been participating in the crafting of a proposed *Operational Agreement Among the Department of Energy Oak Ridge Office, the City of Oak Ridge, and the Heritage Center, LLC for Transfer of Responsibility for Phase 1A Roadways at the East Tennessee Technology Park*. The Operational Agreement is enclosed and defines the roles and responsibilities of each party, outlines the general agreement reached among the parties, and identifies activities associated with the roadway transition of Phase 1A. The transition of the roadways to the City is different from the normal way of accepting new roadways through the Preliminary Plat approval process and city field inspection of infrastructure. The roadways in ETTP have existed for many years and do not meet all of the Subdivision Regulation requirements that are typical for a new roadway acceptance. The transition of the roadways is similar to the City accepting roadways through annexation, which is to accept "as is". The City worked with DOE and Heritage Center, LLC to develop activities that address structural and safety concerns for each roadway proposed for transition. The activity summaries that must be completed by DOE or Heritage Center prior to formal City acceptance are summarized in Attachment A of the Operational Agreement.

The transition of the roadways will be accomplished upon completion of the following items: (1) Planning Commission approval of the Final Plats which identify publicly dedicated roadways, filed in the Roane County Register of Deeds Office, (2) approval of a Resolution by City Council for the City to take ownership of the designated roadways and outstanding improvements as specified in the Operational Agreement Attachment A and (3) completion of the outstanding issues by the responsible party as identified in Attachment A for each roadway. The effective date of roadways acceptance will be Planning Commission acceptance of certification by the City Engineer of completion of infrastructure improvements by the responsible party as identified in Attachment A for each roadway in Phase 1A. It is envisioned that roadways will be transferred to the City as each road's outstanding issues are completed. The Phase 1A roadways to be transferred to the City are identified on the enclosed drawing and include:

975 feet of Victorious Boulevard East with 50-foot ROW  
850 feet of Americus Avenue with 50-foot ROW  
505 feet of Chromium Street with 50-foot ROW  
2,155 feet of Heritage Center Boulevard with variable ROW  
970 feet of Victorious Boulevard West with 50-foot ROW  
1,275 feet of Meritus Avenue with 50-foot ROW  
480 feet of Europa Avenue with 50-foot ROW

The Final Plat that identifies the easements for Phase 1A roadways was reviewed and approved by the Planning Commission at its April 23, 2009 meeting, subject to two minor revisions that can later be approved by staff. Upon Council approval of the Operational Agreement and staff's approval of the Final Plat, the plat will be recorded in Roane County Register of Deeds office. Also, at the April 23<sup>rd</sup> meeting the Planning Commission recommended approval of the transition of ETPP Phase 1A roadways to the City.

Staff recommends approval of the resolution for City acceptance of the Phase 1A roadways in the ETPP subject to the terms and conditions contained in the Operational Agreement.

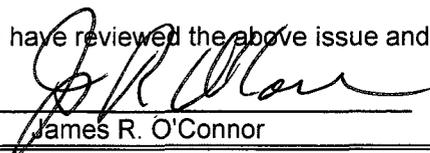
  
\_\_\_\_\_  
Steven R. Byrd

ks

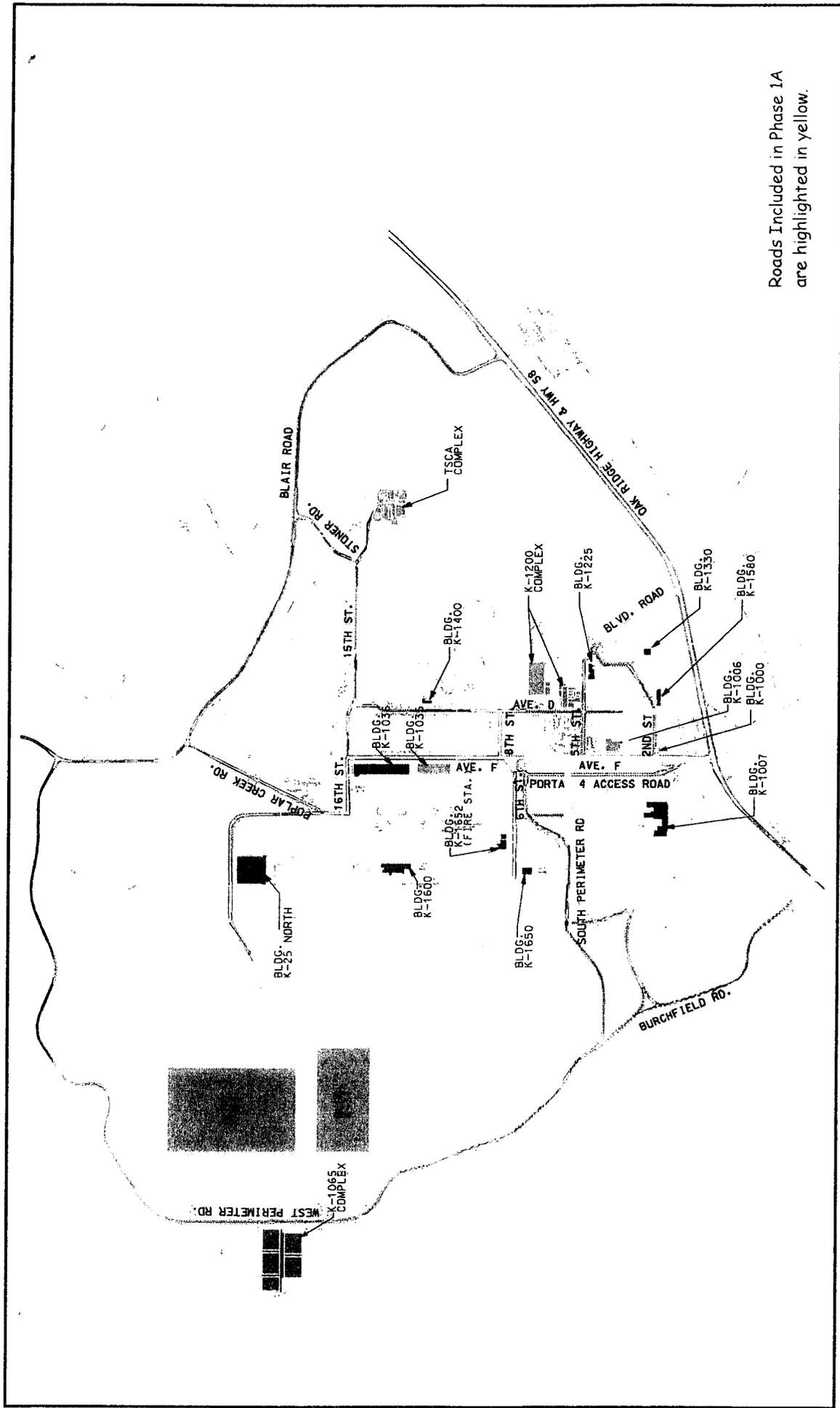
Enclosures

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor

5/6/09  
\_\_\_\_\_  
Date



Roads Included in Phase 1A  
are highlighted in yellow.

DATE	DESCRIPTION	BY

**BWSC**  
**BARRE**  
**WASSONER**  
**BUNNER &**  
**CLANNON, INC.**  
 ENGINEERS ARCHITECTS PLANNERS  
 LANDSCAPE ARCHITECTS AND SURVEYORS  
 1000 W. 20th St. Ste. 200  
 Barre, VT 05647

- LEGEND**
- EXISTING ROADWAYS TO BE TRANSFERRED
  - STATE HIGHWAYS
  - ETTP BUILDING MAY STAY
  - ETTP BUILDING WILL STAY

**EXISTING ROADWAYS TO BE TRANSFERRED**

**Operational Agreement Among  
The Department of Energy Oak Ridge Office,  
The City of Oak Ridge and  
The Heritage Center, LLC  
For Transfer of Responsibility for Phase IA of the Roadways  
At the East Tennessee Technology Park**

**Introduction**

This operational agreement is between the Department of Energy (DOE) Oak Ridge Office, the City of Oak Ridge (the City) and the Heritage Center, LLC which is a subsidiary of the Community Reuse Organization of East Tennessee (CROET). Its purpose is to define the roles and responsibilities of each party, outline general agreements reached among the parties, and identify activities that are associated with the transition of Phase IA of the roadways at the East Tennessee Technology Park (ETTP).

In accordance with a Memorandum of Agreement (MOA) that was signed on December 22, 2005, DOE, the City and CROET agreed to transfer the ETTP water treatment plant and water, wastewater, and fire protection systems. The MOA included the statement that the parties were proceeding with the understanding that the City intended to accept responsibility for major roadways at the entrance to and within the boundaries of ETTP. Phase IA of the ETTP roadways is the first phase of roads that are scheduled to be transitioned. The parties intend to continue to work on the transition of subsequent phases and will review the feasibility of actively proceeding with transition of the next phase on at least an annual basis.

DOE is working to transfer the land parcels in the front area of ETTP to the Heritage Center, LLC to promote economic development by making these parcels available to the private sector for the establishment of self-sustaining businesses within the City of Oak Ridge. Public access (through the transfer of the roadways) to these land parcels is crucial to the success of this effort.

The Heritage Railroad Corporation, Inc. (a subsidiary of CROET) owns, operates, and maintains railroad tracks and associated easement areas throughout ETTP.

**Roles**

DOE has committed to making existing roadways within ETTP available to the City to use as public roadways to further economic development. Roadways which remain inside DOE's jurisdictional boundary (referred to as the 229 boundary), and roadways that are required to support decontamination and demolition (D&D) of ETTP facilities are not a part of Phase IA and therefore, will not be transferred at this time. Once the transfer of roadways to the City and the transfer of underutilized land to the Heritage Center, LLC for an area are completed, no further DOE role is anticipated with the exception of agreed upon transition activities and maintenance of all storm drainage facilities located within transferred roadways.

Land parcels that will be served by the transitioned roadways will initially be transferred to the Heritage Center, LLC which will continue to work with the City to further economic development.

The City has committed to the acceptance of the roadways to be transferred to create public access to the land that is transferred to the Heritage Center, LLC to promote economic development for the region.

### **Responsibilities**

DOE will be responsible for completing the transition activities listed in Attachment A for which DOE is listed as the responsible party. DOE is responsible for the existing storm water drainage system at ETPP. DOE shall also be responsible for completing any repairs to the roadways necessitated by repairs to DOE-owned utility infrastructure and agrees to complete the repairs in accordance with standard City practices for industrial roadways. DOE is not responsible for improvements or modifications to roadways after transition of the roadways, and is not responsible for bringing roadways into compliance with City and State industrial park requirements to support transition.

The Heritage Center, LLC will be responsible for completing the transition activities listed in Attachment A for which they are listed as the responsible party. The Heritage Center, LLC will be responsible for maintenance of the landscaping and structures within the roadway easement areas as identified on the street plat.

The City will be responsible for ensuring that the transferred roadways provide public access to the land parcels at ETPP and for the maintenance and repair of the transferred roadways and sidewalks after acceptance. The City will also be responsible for the portions of the streets that intersect State Highway 58 (to include Heritage Center Boulevard, Americus Avenue, Burchfield, and Victorious Boulevard East) from the edge line of the state highway to the right-of-way on the street plat upon acceptance of each street.

### **Agreements/Understandings**

The parties agree to work together to accomplish the activities outlined in Attachment A, Transition Activities. These activities may be accomplished either before or after the supplemental agreement to the Utility Easement is signed. An agreed-to schedule will be developed for the activities identified in Attachment A. It is recognized that Heritage Center, LLC is only responsible for the initial installation of street name signs and that the City will be responsible for replacing street name signs, as necessary, due to damage or deterioration using the City standard street name signs.

Roadway transition, including fiscal responsibility, to the City will be accomplished upon completion of the following items: (1) Planning Commission approval of the Final Plats which identify publicly dedicated streets, filed in the Roane County Register of Deeds Office, (2) approval of a Resolution by City Council for the City to take ownership of the designated roadways and outstanding improvements as specified in Attachment A and (3) completion of the outstanding issues by the responsible party as identified in Attachment A for each roadway. The effective date of street acceptance will be Planning Commission acceptance of certification by the City Engineer of completion of infrastructure improvements by the responsible party as identified in Attachment A for each roadway.

In addition to the transition activities outlined in Attachment A, DOE and the Heritage Center, LLC agree to accomplish the following in accordance with City standards within five years of the effective date of street acceptance by the Planning Commission as outlined above:

- a) Milling and paving of an approximate 200-foot section of Victorious Boulevard East beginning at State Route 95 followed by the application of the proper pavement markings;
- b) Milling and paving of Meritus Avenue followed by the application of the proper pavement markings.
- c) Milling and paving of Europa Avenue followed by the application of the proper pavement markings.

DOE and the Heritage Center, LLC reserves the right to negotiate with the City of Oak Ridge to assume responsibility for the activities stated above as part of an economic development initiative.

The parties recognize that under Oak Ridge City Planning Commission Subdivision Regulations and State law there are certain requirements that an Industrial Park must meet and that the City has conveyed this information to DOE and the Heritage Center, LLC. The parties also recognize that the roadways being transitioned were built decades ago and that completion of the transition activities listed in Attachment A does not necessarily bring the roadways into compliance with these regulations. The streets shall be treated as "existing streets" under the Oak Ridge Municipal Code (with the exception that DOE will retain responsibility for the storm drain system) and the parties are not responsible for bringing the transitioned roadways into compliance. The fact that the roadways may remain in a condition different from requirements stated above will be communicated by Heritage Center, LLC to prospective buyers and users of adjoining property that is owned by DOE and/or the Heritage Center. This information will be included on all street and subdivision plats. Additionally, plat notes will be included requiring that off-site improvements for such things as sidewalks, traffic calming measures for pedestrian safety, control of vehicle access along open street frontage and control of site drainage runoff into the street, be addressed in future development plans if warranted by site-specific circumstances.

DOE and the Heritage Center, LLC agree to work with the City to ensure that all construction work associated with the transition activities for Phase 1A and any other roadways contemplated for City acceptance in the future shall be completed in accordance with the City Standard Construction Requirements and Details or other acceptable standards for City acceptance; to include the City in the planning and design stages for said work; to obtain City approval of plans and specifications prior to any field construction work; and to perform all work under the periodic inspection of the City as work is accomplished.

Any improvements or modifications to roadways that will be required as a condition of future development of any land transferred to the Heritage Center, LLC will be addressed by the City and the Heritage Center, LLC and future property owners and are not a part of this Operational Agreement. DOE retains no responsibility for said improvements or modifications.

The parties recognize that some of the roadways continue past the point of public access for which the City has responsibility. Roadways that extend beyond the point of public access will remain under DOE responsibility. If the public continues on roadways that are the responsibility of DOE they will be expected to turn around; DOE will ensure that adequate traffic controls measures are posted to guide the public along the intended turn-around route. Where necessary, DOE will ensure that a right for public turnaround is reserved prior to transferring land to the Heritage Center, LLC. The right for public turnaround will no longer be necessary once the remaining portion of the roadways are transferred allowing the public to enter and exit on public streets.

DOE does not intend to utilize the transferred roadways for future D&D activities other than normal egress and access for DOE and contractor personnel. After Phase IA roadways have been transferred, DOE and its contractor will require that heavy truck traffic associated with demolition activities enter ETTP on roads other than those that have been transitioned. If in the future, DOE needs to use any of the transitioned roadways in a way that is outside of normal industrial use, notification will be provided to the City and an agreement will be reached on the use and/or repair of roadways.

No party or future property owner shall make any connections to the existing DOE-owned storm water system or direct any runoff to aforementioned system without the written consent of DOE. The parties acknowledge that runoff from the streets to be transferred will continue to be drained by the existing DOE storm drain system and DOE agrees to continue to maintain said system to ensure proper drainage of said streets. If DOE denies consent for the use of the existing DOE storm drain system for future development, DOE will work with the developer and/or property owner to ensure that a viable option exists for addressing storm water runoff. Any option developed must meet Federal, State and City regulations and must be approved by the City of Oak Ridge.

Roadway geometric and traffic signal improvements along State Route 58 at the intersections serving East Tennessee Technology Park may be required when and if studies indicate the traffic generated by the Park result in the need for signalization. The requirements for such improvements will be justified by traffic studies conducted by the City of Oak Ridge and approved by the Tennessee Department of Transportation. Funding for engineering and construction of such improvements shall be the responsibility of Heritage Center, LLC, its successors, and benefitting property owners. Heritage Center, LLC reserves the right to negotiate with the City of Oak Ridge and/or the State to assume responsibility for the design, construction and funding of required improvements.

The parties recognize that the transfer of responsibility for street lights that are located within the footprint of the rights-of-way for the roadways is not part of this agreement and will be addressed as part of the ongoing transition of electrical infrastructure to the City.

DOE's obligation under this agreement is subject to and contingent upon the availability of appropriated funds. Nothing in this agreement shall be construed as implying that the Congress will, at a later date, appropriate funds sufficient to meet deficiencies.

**Term, Termination, Modification**

This agreement will be effective on: (1) the date DOE executes a supplemental agreement to Real Estate Easement No. Reorder-2-08-0603 for roadways, or (2) the date this agreement is signed by the last of the parties, whichever is later.

This agreement may be terminated when the parties agree in writing that it is no longer needed.

Any modification to this Agreement must be in writing and signed by the Parties.

The undersigned agrees to comply with the terms of this agreement and acknowledges that the development of the agreement was a joint effort between DOE, the City and the Heritage Center, LLC.

**U.S. DEPARTMENT OF ENERGY – OAK RIDGE OFFICE**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**HERITAGE CENTER, LLC**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF OAK RIDGE, TENNESSEE**

By: \_\_\_\_\_ Date: \_\_\_\_\_

ATTACHMENT A, TRANSITION ACTIVITIES

Road Name		Description	Responsibility
<b><u>VICTORIUS BOULEVARD EAST</u></b>	1	Install base stone along edge of pavement if drop-off is greater than 2-inches and on paved shoulders that has a drop off of more than three inches.	DOE
	2	Correct ponding problem in the SR 58 radius. Remove some soil material, replace with six inches of base stone. Cut swale to obtain positive drainage.	DOE
	3	Install street name sign.	HERITAGE
	4	Replace stop sign at SR 58 and install speed limit sign.	DOE
	5	Repair area around storm drainage headwall at entrance to SR 58.	DOE
	6	Install double yellow centerline, lane line and edge lines.	DOE
	7	Install crosshatched pavement markings in some areas to better define separation from the roadway to the parking lot areas.	DOE
	8	Remove stop bars at SR 58 and install new stop bar. Install two right-turn arrows and two left-turn arrows.	DOE
	9	Sidewalks – install three handicap ramps; install curb stops to prevent vehicle overhang onto sidewalk.	DOE
	10	Pedestrian crosswalks – Determine which sections are needed and which sections need to be reworked with new pavement markings; install pedestrian traffic control signs.	DOE
	11	Remove bollards that lie less than four feet from edge of pavement.	DOE
	12	Improve the drainage swale on the roadway east side after installation of shoulder stone.	DOE
	13	Conduct engineering study to determine recommendation for posted speed limit.	HERITAGE
	14	Provide available historical information within the roadway and easement area on accident data, vehicle weight limit/wide load restrictions and known safety concerns on roadways, sidewalks, ADA requirements, etc.	DOE
	15	Install new monuments and roadway railroad spikes with assigned numbers, elevations, Northing and Easting.	HERITAGE
<b><u>CHROMIUM STREET</u></b>	1	Install two stop signs and speed limit signs.	DOE
	2	Install street name sign.	HERITAGE
	3	Install double yellow centerlines and edge lines.	DOE
	4	Remove or protect two electric guy wires that are located within street parking pavement area.	DOE
	5	Install one handicap ramp.	DOE
	6	Some curb areas may need to be replaced.	DOE
	7	Repair southeast corner of Chromium and Americus to remove ponding.	DOE
	8	Conduct engineering study to determine recommendation for posted speed limit.	HERITAGE
	9	Provide available historical information within the roadway and easement area on accident data, vehicle weight limit/wide load restrictions and known safety concerns on roadways, sidewalks, ADA requirements, etc.	DOE
	10	Install new monuments and roadway railroad spikes with assigned numbers, elevations, Northing and Easting.	HERITAGE

ATTACHMENT A, TRANSITION ACTIVITIES

Road Name		Description	Responsibility
<b><u>VICTORIUS BOULEVARD WEST</u></b>	1	Repair three pavement failure areas that exist between Meritus and Allies. The area at Allies includes the area around the railroad track and across Allies.	DOE / HERITAGE
	2	Construct new roadway section between railroad track and Heritage Center Boulevard. This includes a detailed construction set of plans approved by the city. Core borings indicated that the parking lot asphalt is salvageable for a roadway. Recommend that curbing be added to this roadway sections to separate it from adjacent parking lot areas and Allies.	DOE
	3	Repair some shoulder areas to prevent ponding; may include shoulder work for positive drainage.	DOE
	4	Install a double yellow centerline, edge lines, and stop bars.	DOE
	5	Install RR crossing markings.	HERITAGE
	6	Install street name signs and possibly RR crossing signs. Remove stop sign on RR crossbuck.	HERITAGE
	7	Install stop signs and speed limit signs, as needed.	DOE
	8	Provide construction plans/specifications on recent railroad crossing rebuild showing that approach slope meets state/federal requirements or mill and overlay back from RR track to have more gentle approach slope. Repair areas at track to prevent drop-off and establish 2 feet of paved shoulder.	HERITAGE
	9	Install pavement markings to control the open roadway access frontage.	DOE
	10	Remove obstruction on the north side of the Meritus Avenue/Victorius Boulevard West intersection.	DOE
	11	Install shallow drainage swale along a short section on the north side.	DOE
	12	Conduct engineering study to determine recommendation for posted speed limit.	HERITAGE
	13	Provide available historical information within the roadway and easement area on accident data, vehicle weight limit/wide load restrictions and known safety concerns on roadways, sidewalks, ADA requirements, etc.	DOE
	14	Install new monuments and roadway railroad spikes with assigned numbers, elevations, Northing and Easting.	HERITAGE
	15	Install signs and pavement markings for low-speed vehicle crossing.	DOE
<b><u>EUROPIA AVENUE</u></b>	1	Repair asphalt failure areas and install crack sealing on surface course.	DOE
	2	Improve drainage swell on north side of roadway to prevent runoff across roadway.	DOE / HERITAGE
	3	Install double yellow centerline and edge lines.	DOE
	4	Install speed limit signs, as needed.	DOE
	5	Install street name signs.	HERITAGE
	6	Provide acceptable resolution to the City pertaining to roadway and structures located within the TVA Flowage Easement.	DOE
	7	Conduct engineering study to determine recommendation for posted speed limit.	HERITAGE
	8	Provide available historical information within the roadway and easement area on accident data, vehicle weight limit/wide load restrictions and known safety concerns on roadways, sidewalks, ADA requirements, etc.	DOE
	9	Install new monuments and roadway railroad spikes with assigned numbers, elevations, Northing and Easting.	HERITAGE

ATTACHMENT A, TRANSITION ACTIVITIES

Road Name		Description	Responsibility
<b><u>AMERICUS AVENUE</u></b>	1	Repair roadway section from approximately 150 feet south of Argonne Street to approximately 50 feet north of Argonne. A construction set of plans must be approved by the city. Deficiencies to be addressed include, but are not limited to, curb/curb and gutter, sidewalk/handicap ramps, pedestrian crosswalks, possible milling and/or asphalt overlay needed along the entire length and correction of a ponding problem.	DOE
	2	Remove two pedestrian crosswalks at the intersection of Americus and Chromium.	DOE
	3	Install double yellow centerline and edge lines to separate the traffic lanes from the paved shoulder and/or parking areas. This would also define the proper alignment of the street, which now has an offset alignment.	DOE
	4	Install crosshatched pavement markings in some area to prohibit parking and to prohibit vehicles from backing into the street.	DOE
	5	Clean out accumulated debris adjacent to curbs.	DOE
	6	Install additional pavement near utility valves to eliminate a pavement drop-off.	DOE
	7	Remove existing concrete curb stops on both sides of the street near the SR 58 entrance, then backfill with compacted base stone to allow storm drainage to leave the street.	DOE
	8	Replace some curb/curb and gutter sections.	DOE
	9	Install street name sign.	HERITAGE
	10	Install speed limit signs, stop signs, and "No Parking Any Time" signs in area where parking will be prohibited.	DOE
	11	Replace approximately 130 feet of sidewalk (section is outside of roadway section aforementioned described in number one above).	DOE
	12	Conduct engineering study to determine recommendation for posted speed limit.	HERITAGE
	13	Provide available historical information within the roadway and easement area on accident data, vehicle weight limit/wide load restrictions and known safety concerns on roadways, sidewalks, ADA requirements, etc.	DOE
	14	Install new monuments and roadway railroad spikes with assigned numbers, elevations, Northing and Easting.	HERITAGE

ATTACHMENT A, TRANSITION ACTIVITIES

Road Name		Description	Responsibility
<b><u>HERITAGE CENTER BOULEVARD</u></b>	1	Roadway section from Allies intersection to and through Argonne intersection must be redesigned to eliminate offset alignment. This includes a detailed construction set of plans approved by the city. Include traffic control measures in the design plans for the Allies/Heritage intersection to improve safety.	HERITAGE
	2	Install double yellow centerline, edge lines, parking lines, etc.	DOE
	3	Replace three sidewalk sections that have settled. Eliminate trip hazards at a couple of locations.	DOE
	4	Repair curb sections that have depressed and are holding water. Repair asphalt around the area to prevent ponding. Catch basins may have to be raised.	DOE
	5	Install pedestrian/crosswalk signs and speed limit signs.	DOE
	6	Install street name sign.	HERITAGE
	7	Correct ponding along face of curbs in several areas to create positive drainage.	DOE
	8	Install shoulder stone along some areas at the edge of pavement.	DOE
	9	Trim tree limbs that overhang roadway and sidewalk.	DOE
	10	Repair areas where asphalt has previously been repaired. Some repair areas may need to be milled and paved, then patched. DOE is not responsible for repairing City of Oak Ridge utility cut areas.	DOE
	11	Blade (remove) the grass shoulders that prevent storm water from exiting the roadway and shoulder areas. This generally includes a four feet section just outside of the travel lane.	DOE
	12	Remove street water ponding areas on Heritage at the SR 58 entrance.	DOE
	13	Conduct engineering study to determine recommendation for posted speed limit.	HERITAGE
	14	Provide available historical information within the roadway and easement area on accident data, vehicle weight limit/wide load restrictions and known safety concerns on roadways, sidewalks, ADA requirements, etc.	DOE
	15	Install new monuments and roadway railroad spikes with assigned numbers, elevations, Northing and Easting.	HERITAGE
<b><u>BURCHFIELD</u></b>	1	Mill and overlay pavement surface area where pavement has failed.	DOE
	2	Install stop bar and one left-turn and one right-turn pavement arrow.	DOE
	3	Replace stop sign. Remove one sign.	DOE
	4	Conduct engineering study to determine recommendation for posted speed limit.	HERITAGE
	5	Provide available historical information within the roadway and easement area on accident data, vehicle weight limit/wide load restrictions and known safety concerns on roadways, sidewalks, ADA requirements, etc.	DOE
	6	Install new monuments and roadway railroad spikes with assigned numbers, elevations, Northing and Easting.	HERITAGE

ATTACHMENT A, TRANSITION ACTIVITIES

Road Name		Description	Responsibility
<b><u>MERITUS AVENUE</u></b>	1	Provide construction plans/specifications on recent railroad crossing rebuild showing that approach slope meets state/federal requirements or install asphalt leveling at RR track to create a gentler slope.	HERITAGE
	2	Repair four asphalt failure areas and install crack sealing on surface course.	DOE
	3	Drainage swales have blockage and ponding areas; cleaned out for positive drainage. Construct a new swale on the south side.	DOE
	4	Repair shoulder areas to prevent ponding. This may entail shoulder work for positive drainage and/or drainage swales/pipes. Establish four feet wide stone shoulder if no shoulder exists.	DOE
	5	Install RR pavement markings,	HERITAGE
	6	Install double yellow centerline, edge lines, and stop bar.	DOE
	7	Install directional arrow signs and remove existing bollards on the opposite side of Europia at the south end of Meritus.	DOE
	8	Install new stop signs and speed limit signs, as needed.	DOE
	9	Install street name signs and RR crossing signs.	HERITAGE
	10	Improve the radii at the Tungsten intersection to meet minimum 30 feet radius or close the intersection at Tungsten.	DOE
	11	Conduct engineering study to determine recommendation for posted speed limit.	HERITAGE
	12	Provide available historical information within the roadway and easement area on accident data, vehicle weight limit/wide load restrictions and known safety concerns on roadways, sidewalks, ADA requirements, etc.	DOE
	13	Install new monuments and roadway railroad spikes with assigned numbers, elevations, Northing and Easting.	HERITAGE

**RESOLUTION**

WHEREAS, by Resolution 11-117-05, City Council approved a Memorandum of Agreement between the City, the U.S. Department of Energy (DOE), and the Community Reuse Organization of East Tennessee (CROET) related to the transfer of the water, wastewater and roadway infrastructure in and around the former K-25 Gaseous Diffusion site, also known as the East Tennessee Technology Park (ETTP), which includes the City's intent to accept responsibility for major roadways at the entrance to and within the boundaries of ETTP; and

WHEREAS, by Resolution 7-88-06, City Council authorized the City Manager to develop and transmit to DOE a proposal for the conveyance of ETTP utility and roadway infrastructure and associated property; and

WHEREAS, by Resolution 5-50-08, City Council approved the Department of Energy for Rights-of-Way Utility Lines and Roadways, for the transition of utility infrastructure in and around ETTP; and

WHEREAS, DOE now proposes an Operational Agreement Among the Department of Energy Oak Ridge Office, the City of Oak Ridge, and the Heritage Center, LLC for Transfer of Responsibility for Phase 1A Roadway at ETTP; and

WHEREAS, the Operational Agreement defines the roles and responsibility of each party, outlines the general agreement reached among the parties, and identifies activities associated with the roadway transition in Phase 1A; and

WHEREAS, upon completion of transition activities identified for each roadway in Attachment A of the Operational Agreement, the City will be responsible for the roadways in Phase 1A of ETTP; and

WHEREAS, the City Manager recommends approval of the Operational Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into all necessary legal documents to transfer the roadways in Phase 1A of East Tennessee Technology Park from the U.S. Department of Energy to the City of Oak Ridge, which documents include, but are not limited to, the Operational Agreement Among the Department of Energy Oak Ridge Office, the City of Oak Ridge, and the Heritage Center, LLC for Transfer of Responsibility for Phase 1A Roadways at ETTP.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**PUBLIC WORKS MEMORANDUM**  
**09-21**

**DATE:** May 4, 2009

**TO:** James R. O'Connor, City Manager

**FROM:** Gary M. Cinder, P.E., Director of Public Works

**SUBJECT: CONTRACT 09-08 – STREET RESURFACING**

The accompanying resolution authorizes a contract in the estimated amount of \$256,449 to Rogers Group, Inc., for street resurfacing.

The Public Works Department routinely rates the condition of city streets using Roadway Surface Management System software. The software records what defects are present, the severity of the defect and the percentage of the street affected by the defect, assisting staff in determining which streets are included in the resurfacing project each year.

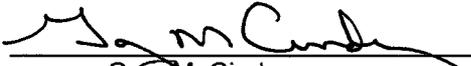
For a period of approximately 15 years, Public Works annually resurfaced streets using a one-year contract with the option of multiple year annual renewals that included an annual price adjustment based on the Consumer Price Index (CPI). The contract for street resurfacing included a menu of various types of milling and resurfacing depths with unit prices for each item. As streets were chosen for resurfacing, the appropriate repair strategy was chosen from the menu and the cost per street was determined by multiplying the unit price times the number of units based on length and width of the street. This allowed Public Works to match the cost of resurfacing each year to the funds that were available at the time

In 2007, Rogers Group, Inc., citing ever-increasing costs of fuel and asphalt materials, would not renew the paving contract. The city let a contract (COR 07-07) good for one paving cycle which represented a 27 percent increase from the previous contract and last year let Contract COR 08-09 also a single year contract that was a three percent increase over the 2007 contract. Asphalt prices for COR 09-08 showed a increase of four percent which is consistent with Public Works estimate; however, milling costs showed an unexpected significant decrease resulting in the overall contract amount being less than estimated. Since this is a one-year contract Public Works did not include bid items for units not anticipated. This contract provides for resurfacing 3.4 miles of City streets. The savings from the bid being less than anticipated would be enough to pave approximately one additional mile.

Public Works will not be able to use the savings realized from the lower bid than expected this year, because adding the additional bid items would fundamentally change the contract enough that it would have to be re-bid. In addition Public Works cannot do the necessary preparation work for the additional streets prior to when they would be resurfaced. Therefore, Public Works intends to roll any funds remaining in the FY09 resurfacing budget into the FY10 resurfacing budget allowing a larger resurfacing project next year. This will help offset the \$50,000 reduction being proposed in the FY10 budget.

The volatility of the asphalt costs combined with increases in the number of lane miles in the city street inventory continue to erode the city's ability to resurface it's streets in a timely manner. This department intends to continue requesting additional resources for this critical maintenance activity.

Funds for this project are available from the State Street Aid Fund. Staff recommends approval of the accompanying resolution.

  
\_\_\_\_\_  
Gary M. Cinder

ks

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor

  
\_\_\_\_\_  
Date

Name	From street	To street
PROVIDENCE ROAD BELGRADE ROAD (EAST) GEORGIA AVE. HENDRIX DR. THORTON RD TEMPLE RD BENEDICT AVE. DARWIN RD DISSTON RD TUSCULUM DR. TUSCULUM DR. JOHNSON RD.	ROBERTSVILLE RD. CARIO RD. GORDON RD LAFAYETTE DR. E. TENN. AVE THORTON RD 200 BENEDICT DELAWARE RD DARWIN RD TIFFIN DR. TIDEWATER LN JARRETT LN.	PENNSYLVANIA AVE. WAREHOUSE RD. SOUTH to 112 GEORGIA AVE. HIGHPONT LN TEMPLE RD. E. TENN. AVE. CARVER RD DISSTON RD DELAWARE RD TIDEWATER LN. TEMPURA DR WEST OUTER DR.

**CITY OF OAK RIDGE, TENNESSEE**  
Abstract of Bids

COR # 09-08  
OPENING DATE: April 30, 2009 2:00 P.M.

DESCRIPTION	ITEM	UNIT(S)	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
STREET MILLING AND RESURFACING PROJECT			Rogers Group, Inc. 250 Union Valley Road Oak Ridge, TN 37830					
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE STREET MILLING AND RESURFACING PROJECT PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 256,449.00					\$ -
<b>TOTAL PRICE</b>			\$ 256,449.00		\$ -			\$ -
<b>TERMS</b>			Net 30					
<b>DELIVERY</b>			per Contract					
<b>F.O.B.</b>			Oak Ridge					
<b>VIA</b>			Best Way					
OTHER BIDDERS CONTACTED: APAC-Harrison, Inc. - Knoxville, TN								
BIDS OPENED AND RECORDED BY--- <i>Lyn Dowlen</i> Lyn Dowlen Accounting Division Manager								
REASON FOR AWARD ONLY BID RECEIVED <input checked="" type="checkbox"/> X LOW PRICE BETTER OR REQUIRED DESIGN EARLY DELIVERY LOWEST TOTAL COST								
RECOMMEND AWARD BE MADE TO: Rogers Group, Inc. 250 Union Valley Road Oak Ridge, TN 37830								
BIDS REVIEWED BY--- <i>Janice McGinnis</i> Janice McGinnis Finance Director								

NUMBER \_\_\_\_\_

**RESOLUTION**

WHEREAS, the City has issued invitations to bid for the furnishing of all labor, materials, tools, equipment and supplies necessary to perform all work and services for milling and resurfacing of City streets; and

WHEREAS, bids were received and publicly opened on April 30, 2009, with Rogers Group, Inc., Oak Ridge, submitting the sole bid, which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Rogers Group, Inc., P.O. Box 6437, Oak Ridge, Tennessee 37831, for the furnishing of all labor, materials, equipment and supplies necessary to perform all work and services for milling and resurfacing of City streets; said award in strict accordance with COR 09-08, the required specifications, and the bid as publicly opened on April 30, 2009, and in the estimated amount of \$256,449.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM**  
**09-17**

**DATE:** April 24, 2009  
**TO:** James R. O'Connor, City Manager  
**FROM:** Gary M. Cinder, P.E., Public Works Director  
**SUBJECT: Pumps and Control Valve Replacement at Robertsville Pumping Station**

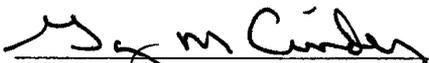
The accompanying resolution authorizes the expenditure of funds in the estimated amount of \$141,576.00 for the purchase of three replacement pumps, three variable frequency drives and three rotary ball valves required for pump control at the Robertsville Road water pumping station.

There are a total of three pump and valve assemblies at the Robertsville Road station which pump water to the Louisiana Avenue reservoir for distribution. The pump and valve assemblies are the major components of this water pump station. The variable frequency drives will allow for a more energy efficient control of the pumps and should use less electricity than the existing pumps. The drives will also help maintain a more constant level of water in the reservoir during the various flow demands.

The existing assemblies are the original equipment installed when the station was built in 1942. The motors and pumps have been rebuilt numerous times and are failing on a regular basis. Staff continues with the attempt to repair them but due to their age, parts are no longer available and the manufacturer is out of business so replacement of them is needed.

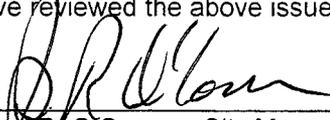
Sealed bids were solicited from several vendors for these assemblies with Nedrow & Associates submitting the only bid for the pumps and variable frequency drives, in the estimated amount of \$83,076.00; and Principle Environmental, Inc. submitting the low bid for the rotary ball valves in the estimated amount of \$58,500.00.

Funding for this project is available in the Waterworks budget. Staff recommends approval of the accompanying resolution.

  
\_\_\_\_\_  
Gary M. Cinder

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor, City Manager

\_\_\_\_\_  
Date 5/6/09

**CITY OF OAK RIDGE, TENNESSEE**  
**Abstract of Bids**

RFQ #112173  
OPENING DATE: April 14, 2009 2:00 P.M.  
FOR ---

GOULDS PUMP AND SQUARE D VARIABLE  
FREQUENCY DRIVE

DESCRIPTION	ITEM	UNIT	BIDDER: Nedrow & Associates 2233 Southpark Drive Murfreesboro, TN 37128		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE GOULDS PUMP AND SQUARE D VARIABLE FREQUENCY DRIVE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	3	\$ 27,692.00	\$ 83,076.00				
TOTAL PRICE			\$	\$ 83,076.00				
TERMS				Net 30				
DELIVERY				10-12 Week ARO				
F.O.B.				Oak Ridge				
VIA				Truck				
OTHER BIDDERS CONTACTED: Hayes Pipe Supply, Inc. - Nashville, TN Walter A. Woods - Chattanooga, TN Ferguson Enterprises, Inc. - Knoxville, TN Consolidated Pipe & Supply Company - Knoxville, TN HD supply Waterworks, LTD. - Knoxville, TN								
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:					
ONLY BID RECEIVED			Nedrow & Associates 2233 Southpark Drive Murfreesboro, TN 37128					
BETTER OR REQUIRED DESIGN								
EARLY DELIVERY								
LOWEST TOTAL COST								
<input checked="" type="checkbox"/> X <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			BIDS OPENED AND RECORDED BY:--- <i>Lyn Dowlen</i> Lyn Dowlen Accounting Division Manager BIDS REVIEWED BY:--- <i>Jamie McGinnis</i> Jamie McGinnis Finance Director					

**CITY OF OAK RIDGE, TENNESSEE  
Abstract of Bids**

RFQ #112175

OPENING DATE: April 14, 2009 2:00 P.M.

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:			
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL		
GOLDEN ANDERSON ROTARY BALL VALVES FOR PUMP CONTROL  FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE GOLDEN ANDERSON ROTARY BALL VALVES FOR PUMP CONTROL SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	3	\$ 19,500.00	\$ 58,500.00	\$ 61,542.00	\$ 184,626.00				
TOTAL PRICE			\$	58,500.00	\$	184,626.00				
TERMS				Net 30		Net 30				
DELIVERY				20-22 Weeks ARO		20-22 Weeks ARO				
F.O.B.				Cranberry, PA		Oak Ridge				
VIA				Motor Freight		Truck				
OTHER BIDDERS CONTACTED: Ferguson Enterprises, Inc. - Knoxville, TN Consolidated Pipe & Supply Company - Knoxville, TN HD supply Waterworks, LTD. - Knoxville, TN GA Industries, Inc. - Cranberry Township, PA										
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:						BIDS OPENED AND RECORDED BY---	
<input type="checkbox"/> ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input checked="" type="checkbox"/> LOWEST TOTAL COST			Principle Environmental Inc. 1770 The Exchange NW Suite 210 Atlanta, GA 30339						Lyn Dowlen Accounting Division Manager	
									BIDS REVIEWED BY--- Janice McGinnis Finance Director	

**RESOLUTION**

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of pumps, drives and valves required for pump control at the Robertsville Road water pumping station; and

WHEREAS, bids were received and publicly opened on April 14, 2009, with Nedrow & Associates, Murfreesboro, Tennessee, submitting the sole bid for the pumps and drives, and with Principle Environmental, Inc., Atlanta, Georgia, submitting the lowest and best bid for valves, which bids the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and awards are hereby made as follows:

To Nedrow & Associates, 2233 Southpark Drive, Murfreesboro, Tennessee 37128, for the purchase of three (3) replacement pumps and variable frequency drives for the Robertsville Road pumping station; said award in strict accordance with Requisition No. 112173, the required specifications, and the bid as publicly opened on April 14, 2009, and in the estimated amount of \$83,076.00.

To Principle Environmental, Inc., 1770 The Exchange NW, Suite 210, Atlanta, Georgia 30339, for the purchase of three (3) rotary ball valves for the Robertsville Road pumping station; said award in strict accordance with Requisition No. 112175, the required specifications, and the bid as publicly opened on April 14, 2009, and in the estimated amount of \$58,500.00.

Said awards in the grand total estimated amount of \$141,576.00.

This the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM  
09-18**

DATE: April 30, 2009  
TO: James R. O'Connor, City Manager  
FROM: Gary M. Cinder, P.E., Public Works Director

**SUBJECT: PURCHASE OF VEHICLES**

The accompanying resolution recommends for purchase two pickup trucks, one van, three utility vehicles (two hybrid), and two dump trucks, from five suppliers, in the total estimated amount of \$277,645.04.

Included in the FY09 budget (Equipment Replacement Rental Fund and Waterworks) were twenty-six (26) equipment items eligible for replacement, one (1) item, a paint striper, costing less than \$25,000 was replaced earlier in FY09, leaving twenty-five (25) eligible items to be replaced. For various reasons, the Public Works Department has decided to defer seventeen (17) of those items to FY10, leaving eight (8) items to be purchased. Each item of the Public Works Department equipment, requested for replacement by the work division supervisor, receives a service record review and a mechanical inspection by the Equipment Shop staff.

The accompanying resolution makes award to five suppliers for the purchase of the following vehicles for the Public Works Department.

- Jacky Jones Ford, Maryville, Tennessee for furnishing one pickup truck (request 112280) to be used by the WWTP/WTP maintenance supervisor; one van (request 112281) to be used by the WWTP maintenance specialist; and one mid-size utility vehicle (request 112290) to be used by the crew chief assigned to the West End Crew, in the total estimated amount of \$71,388.32.
- Cardinal Chrysler-Dodge, Inc., Louisville, Kentucky, for furnishing two 4WD Hybrid utility vehicles, one for the City Engineer (request 112285) and one for the Environmental Compliance Coordinator (request 112288), in the total estimated amount of \$63,272.72.
- Alexander Ford Lincoln Mercury, Murfreesboro, Tennessee, for furnishing one pickup truck (request 112287) to be used by the Sewer Rehab crew chief, in the total estimated amount of \$22,998.00.
- Dean Stallings Ford, Oak Ridge, Tennessee, for the furnishing of one small dump truck (request 112309) to be used by the concrete crew, in the total estimated amount of \$39,012.00.
- Freightliner of Knoxville, Inc., Knoxville, Tennessee, for the furnishing of one large dump truck (request 112310) to be used by the asphalt crew, in the total estimated amount of \$80,974.00.

**Public Works Department Memorandum**  
**09-18**  
**Page 2 of 2**

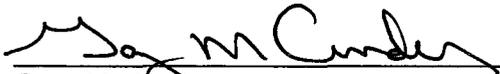
Sealed bids were received on all the equipment listed above and the recommended purchases are based on the low bid received. The bids received for the two hybrid utility vehicles are \$568.57 less per vehicle than the price offered for the same vehicle from the same dealer through the State of Tennessee contract price.

An equipment replacement evaluation form summarizing pertinent information for seven of the vehicles is attached. The mid-size utility vehicle is an addition to the fleet for the West End crew chief, so there is not an equipment replacement evaluation form for this vehicle. Also, attached is information for the disposition of each of the vehicles and a listing of the vehicles to be available to be sold as surplus.

Following is brief information for the disposition of the vehicles being replaced.

- 3 vehicles will be available to sell as surplus
- 4 vehicles will be retained for continued use, some transferring to other divisions within the Public Works department
  - 3 of these retained vehicles will be replacing previously retained vehicles that will be available to sell as surplus
  - 1 of these vehicles is being retained for use by the Engineering Technician who has been sharing vehicle #137 with the Contracts/Grants Coordinator who has new job duties that require more use of the shared vehicle, making it increasingly difficult for both employees to use one vehicle

Funding for the purchase of this equipment was included in the FY09 budget with four vehicles from the Equipment Rental Replacement Fund (\$174,620.36), three vehicles from the Waterworks Fund (\$80,410.55) and one vehicle from the West End activity (\$22,614.13). Staff recommends approval of the attached resolution as submitted.

  
\_\_\_\_\_  
Gary M. Corder

Attachment

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor, City Manager

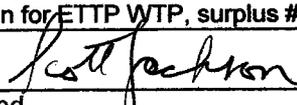
5/6/09  
\_\_\_\_\_  
Date

**CITY OF OAK RIDGE, TENNESSEE  
Abstract of Bids**

REQUEST NUMBER: 112280  
OPENING DATE: APRIL 23, 2009

DESCRIPTION	BIDDER:		BIDDER:		BIDDER:		BIDDER:		
	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
4WD EXTENDED CAB PICKUP TRUCK									
THE FURNISHING OF A 4WD EXTENDED CAB TRUCK PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$	22,521.15			\$	22,609.00	
TOTAL PRICE		\$	22,521.15	\$	22,609.00	\$	22,694.00	\$	23,311.00
TERMS			Net 15	Net 30			Net 30		Net 30
DELIVERY			40 Days A.R.O.	90 Days A.R.O.			30-50 Days		30-60 Days
F.O.B.			Oak Ridge	Oak Ridge			Oak Ridge		Oak Ridge
VIA			WOG	Vendor			Vendor		Vendor
OTHER BIDDERS CONTACTED---									
McNelly Whaley Motor Co., Inc. - Sevierville, TN									
West Chevrolet - Alcoa, TN									
Sexton Automotive Group - Harriman, TN									
Cardinal Chrysler Jeep Dodge, Inc. - Louisville, KY									
Golden Circle Ford Lincoln Mercury - Jackson, TN									
REASON FOR AWARD									
ONLY AVAILABLE SOURCE									
LOW PRICE									
BETTER OR REQUIRED DESIGN									
EARLY DELIVERY									
LOWEST TOTAL COST									
RECOMMEND AWARD BE MADE TO:									
Jacky Jones Ford Lincoln Mercury 651 Lynn Circle Maryville, TN 37803									
BIDS OPENED AND RECORDED BY---									
Lyn Dowlen Accounting Division Manager									
BIDS REVIEWED BY---									
Janice McGinnis Director of Finance									

**EQUIPMENT EVALUATION FORM  
EQUIPMENT # 204**

<b>DEPARTMENT INFORMATION AND REQUEST</b>	<b>Recommendation</b>
Travel to job sites, haul tools and equipment	Retain and Repair <input type="checkbox"/>
Primary Use	Replace and Transfer <input type="checkbox"/>
<b>WWTP Maintenance Supervisor</b>	Replace and Retain* <input checked="" type="checkbox"/> Receiving Department
Primary Users	Replace and Surplus <input type="checkbox"/>
<b>Like Equipment - Specifications Attached</b>	Other* <input type="checkbox"/>
Requested Replacement Equipment	* Explanation for Retaining Equipment and/or Other: Retain for ETPP WTP, surplus #152
	
	Signed

<b>EQUIPMENT INFORMATION</b>	
Make & Model	2001 Dodge Quadcab
Options	4WD
Body Style	Pickup Truck
Age	8 Years
Other Information	

<b>EQUIPMENT EVALUATION</b>		
Major Repairs Completed (from Equipment Shop Records)	Year	Mileage
Needed Repairs	Estimated Cost	Mileage at Evaluation
Total Estimated Cost (including labor)	\$	63,140
	-	

<b>ANALYSIS</b>	<b>Condition</b>	<b>Recommendation</b>	
Date	Good <input checked="" type="checkbox"/>	Retain and Repair <input type="checkbox"/>	
4/14/2009	Fair <input type="checkbox"/>	Replace and Transfer <input type="checkbox"/>	
	Poor <input type="checkbox"/>	Replace and Retain* <input checked="" type="checkbox"/> Receiving Department	
		Replace and Surplus <input type="checkbox"/>	
		Other* <input type="checkbox"/>	
Fleet Maintenance Manager		* Explanation for Retaining Equipment and/or Other: Retain for ETPP Water Treatment Plant, surplus #152 (1992 Lumina sedan with 76,500 miles)	

<b>RECOMMENDATION</b>		<b>Recommendation</b>	<b>Comments:</b>
Date	4/30/2009	Retain and Repair <input type="checkbox"/>	
		Replace and Transfer <input type="checkbox"/>	
		Replace and Retain <input checked="" type="checkbox"/>	
		Replace and Surplus <input type="checkbox"/>	
		Other <input type="checkbox"/>	
			
Public Works Director			

**CITY OF OAK RIDGE, TENNESSEE  
Abstract of Bids**

REQUEST NUMBER: 112281  
OPENING DATE: APRIL 23, 2009

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FOR --- UTILITY VAN								
THE FURNISHING OF A UTILITY VAN PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 26,253.04	\$ 26,380.00	\$ 27,529.00	\$ 27,696.46		
			Net 15	Net 30	Net 30	Net 10		
			60-80 Days A.R.O.	100 Days	60-90 Days	90-120 Days		
			Oak Ridge	Oak Ridge	Oak Ridge	Oak Ridge		
TOTAL PRICE			\$ 26,253.04	\$ 26,380.00	\$ 27,529.00	\$ 27,696.46		
TERMS								
DELIVERY								
F.O.B.								
VIA								
OTHER BIDDERS CONTACTED---								
Golden Circle Ford Lincoln Mercury - Jackson, TN								
Ted Russell Ford - Knoxville, TN								
Cardinal Chrysler Jeep Dodge, Inc. - Louisville, KY								
REASON FOR AWARD								
ONLY AVAILABLE SOURCE								
LOW PRICE			<input checked="" type="checkbox"/>					
BETTER OR REQUIRED DESIGN			<input type="checkbox"/>					
EARLY DELIVERY			<input type="checkbox"/>					
LOWEST TOTAL COST			<input type="checkbox"/>					
RECOMMEND AWARD BE MADE TO:			Jacky Jones Ford Lincoln Mercury 651 Lynn Circle Maryville, TN 37803					
BIDS OPENED AND RECORDED BY---			Lyn Doolen Accounting Division Manager					
BIDS REVIEWED BY---			Janice McGinnis Director of Finance					



**CITY OF OAK RIDGE, TENNESSEE  
Abstract of Bids**

REQUEST NUMBER: 112290  
OPENING DATE: APRIL 23, 2009 2:00 P.M.

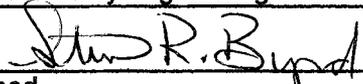
FOR --- DESCRIPTION	ITEM	UNIT	BIDDER: Jacky Jones Ford Lincoln Mercury 651 Lynn Circle Maryville, TN 37803		BIDDER: Ted Russell Ford 8551 Kingston Pike Knoxville, TN 37919		BIDDER: Alexander Automotive 1550 N.W. Broad Street Murfreesboro, TN 37129		BIDDER: McNelly Whaley Motor Co., Inc. 750 Dolly Parton Pkwy Sevierville, TN 37864					
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL				
4WD MID-SIZED SUV														
THE FURNISHING OF A 4WD MID-SIZED SUV PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$	22,614.13	\$	24,029.00	\$	24,275.00	\$	24,993.55				
TOTAL PRICE			\$	22,614.13	\$	24,029.00	\$	24,275.00	\$	24,993.55				
TERMS				Net 15		Net 30		Net 30		Net 10				
DELIVERY				56 Days		30-60 Days		90 Days		60 Days				
F.O.B.				Oak Ridge		Oak Ridge		Oak Ridge		Oak Ridge				
VIA				Vendor		Vendor		Vendor		Vendor				
OTHER BIDDERS CONTACTED---														
Cardinal Chrysler Jeep Dodge, Inc. - Louisville, KY Golden Circle Ford Lincoln Mercury - Jackson, TN Dean Stallings Ford - Oak Ridge, TN														
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:											
ONLY AVAILABLE SOURCE			Jacky Jones Ford Lincoln Mercury											
LOW PRICE			651 Lynn Circle											
BETTER OR REQUIRED DESIGN			Maryville, TN 37803											
EARLY DELIVERY														
LOWEST TOTAL COST														
<table border="1"> <tr><td> </td></tr> <tr><td>X</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>				X			<p align="center">BIDS OPENED AND RECORDED BY---</p> <p align="center"><i>Lyn Dowler</i> Lyn Dowler Accounting Division Manager</p> <p align="center">BIDS REVIEWED BY---</p> <p align="center"><i>Janice McGinnis</i> Janice McGinnis Director of Finance</p>							
X														

**CITY OF OAK RIDGE, TENNESSEE  
Abstract of Bids**

REQUEST NUMBER: 112285  
OPENING DATE: APRIL 23, 2009 2:00 P.M.

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
4WD 6 CYLINDER HYBRID SUV								
THE FURNISHING OF A 4WD 6 CYLINDER HYBRID SUV PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 31,636.36	\$	-	\$	-	\$
TOTAL PRICE			\$ 31,636.36	\$	-	\$	-	\$
TERMS			Net 15					
DELIVERY			120-180 Days					
F.O.B.			Oak Ridge					
VIA			Best Way					
<p>OTHER BIDDERS CONTACTED-- McNelly Whaley Motor Co., Inc. - Sevierville, TN Golden Circle Ford Lincoln Mercury - Jackson, TN Alexander Automotive - Murfreesboro, TN Jacky Jones Ford Lincoln Mercury - Maryville, TN Dean Stallings Ford - Oak Ridge, TN</p>								
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:					
<input checked="" type="checkbox"/> ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST			Cardinal Chrysler Jeep Dodge, Inc. 5311 Dixie Highway Louisville, KY 40216					
BIDS OPENED AND RECORDED BY---			Lyn Dowlah Accounting Division Manager					
BIDS REVIEWED BY---			Janice McGinnis Director of Finance					

**EQUIPMENT EVALUATION FORM  
EQUIPMENT # 183**

<b>DEPARTMENT INFORMATION AND REQUEST</b>	<b>Recommendation</b>
Travel to job sites and meetings	Retain and Repair <input type="checkbox"/>
Primary Use	Replace and Transfer <input type="checkbox"/>
<b>City Engineer</b>	Replace and Retain* <input checked="" type="checkbox"/> Receiving Department
Primary Users	Replace and Surplus <input type="checkbox"/>
<b>Like Equipment - Specifications Attached (Hybrid)</b>	Other* <input type="checkbox"/>
Requested Replacement Equipment	* Explanation for Retaining Equipment and/or Other: To be used by Engineering Technician
	
	Signed

<b>EQUIPMENT INFORMATION</b>	
Make & Model	1999 Jeep Cherokee
Options	4WD
Body Style	Utility Vehicle
Age	10 Years
Other Information	

<b>EQUIPMENT EVALUATION</b>		
Major Repairs Completed (from Equipment Shop Records)	Year	Mileage
Needed Repairs	Estimated Cost	Mileage at Evaluation
Total Estimated Cost (including labor)	\$	57,044
	-	

<b>ANALYSIS</b>	<b>Condition</b>	<b>Recommendation</b>	
	Good <input checked="" type="checkbox"/>	Retain and Repair <input type="checkbox"/>	
4/9/2009	Fair <input type="checkbox"/>	Replace and Transfer <input type="checkbox"/>	
Date	Poor <input type="checkbox"/>	Replace and Retain* <input checked="" type="checkbox"/> Receiving Department	
		Replace and Surplus <input type="checkbox"/>	
		Other* <input type="checkbox"/>	
Fleet Maintenance Manager	* Explanation for Retaining Equipment and/or Other: Engineering Tech to receive vehicle for travel to job sites and meetings		

<b>RECOMMENDATION</b>		<b>Retain and Repair</b>	<b>Comments:</b>
	4/30/2009	Replace and Transfer	
	Date	Replace and Retain <input checked="" type="checkbox"/>	
		Replace and Surplus	
		Other	
			
Public Works Director			

**CITY OF OAK RIDGE, TENNESSEE**  
**Abstract of Bids**

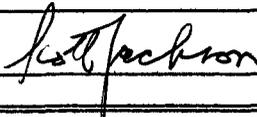
REQUEST NUMBER: 112288  
OPENING DATE: APRIL 23, 2009 2:00 P.M.

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:									
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL								
FOR --- 4WD HYBRID SUV																
THE FURNISHING OF A 4WD HYBRID SUV PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 31,636.36	\$ 31,636.36	\$ 32,999.00	\$ 32,999.00	\$ -	\$ -								
TOTAL PRICE			\$ 31,636.36	\$ 31,636.36	\$ 32,999.00	\$ 32,999.00	\$ -	\$ -								
TERMS			Net 15	Net 15	Net 10	Net 10										
DELIVERY			120-180 Days	120-180 Days	Immediate - In Stock	Immediate - In Stock										
F.O.B.			Oak Ridge	Oak Ridge	Oak Ridge	Oak Ridge										
VIA			Best Way	Best Way	Best Way	Best Way										
OTHER BIDDERS CONTACTED---																
Golden Circle Ford Lincoln Mercury - Jackson, TN																
Alexander Automotive - Murfreesboro, TN																
Jacky Jones Ford Lincoln Mercury - Maryville, TN																
Dean Stallings Ford - Oak Ridge, TN																
Ted Russell Ford - Knoxville, TN																
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:													
ONLY AVAILABLE SOURCE			Cardinal Chrysler Jeep Dodge, Inc.													
LOW PRICE			5311 Dixie Highway													
BETTER OR REQUIRED DESIGN			Louisville, KY 40216													
EARLY DELIVERY																
LOWEST TOTAL COST																
<table border="1"> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td>X</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>						X										
	X															
BIDS OPENED AND RECORDED BY---			<p align="center"><i>Lyn Dowlen</i> Lyn Dowlen Accounting Division Manager</p>													
BIDS REVIEWED BY---			<p align="center"><i>Janice McGinnis</i> Janice McGinnis Director of Finance</p>													





**EQUIPMENT EVALUATION FORM  
EQUIPMENT # 203**

<b>DEPARTMENT INFORMATION AND REQUEST</b>	<b>Recommendation</b>
Travel to job sites, haul equipment and tools	Retain and Repair <input type="checkbox"/>
Primary Use	Replace and Transfer <input type="checkbox"/>
<b>Sewer Rehab Crew Chief</b>	Replace and Retain* <input type="checkbox"/> Receiving Department
Primary Users	Replace and Surplus <input checked="" type="checkbox"/> X
	Other* <input type="checkbox"/>
<b>Like Equipment - Specifications Attached</b>	* Explanation for Retaining Equipment and/or Other:
Requested Replacement Equipment	
	Signed

<b>EQUIPMENT INFORMATION</b>	
Make & Model	2001 Dodge Quadcab
Options	4WD
Body Style	Pickup Truck
Age	8 Years
Other Information	

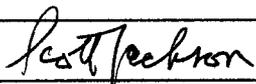
<b>EQUIPMENT EVALUATION</b>		
Major Repairs Completed (from Equipment Shop Records)	Year	Mileage
Needed Repairs	Estimated Cost	Mileage
Engine Work	\$ 2,000.00	at
Differential Work	\$ 1,000.00	Evaluation
		105,223
Total Estimated Cost (including labor)	\$ 3,000.00	

<b>ANALYSIS</b>	<b>Condition</b>	<b>Recommendation</b>	
Date	Good <input type="checkbox"/>	Retain and Repair <input type="checkbox"/>	
4/9/2009	Fair <input type="checkbox"/>	Replace and Transfer <input type="checkbox"/>	
	Poor <input checked="" type="checkbox"/> X	Replace and Retain* <input type="checkbox"/> Receiving Department	
		Replace and Surplus <input checked="" type="checkbox"/> X	
		Other* <input type="checkbox"/>	
Fleet Maintenance Manager	* Explanation for Retaining Equipment and/or Other:		

<b>RECOMMENDATION</b>		<b>Recommendation</b>	<b>Comments:</b>
Date		Retain and Repair <input type="checkbox"/>	
4/30/2009		Replace and Transfer <input type="checkbox"/>	
		Replace and Retain <input type="checkbox"/>	
	X	Replace and Surplus <input checked="" type="checkbox"/>	
		Other <input type="checkbox"/>	
			
Public Works Director			



**EQUIPMENT EVALUATION FORM  
EQUIPMENT # 383**

<b>DEPARTMENT INFORMATION AND REQUEST</b>	<b>Recommendation</b>
Travel to job sites, haul tools and equipment	Retain and Repair <input type="checkbox"/>
Primary Use	Replace and Transfer <input type="checkbox"/>
<b>Public Works Concrete Crew</b>	Replace and Retain* <input type="checkbox"/> Receiving Department
Primary Users	Replace and Surplus <input checked="" type="checkbox"/> X
	Other* <input type="checkbox"/>
<b>Like Equipment - Specifications Attached</b>	* Explanation for Retaining Equipment and/or Other:
Requested Replacement Equipment	
	Signed

<b>EQUIPMENT INFORMATION</b>	
Make & Model	1994 Dump Truck
Options	
Body Style	1 Ton
Age	15 Years
Other Information	

<b>EQUIPMENT EVALUATION</b>		
Major Repairs Completed (from Equipment Shop Records)	Year	Mileage
Needed Repairs	Estimated Cost	Mileage
Engine Work	\$ 2,000.00	at
Hydraulic Work	\$ 800.00	Evaluation
Paint and Body Work	\$ 1,500.00	75,100
Total Estimated Cost (including labor)	\$ 4,300.00	

<b>ANALYSIS</b>	<b>Condition</b>	<b>Recommendation</b>
Date	Good <input type="checkbox"/>	Retain and Repair <input type="checkbox"/>
4/9/2009	Fair <input type="checkbox"/>	Replace and Transfer <input type="checkbox"/>
	Poor <input checked="" type="checkbox"/> X	Replace and Retain* <input type="checkbox"/> Receiving Department
		Replace and Surplus <input checked="" type="checkbox"/> X
		Other* <input type="checkbox"/>
Fleet Maintenance Manager	* Explanation for Retaining Equipment and/or Other:	

<b>RECOMMENDATION</b>	<b>Recommendation</b>
Date	Retain and Repair <input type="checkbox"/> Comments:
	Replace and Transfer <input type="checkbox"/>
	Replace and Retain <input type="checkbox"/>
	Replace and Surplus <input checked="" type="checkbox"/> X
	Other <input type="checkbox"/>
	
Public Works Director	

**CITY OF OAK RIDGE, TENNESSEE**  
**Abstract of Bids**

REQUEST NUMBER: 112310  
OPENING DATE: APRIL 23, 2009 2:00 P.M.  
FOR ---

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:				
			Freightliner of Knoxville, Inc. P.O. Box 36010 Knoxville, TN 80974	O.G. Hughes & Sons, Inc. 4816 Rutledge Pike Knoxville, TN 37914	Worldwide Equipment of Knoxville, Inc. 6614 Wilbanks Road Knoxville, TN 37912	Peterbilt of Knoxville 5218 Rutledge Pike Knoxville, TN 37924	UNIT COST	TOTAL	UNIT COST	TOTAL	
DUMP TRUCK			\$	80,974.00	\$	83,699.00	\$	88,553.00	\$	90,003.00	
THE FURNISHING OF A DUMP TRUCK PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT											
TOTAL PRICE			\$	80,974.00	\$	83,699.00	\$	88,553.00	\$	90,003.00	
TERMS				Net 30		Net 30					
DELIVERY				60-120 Days		90 Days					
F.O.B.				Oak Ridge		Oak Ridge					
VIA				Direct		Direct					
OTHER BIDDERS CONTACTED---											
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:							BIDS OPENED AND RECORDED BY---	
ONLY AVAILABLE SOURCE			Freightliner of Knoxville, Inc.							Lynn Dowlen	
LOW PRICE			P.O. Box 36010							Accounting Division Manager	
BETTER OR REQUIRED DESIGN			Knoxville, TN 80974							BIDS REVIEWED BY---	
EARLY DELIVERY										Janice McGinnis	
LOWEST TOTAL COST										Director of Finance	



**RESOLUTION**

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of eight (8) vehicles for the Public Works Department; and

WHEREAS, bids were received and publicly opened on April 23, 2009 and evaluated on the basis of low bid and best bid, with Jacky Jones Ford, Maryville, Tennessee, submitting the lowest and best bids for one (1) pickup truck, one (1) van, and one (1) mid-sized utility vehicle; Cardinal Chrysler-Dodge, Inc., Louisville, Kentucky, submitting the lowest and best bids for two (2) hybrid utility vehicles; Alexander Ford Lincoln Mercury, Murfreesboro, Tennessee, submitting the lowest and best bid for one (1) pickup truck; Dean Stallings Ford, Oak Ridge, Tennessee, submitted the lowest and best bid for one (1) small dump truck; and Freightliner of Knoxville, Inc., Knoxville, Tennessee, submitting the lowest and best bid for one (1) large dump truck; and

WHEREAS, the City Manager recommends the aforementioned bids be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and awards are hereby made as follows:

To Jacky Jones Ford, 651 Lynn Circle, Maryville, Tennessee 37803, for the furnishing of one (1) pickup truck for the Public Works Department Wastewater/Water Treatment Plant Maintenance Supervisor, in strict accordance with its bid as submitted and publicly opened on April 23, 2009, as shown on Request No112280, in the estimated amount of \$22,521.15.

To Jacky Jones Ford, 651 Lynn Circle, Maryville, Tennessee 37803, for the furnishing of one (1) van for the Public Works Department Wastewater Treatment Plant Maintenance Specialist, in strict accordance with its bid as submitted and publicly opened on April 23, 2009, as shown on Request No112281, in the estimated amount of \$26,253.04.

To Jacky Jones Ford, 651 Lynn Circle, Maryville, Tennessee 37803, for the furnishing of one (1) mid-sized utility vehicle for a Public Works Department Crew Chief, in strict accordance with its bid as submitted and publicly opened on April 23, 2009, as shown on Request No112290, in the estimated amount of \$22,614.13.

To Cardinal Chrysler-Dodge, Inc., 5311 Dixie Highway, Louisville, Kentucky 40216, for the furnishing of one (1) 4wd hybrid utility vehicle for the Public Works Department City Engineer, in strict accordance with its bid as submitted and publicly opened on April 23, 2009, as shown on Request No112285, in the estimated amount of \$31,636.36.

To Cardinal Chrysler-Dodge, Inc., 5311 Dixie Highway, Louisville, Kentucky 40216, for the furnishing of one (1) 4wd hybrid utility vehicle for the Public Works Department Environmental Compliance Coordinator, in strict accordance with its bid as submitted and publicly opened on April 23, 2009, as shown on Request No112288, in the estimated amount of \$31,636.36.

To Alexander Ford Lincoln Mercury, P.O. Box 1518, Murfreesboro, Tennessee 37133-1518, for the furnishing of one (1) pickup truck for the Public Works Department Sewer Rehab Crew Chief, in strict accordance with its bid as submitted and publicly opened on April 23, 2009, as shown on Request No 112287, in the estimated amount of \$22,998.00.

To Dean Stallings Ford, 480 S. Illinois Avenue, Oak Ridge, Tennessee 37830, for the furnishing of one (1) small dump truck for the Public Works Department concrete crew, in strict accordance with its bid as submitted and publicly opened on April 23, 2009, as shown on Request No 112309, in the estimated amount of \$39,012.00.

To Freightliner of Knoxville, P.O. Box 36010, Knoxville, Tennessee 37932, for the furnishing of one (1) large dump truck for the Public Works Department asphalt crew, in strict accordance with its bid as submitted and publicly opened on April 23, 2009, as shown on Request No. 112310, in the estimated amount of \$80,974.00.

Said bids in the grand total amount of \$277,645.04.

This the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**LEGAL DEPARTMENT MEMORANDUM**  
**09-16**

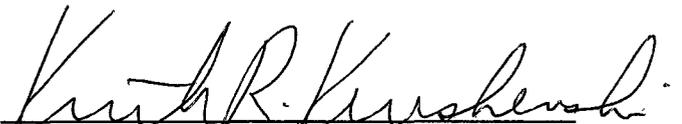
DATE: May 1, 2009  
TO: Honorable Mayor and Members of City Council  
FROM: Kenneth R. Krushenski, City Attorney  
SUBJECT: CONTRACT OF SALE FOR PARCEL 219.01, BLOCK 16-CM, BETWEEN THE CITY AND SEWARD B. NORRIS CONSTRUCTION COMPANY, INC.

An item for the agenda is a resolution approving a real estate contract for the transfer of Parcel 219.01, Block 16-CM, between the City and Seward B. Norris Construction Company, Inc.

The City is the owner of Parcel 219.01, Block 16-CM, containing approximately 1.66 acres, located adjacent to Castlewood Condominiums on the east end of Oak Ridge. Attached is Legal Department Memorandum 08-13 that explains in detail the City's prior lease of this parcel to the Anderson County Rescue Squad and the right of first refusal/option that was given to Seward B. Norris Construction Company, Inc. Mr. Norris has exercised the right of first refusal/option to purchase this parcel.

By Resolution 4-35-08, City Council authorized the City Manager and the City Attorney to enter into negotiations with Mr. Norris for the transfer of this parcel. Negotiations are complete and the parties have agreed to a contract for the sale of this parcel. A copy of this contract is attached.

Approval of the attached resolution is recommended.

  
Kenneth R. Krushenski

Attachments

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
James R. O'Connor

5/6/08  
Date

**LEGAL DEPARTMENT MEMORANDUM**  
**08-13**

**DATE:** April 4, 2008

**TO:** Honorable Mayor and Members of City Council

**FROM:** Kenneth R. Krushenski, City Attorney

**SUBJECT:** SEWARD B. NORRIS CONSTRUCTION COMPANY, INC. – EXERCISE OF RIGHT OF FIRST REFUSAL FOR PROPERTY FORMERLY LEASED TO ANDERSON COUNTY RESCUE SQUAD – PARCEL 219.01 – ADJACENT TO CASTLEWOOD CONDOMINIUMS CONSISTING OF 1.66 ACRES, M/L

An item for the April 21, 2008 agenda is a resolution authorizing the City Manager and City Attorney to enter into negotiations with Seward B. Norris Construction Company, Inc. and their legal counsel for the transfer of Parcel 219.01.

The City of Oak Ridge and the Anderson County Rescue Squad entered into a twenty-five (25) year lease for property currently designated as Parcel 219.01 with the lease being signed in 1972. Subsequently, the City of Oak Ridge and Seward B. Norris Construction Company, Inc. entered into an agreement for the sale of land for the Castlewood Development on August 28, 1981, whereby the Company was additionally given Right of First Refusal/Option to purchase this same Parcel, 219.01, which joins the Castlewood Condominiums in the east end of Oak Ridge. The option was effective in the event the Rescue Squad abandoned the property. On November 4, 1981, Norris Construction and the Rescue Squad entered into a separate agreement that required the Rescue Squad to vacate the property and abandon its lease with the City of Oak Ridge, upon notice given by Norris to the Rescue Squad.

Prior to the expiration of the option in August 2001, the Legal Department received notice that Mr. Norris was exercising this right to purchase the property and had given the Rescue Squad notice to abandon the lease. The Board of the Rescue Squad retained legal counsel to litigate whether or not the agreement of the previous Board of the Rescue Squad was binding on the current Board. The matter was settled by the attorneys for the Rescue Squad and Seward Norris and an Agreed Order to abandon was entered in General Sessions Court of Anderson County of September 18, 2001.

The information contained in the preceding paragraphs was reported to City Council on September 20, 2001 as part of the City Attorney's Report. During the ensuing time period from 2001 to 2007, the Rescue Squad permitted the Anderson County Ambulance Service to use the property and Seward B. Norris Construction Company, Inc. allowed them to occupy this Parcel.

On December 21, 2007, the Legal Department received notice from Mr. Norris that he wanted to close on this property. Similar notice was also sent to the Ambulance Service. The Anderson County Law Director has advised the City Attorney that they are in the process of seeking another location in the City that will satisfy their needs.

Once the negotiations are complete for the sale of this property to Seward B. Norris Construction Company, Inc., a contract will be brought back to City Council for approval.

  
Kenneth R. Krushenski

Attachment

cc: James R. O'Connor, City Manager

**RESOLUTION**

WHEREAS, By Resolution 4-35-08, City Council authorized the City Manager and City Attorney to enter into negotiations with Seward B. Norris Construction Company, Inc., for the possible transfer of Parcel 219.01, Block 16-CM, containing approximately 1.66 acres, located adjacent to Castlewood Condominiums on the east end of Oak Ridge, which property was previously leased by the Anderson County Rescue Squad from the City; and

WHEREAS, the City Manager and City Attorney have completed negotiations with Seward B. Norris Construction Company, Inc., and have negotiated the transfer of the property; and

WHEREAS, the parties have agreed to the terms of a contract for the sale of the property; and

WHEREAS, the City Manager and the City Attorney recommend approval of said contract.

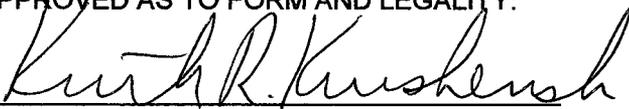
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendations of the City Manager and the City Attorney are approved and the attached Contract for the Sale of Real Property between the City of Oak Ridge, Tennessee, and Seward B. Norris Construction Company, Inc., for the sale of Parcel 219.01, Block 16-CM, located adjacent to Castlewood Condominiums on the east end of Oak Ridge, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the appropriate legal instruments to accomplish the same.

This is the 18th day of May 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## CONTRACT FOR THE SALE OF REAL PROPERTY

THIS CONTRACT FOR THE SALE OF REAL PROPERTY ("CONTRACT"), dated the \_\_\_\_\_ day of \_\_\_\_\_, 2009, is made by and between the CITY OF OAK RIDGE, TENNESSEE (hereinafter referred to as "City" or "Seller") and SEWARD B. NORRIS CONSTRUCTION COMPANY, INC. (also hereinafter referred to as "Buyer.")

WITNESSETH that for and in consideration of the sum of Forty One Thousand Dollars and No/Cents (\$41,000.00) paid by Buyer to Seller, and other good and valuable consideration, and further subject to the following additional terms and conditions as hereinafter set out, the Parties hereto agree as follows:

1. Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, for a purchase price of Forty One Thousand Dollars and No/Cents (\$41,000.00) that certain real property designated as a portion of Parcel 219.01, Block 16-CM consisting of approximately 1.653 acres of land, more or less, located at 150 Arcadian Lane within the city limits of Oak Ridge, Tennessee, in the 2<sup>nd</sup> Civil District of Anderson County, Tennessee, and further described as follows:

**(See attached Legal Description, Exhibit A and Exhibit B)**

2. As purchase price for the above described property, Buyer agrees to pay Seller the sum of Forty One Thousand Dollars and No/Cents (\$41,000.00) in full at closing.
3. Seller shall convey to Buyer title by Quit Claim Deed with all restrictions, easements, conditions, and right-of-ways as hereinafter set out in this Contract.
4. The purchase of the subject real property is to be closed and the purchase price paid upon transfer of the Quit Claim Deed to Buyer within ninety (90) days from the date this Contract is approved by the City Council of Oak Ridge, unless extended by the Parties by written agreement subject to City Council approval. Closing shall be held at the office of the City Attorney, Municipal Building, Oak Ridge, Tennessee, or some other office agreed to by the Parties.
5. All notices, demands, requests or other communications under this Contract shall be in writing and shall be deemed properly given if delivered by hand to the party to whose attention it is directed, or if sent by Certified Mail Return Receipt Requested, postage prepaid and properly addressed. If by mail, such noticed shall be deemed given as of the postmark date. Such notices may be delivered or mailed as follows:

**If to Seller:**

Kenneth R. Krushenski  
City Attorney  
City of Oak Ridge  
Municipal Building  
P. O. Box 1  
Oak Ridge, Tennessee 37831-0001  
Phone: 865/425-3530

**If to Buyer:**

Seward B. Norris  
Seward B. Norris Construction Company, Inc.  
101 Arcadian Lane  
Oak Ridge, Tennessee 37830

Phone: 865/483-5609

or such other person or address which any party entitled to receive notice hereunder may designate in writing.

6. This Contract is contingent and subject to the following additional terms and conditions:
  - A. Buyer shall be responsible for its own attorney's fees and all closing costs.
  - B. The Quit Claim Deed from the City of Oak Ridge to Buyer shall be subject to all easements and restrictions in Seller's chain of title, and include easements in favor of the City of Oak Ridge for maintenance of all electric, water, sewer and utility lines on subject property, and as more fully set out on the survey and plat provided to the City by Gene Lackey & Associates and attached hereto as Exhibit A and Exhibit B and incorporated by reference herein.
  - C. Buyer shall be entitled to obtain, at Buyer's own cost, evidence satisfactory to Buyer that the Property is properly zoned and other permits as may be required for the use of the Property by Buyer are in place or obtainable. It is Buyer's responsibility, at Buyer's own cost, to obtain all bonds, permits, variances, and zoning approvals from the City of Oak Ridge.
7. It is expressly understood and agreed that Buyer has inspected the property and all appurtenances thereto, prior to the signing of this Contract. It is further agreed that this Contract contains the entire agreement between the parties and except as contained herein, there are no other oral or collateral conditions, agreements, representations to this agreement, unless specified herein, and that this property is purchased "as-is" and neither Seller nor its agents or employees make or imply any warranties or representations as to the condition of the property.
8. This Contract shall not be subject to assignment by Buyer unless said assignment is in writing and is approved by the City Council of Oak Ridge.
10. This Contract may be amended by the Parties but any amendment hereto must be in writing and approved by the City Council of Oak Ridge.
11. It is understood by Buyer that this Contract is subject to approval by the City Council of Oak Ridge, and any terms and conditions as herein set out are non-binding until approved by the City Council of Oak Ridge.

THIS CONTRACT FOR SALE OF REAL PROPERTY made and entered into on the day and date first above set out.

APPROVED AS TO FORM AND LEGALITY:

  
Kenneth R. Krushehski

**SELLER:**

CITY OF OAK RIDGE, TENNESSEE

By: \_\_\_\_\_  
Tom Beehan, Mayor

**BUYER:**

SEWARD B. NORRIS CONSTRUCTION  
COMPANY, INC.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Approved by Resolution No. \_\_\_\_\_

**EXHIBIT "A"**  
**DESCRIPTION OF PROPERTY**

The City of Oak Ridge, Tennessee, a municipal corporation with business office located at 200 South Tulane Avenue, Oak Ridge, TN 37830, located in Anderson County, Tennessee.

Property situated within the Second Civil District of Anderson County, Tennessee and within the Corporate Limits of Oak Ridge, Tennessee, being all of Parcel 219.01 in Block 16CM as shown on plat recorded in Plat Cabinet 3 at Slide 127-D in the Office of the Register of Deeds for Anderson County, Tennessee, and also as shown on a more recent survey being more fully described by metes and bounds from the more recent survey as follows:

Beginning on an iron pin (set) in the easterly line of Arcadia Lane at a corner of Parcel 219.01 as herein described with Parcel 83 in Block 16CM, which point is defined as being located at Oak Ridge Grid Position North = 40,329.43 and East = 81,388.52; Thence from said beginning, with a line of Parcel 83 in Block 16CM, North 12deg 30min 43sec East 100.09 feet to an iron pin (found) at a corner of Parcel 219.01 as herein described with Parcel 83 and with Parcel 87 all in Block 16CM; Thence, with lines of Parcel 87 in Block 16CM as follows: 1.) North 84deg 06min 52sec East 34.36 feet to an iron pin (found); 2.) North 00deg 33min 30sec East 127.91 feet to an iron pin (found) at a corner of Parcel 219.01 as herein described with Parcel 65 at a deflection in line of Parcel 87 all in Block 16CM; Thence, with line of Parcel 65 in Block 16CM, North 84deg 17min 51sec East 188.81 feet to an iron pin (set) at a corner of Parcel 219.01 as herein described with Parcel 65 in line of Parcel 217 all in Block 16CM; Thence, with line of Parcel 217 in Block 16CM, South 08deg 36min 42sec East 296.98 feet to an iron pin (found) at a corner of Parcel 219.01 as herein described with Parcel 217 in Block 16CM and with Parcel 218.01 and with Parcel 219.02 in Block 17CM; Thence, with line of Parcel 219.02 in Block 17CM, South 79deg 17min 49sec West 241.06 feet to an iron pin (set) at a corner of Parcel 219.01 in Block 16CM as herein described with Parcel 219.02 in Block 17CM in the easterly line of Arcadia Lane; Thence, with the easterly line of Arcadia Lane being a 46 foot width public street right of way, with a curve to the left along a radius of 199.95 feet for an arc length of 105.90 feet and having a chord of North 30deg 09min 46sec West 104.67 feet to the point of beginning. Containing 1.653 Acres (more or less).

The above as shown on a map of survey by Lackey and Associates, Inc., located at 214 Main Street, Oliver Springs, TN 37840 with survey date of September 8, 2008 and being designated as Drawing Number 08-966, which plat is prepared for recording herewith as Exhibit "B".

Property is subject to the reservation by the City of Oak Ridge for utility easements and general easement through the open areas of the subject tract for access to inspect, repair or replace existing utilities including the right to pass through gates as required for access to said utilities.

Property is Parcel 219.01 in Oak Ridge Block 16CM and the same as Parcel 7 in Group "A" on Anderson County Tax Map 94-D.

Property is part of the same property as acquired by the City of Oak Ridge under a Deed found recorded in Deed Book V, Volume 7 at Page 131 in the Office of the Register of Deeds for Anderson County, Tennessee.



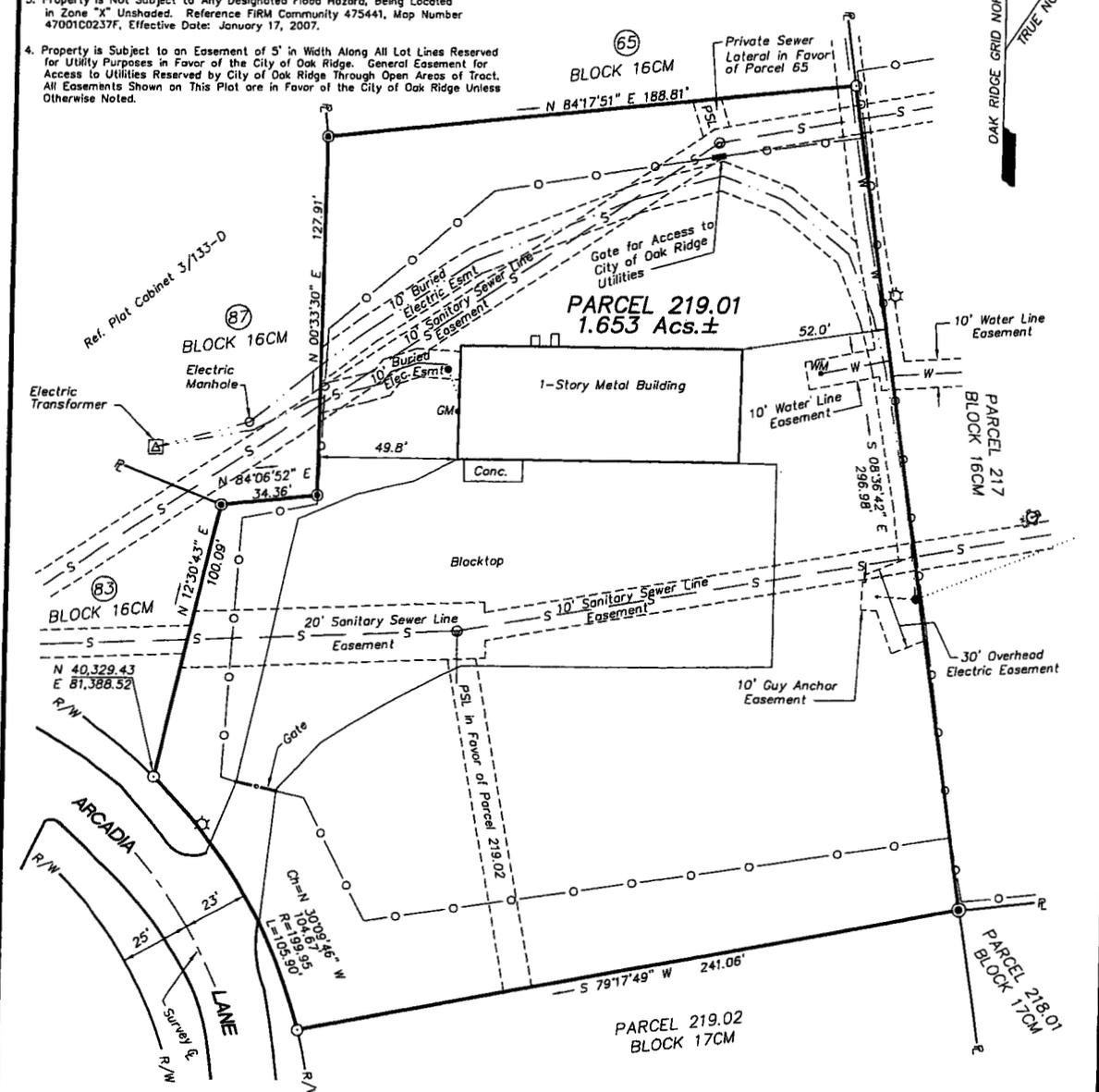
EXHIBIT "B"

GENERAL NOTES

- Property is Part of a Tract Owned by the City of Oak Ridge Under a Deed Recorded in Deed Book V, Volume 7 of Page 131. Property is Parcel 219.01 on Oak Ridge Subdivision Block Plan 16CM as Shown on Recorded Plot Cabinet 3 of Slide 127-D. Reference to Records Found in the Office of the Register of Deeds for Anderson County, Tennessee. Property is Parcel 7, Group "A" on Anderson County Tax Map 94D.
- Property is Zoned RG-1 by City of Oak Ridge Zoning Authority. Minimum Required Building Setbacks: 50' Front Yard; 50' Rear Yard; 50' Side Yard.
- Property is Not Subject to Any Designated Flood Hazard, Being Located in Zone "X" Unshaded. Reference FIRM Community 475441, Map Number 47001C0237F, Effective Date: January 17, 2007.
- Property is Subject to an Easement of 5' in Width Along All Lot Lines Reserved for Utility Purposes in Favor of the City of Oak Ridge. General Easement for Access to Utilities Reserved by City of Oak Ridge Through Open Areas of Tract. All Easements Shown on This Plot are in Favor of the City of Oak Ridge Unless Otherwise Noted.

MAP LEGEND

- Iron Pin (Found)
- Iron Pin (Set)
- ☆ Light Pole
- Power Pole
- ⊙ Fire Hydrant
- Sanitary Sewer Manhole
- Easement Line
- S Sanitary Sewer Line
- Chain Link Fence
- W Water Line
- Buried Electric

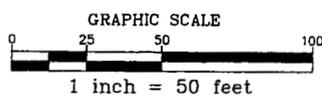


CERTIFICATION OF ACCURACY

This is to Certify that the Property Surveyed is a "Category 2", Suburban and Subdivision Survey, with an Acceptable Linear Error of Closure Not to Exceed 1 in 7,500 and an Acceptable Angular Error of Closure Not to Exceed 25 Seconds Times the Square Root of the Number of Angles Turned. The Unadjusted Field Closure of the Survey Shown on this Map Does Meet or Exceeds Requirements.

CERTIFICATION OF SURVEY

This is to Certify that I am a Registered Land Surveyor, Duly Licensed to Practice Surveying in the State of Tennessee and that I Have Made this Survey and Prepared this Map from Said Survey and that Both are True and Correct to the Best of My Knowledge and Belief.



PROPERTY OF:  
**CITY OF OAK RIDGE**

150 ARCADIA LANE, OAK RIDGE, TN 37830  
PARCEL 219.01 IN BLOCK 16CM

WITHIN THE CORPORATE LIMITS OF OAK RIDGE

SECOND CIVIL DISTRICT ~ ANDERSON COUNTY, TENNESSEE

SCALE: 1 INCH = 50 FEET  
DATE: SEPTEMBER 8, 2008

SURVEY BY:  
LACKEY AND ASSOCIATES, INC.  
214 MAIN STREET  
OLIVER SPRINGS, TN 37840  
PHONE: (865) 435-7663

DRAWING NO. 08-966

# ELECTIONS

**HEALTH &  
EDUCATIONAL  
FACILITIES  
BOARD**

CITY OF OAK RIDGE, TENNESSEE  
BOARDS AND COMMISSIONS

**TIME IN OFFICE AND ATTENDANCE RECORD**

NAME: Bruce R. LeForce

BOARD OR COMMISSION: Health and Educational Facilities Board

TIME IN OFFICE: Term of Office 6 Years

Date Appointed 11/17/03

Number of Terms Served 1

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 1

Number of Absences 0

Date Prepared 5/07/09

Attachment: Resume

**Wilford Hall Medical Center, Lackland AFB, Texas**  
**OIC, Electroencephalography Laboratory**  
**July 1, 1990 – June 15, 1994**

**Professional Employment**

**San Antonio, Texas**  
**Private Practice of Neurology**  
**June 15, 1994 – June 1, 1998**

**Chief, Section of Neurology**  
**Southwest Texas Methodist Hospital, San Antonio, Texas**  
**1997**

**Cumberland Neurology Group**  
**Oak Ridge, Tennessee**  
**Independent Contractor for Neurology**  
**June 1998 to July 2002**

**MedSolutions, Inc.**  
**730 Cool Springs Blvd.**  
**Suite 800**  
**Franklin, Tennessee 37067**  
**Associate Medical Director**  
**July 2002 to June 2003**  
**Consultant, July 2003 to present**

**Parkway Neurology Associates**  
**220 Fort Sanders West Blvd., Suite 100**  
**Knoxville, TN 37922**  
**June 2003 to present**

**CORE**

**Peer Review Analysis**  
**February 1997 to July 2002. Over 4000 peer reviews performed.**

**Medical Evaluation Specialists, Peer Review Services, 2004-present**

**Reliable Review Services, Consultant, 2004-present**

**Also previously contracted with South Florida Utilization Review, Blue Cross Blue Shield of Tennessee, InterMountain Healthcare, and PHP Companies for peer review and Utilization Review.**

**Methodist Medical Center committee membership: Pharmacy and Therapeutics – 1999-2002, Utilization Review – 2000-2002, Insurance Denials subcommittee, 2000-2002, Medication Errors subcommittee – 2000-2002, Bylaws Committee – 2000-2002.**

**Baptist West Hospital Pharmacy and Therapeutics Committee – 2004 - present**

**PHP Companies – CQIC committee member 2000-2002.**

**John Deer HealthCare – PAG member 2000 – 2002, PAB 2004-present**

**Covenant Health Neurosciences Board, 2004 - present**

### Board Certification

American Board of Psychiatry and Neurology, 1991  
American Board of Psychiatry and Neurology with Added Qualification in Clinical Neurophysiology, 1992, 2003  
American Board of Independent Medical Examiners, 2006

### Professional Memberships

American Medical Association  
American Academy of Neurology  
American College of Physician Executives (Completed Physicians in Management Course I)

### Medical Licensure

Tennessee MD30293  
Texas J3533  
Arizona 31289  
Maryland D0060191

### Publications and Continuing Medical Education

Barohn RJ, Gronseth GS, LeForce BR, et al. Peripheral nervous system involvement in a large cohort of human immunodeficiency virus-infected individuals. *Arch Neurol* 1993; 50:167-71.

Barohn RJ, Gronseth GS, Amato AA, McGuire SA, McVey AL, LeForce BR, and King RB. Cerebrospinal fluid and nerve conduction abnormalities in HIV positive individuals. *J Neurol Sci*. 1996; 136:81-5.

Winner P, Ricalde O, LeForce B, et al. A double-blind study of subcutaneous dihydroergotamine vs subcutaneous sumatriptan in the acute treatment of migraine. *Arch Neurol* 1996; 53:180-4.

### Abstracts

LeForce BR and Brey RL. The etiology of late onset seizures in a United States (US) population. American Academy of Neurology Annual Meeting, Cincinnati, Ohio, April 1987.

LeForce BR and Brey RL. The etiology of late onset seizures in a United States (US) population. AMEDD Neurology Course, Washington, DC, November 1987.

LeForce BR, Barohn RJ, Butzin CA, McVey AL, Marshall DW. Peripheral nerve involvement in human immunodeficiency virus (HIV) infection: A prospective study of a large cohort of HIV positive patients. AMEDD Neurology Course, San Francisco, CA, November 1988.

LeForce BR, Barohn RJ, Butzin CA, McVey AL, Marshall DW. Peripheral nerve involvement in human immunodeficiency virus (HIV) infection: A prospective study of a large cohort of HIV positive patients. Society of Air Force Physicians, Bethesda, MD, March 1989.

LeForce BR, Barohn RJ, McVey AL, Butzin CA, King RB, Marshall DW. Peripheral nervous system involvement in human immunodeficiency virus (HIV) infection: a prospective study of a large cohort of HIV seropositive individuals. American Association of Electromyography and Electrodiagnosis, Washington, DC, September 1989.

LeForce BR, Dinner DS, and Luders, H. Comparison of ictal onset with simultaneous scalp and depth or foramen oval electrodes. American Epilepsy Society, San Diego, CA, December 1990.

Stanek NW, LeForce BR, and Gronseth GS. Photic driving in migrainers: fact or fiction? Clinical Neurology Update 1992, San Antonio, TX, November 20, 1992.

Barohn RJ, Gronseth G, McVey A, LeForce B, McGuire S, King R, and Butzin C. Correlating nerve conduction, cerebrospinal fluid, and CD4 T-lymphocyte parameters in a large cohort of HIV-positive individuals. American Association of Electromyography and Electrodiagnosis, New Orleans, LA, October 8, 1993.

#### Research Support

Source: Glaxo Inc. Research Institute

Title: Efficacy of subcutaneous sumatriptan (6 mg) in treatment of initial and repeat migraine attacks in a primarily non-caucasian population.

Period: 5/92 – 9/93

Direct Costs: \$107,900

Source: Sandoz USA

Title: A double-blind, randomized study comparing the efficacy and safety of injectable DHE45 and injectable sumatriptan in acute treatment of classical and common migraine.

Period: 3/93 – 9/93

Direct Costs: \$12,000

Source: Ciba-Geigy Corporation

Title: Diclofenac potassium vs ibuprofen vs placebo in the treatment of acute back pain.

Period: 4/93 – 1/94

Direct Costs: \$60,000

Source: Ortho-McNeill

Title: Topamax CAPSS

Period: 2000-2001

CITY OF OAK RIDGE, TENNESSEE  
BOARDS AND COMMISSIONS

**TIME IN OFFICE AND ATTENDANCE RECORD**

NAME: SueAnne Lewis

BOARD OR COMMISSION: Health and Educational Facilities Board

TIME IN OFFICE: Term of Office 6 Years

Date Appointed 5/06/85

Number of Terms Served 4

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 1

Number of Absences 0

Date Prepared 5/7/09

Attachment: Resume

Resume

RECEIVED

2009 MAY -6 AM 11: 05

SueAnne B. Lewis  
43 Riverview Drive  
Oak Ridge, Tennessee 37830  
865/482-1386

OFFICE OF THE CITY CLERK

## Summary

Ms. Lewis is a lifelong resident of Oak Ridge, Tennessee. She has served on the Health and Education Facilities Board for the City of Oak Ridge since it was established and currently chairs that board. She is assistant professor of Interior Design at Pellissippi State Technical Community College and practices interior design, specializing in creating enabling environments for older adults. Before becoming an interior designer, Ms. Lewis worked over 20 years in the fields of marketing and public relations, and earlier she taught 10<sup>th</sup>- and 12<sup>th</sup>-grade English at Oak Ridge High School.

## Education

- **M.S., Interior Design**, The University of Tennessee, Knoxville, TN, 1998
- Completed 57 semester hours in undergraduate Architecture and Interior Design courses
- **A.A. *summa cum laude*, Fine Art**, Roane State Community College, Harriman, TN, 1976
- **B.A., English**, Maryville College, Maryville, TN 1967

## Experience

- **Interior Designer**, Blair-Lewis Interiors, Oak Ridge, TN and **Assistant Professor of Interior Design**, Pellissippi State Technical Community College, Knoxville, TN (2000-Present). Instruct courses in interior design, including materials, architectural drafting, computer-aided drafting with AutoCAD, building codes, and history of architecture and interiors.
- **Interior Designer**, King & Johnson Incorporated, Knoxville, TN (1999-2001). Responsible for selection of furniture and interior finish materials and for preparation of construction documents and specifications for commercial clients. Most projects were in healthcare environments.
- **Manager, Communications and Technology Transfer**, Tennessee Center for Research and Development, Knoxville, TN (1987-1991). Responsible for design, publication, and distribution of technical documents and for planning and presentation of technical seminars, workshops, and conferences for the Power Electronics Applications Center under contract to the Electric Power Research Institute of Palo Alto, California.
- **Editorial Supervisor and Assistant Manager of Technical Publications Center**, Science Applications International Corporation, Oak Ridge, TN (1984-1987). Coordinated production of proposals for large government contracts.

Supervised staff of eight technical editors and assisted in management and supervision of word processing, graphic arts, and reproduction activities.

- **Marketing and Public Relations Officer**, First American National Bank, Clinton, TN (1979-1984). Responsible for marketing and strategic planning as well as purchasing and inventory of supplies and equipment for main office and seven branch offices. Also managed maintenance and disposition of bank-owned real estate acquired through foreclosure.
- **Advertising Representative**, The Oak Ridger, Oak Ridge, TN (1976-1979). Consulted with advertisers on marketing strategies, sold advertising space, designed and wrote copy for advertisements. Did some free-lance graphic design.
- **English Teacher**, Oak Ridge High School, Oak Ridge, TN (1967-1970). Taught 10<sup>th</sup>- and 12<sup>th</sup>-grade English classes; advised student yearbook staff. (Held Tennessee secondary school teacher certification.)

## Publications

"Adequacy of Fire Code in Homes for the Aged," *Proceedings of the East/South Regional Meeting of Interior Design Educators Council*, September 26-27, 1998, Pittsburgh, Pennsylvania.

"Fire Safety in Senior Housing: A Code Perspective," juried paper in *Proceedings of the 20<sup>th</sup> Meeting of the Southern Gerontological Society*, April 7-10, 1999, Atlanta, Georgia.

"Fire Safety for an Aging America: A Code Perspective," juried paper in *Proceedings of the Interior Design Educators Council International Conference*, April 14-17, 1999, Clearwater Beach, Florida.

## Personal

Lifelong resident of Oak Ridge, Tennessee. Civic activities have included serving on the boards of the Anderson County United Way, Anderson County Adult Literacy Council, and Oak Ridge Community Art Center.

**BOARD  
OF  
ZONING  
APPEALS**

RECEIVED

2009 APR 27 PM 12:40

OFFICE OF THE CITY CLERK

April 2009

To whom it may concern:

The Honorable Mayor and Members of City Council

My experience has given me the ability to communicate with architects, engineers, surveyors, vendors, sub-contractors and owners. In addition I have seen how attention to detail, organization, completion on time, and good communication skills are essential to having a productive environment.

I hold a B.S. Degree from Brigham Young University in Construction Management and Minor in Business Management. I have relocated recently from Columbia, SC. We have always wanted to move to Oak Ridge, so that we could be closer to family.

I have worked with subcontractors and engineers in site development, scheduling and inspections for custom home sites. I have recently been working in reviewing plans with architects, engineers and owners in conceptualizing and estimating custom home designs and selections. I have a background in both the field and office, which has given me a better understanding of how each part of the job relates to one another.

Respectfully,

A handwritten signature in cursive script that reads "Jay Adams".

Jay Adams  
145 Crossroads Blvd.  
Oak Ridge, TN 37830

Phone: (865) 740-6389  
Fax: (888) 481-6627  
Email: jadams@buildadamshomes.com

# Jay Adams

145 Crossroads Blvd. Oak Ridge, TN 37830  
865-740-6389 cell | 888-481-6627 fax | jadams@buildadamshomes.com

## Objective

Ensure that the community development and growth complies with the rules set forth in the City of Oak Ridge Zoning Ordinance.

## Qualifications

### Field Construction

- Licensed South Carolina Residential Contractor
- Supervised Custom Single and Multi Family Units
- Worked Closely with Sales to Ensure a Smooth Transition into Production
- Scheduled and Maintained Completion Points on Several Projects at a Time
- Communicated with Customers to Keep Customer Satisfaction

### Purchasing/Estimating

- Estimated Custom Homes and Controlled Purchasing
- Designed and Implemented Systems for Take-off and Pricing Software
- Responsible in Communicating Pertinent Information to Vendors and Suppliers
- Work with Architects, Subcontractors and Engineers to Design Custom Homes
- Interact with Sales in Designing Custom Plans, Marketing, and Pricing

## Experience

2006-2009	Adams Homes, LLC - President Oak Ridge, TN
2005-2006	Compass Homes – Purchasing and Estimating Columbia, SC (formerly DR Horton)
2003-2005	DR Horton Custom Division – Field Manager/Operations Greenville & Columbia, SC
2002-2003	America's Home Place - Superintendent Greensboro, NC
2001-2001	Lennar Homes – Superintendent Internship Manassas, VA
1999-2001	Adams Construction – Field Assistant Orem, UT

## Education

2002	B.S. – Construction Management   Minor – Business Management Brigham Young University – Provo, UT
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## Skills

- Excellent Communicator, Effective Follow-Up Process
- Understand Computer Systems and Learning New Software Programs
  - Currently Used: Master Builder, MS Office, GTCO Digitizer and CADD Software
  - School Experience In: Primavera, Timberline, and On-Screen Takeoffs
- Responsible, Focused, and Attention to Detail
- Creative and Innovative Problem Solver

**NOTICE  
OF  
ELECTIONS**

**CITY CLERK MEMORANDUM**

09-34

DATE: May 7, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: ELECTIONS – June 22, 2009

The following elections are scheduled for the June 22, 2009 City Council meeting:

Anderson County Community Action Commission

On July 1, 2009, the City of Oak Ridge seat on the Anderson County Community Action Commission will become vacant due to normal expiration of term. A letter has been sent to the incumbent, Edward Alan Beauchamp, to determine if he will be willing to serve again if the Council so desires, but we have yet to hear from him in this regard. As of this date, there are no new candidates. There are no special qualifications and the term of office is one year.

Anderson County Economic Development Association

On July 1, 2009, one (1) of the Oak Ridge seats on the Anderson County Economic Development Association will become vacant due to normal expiration of term. A letter has been sent to the incumbent, Gerald L. Cooksey, Jr., to determine if he will be willing to serve again if the Council so desires, but we have yet to hear from him in this regard. As of this date, there are no new candidates. There are no special qualifications and the term of office is four years.

Oak Ridge Convention and Visitors Bureau

On July 1, 2009, four (4) seats will become vacant on the Oak Ridge Convention and Visitors Bureau due to normal expirations of term. Letters have been sent to the incumbents – Charles J. Hope, Jr., James O. Kolb, Keith McDaniel, and Thomas H. Row – to determine if they would be willing to serve again if the Council so desires. To date, we have heard from Mr. Kolb who has indicated that he does not wish to serve again. There are no new candidates. There are no special qualifications and the term of office is three years.

Elder Citizens Advisory Board

On July 1, 2009, three (3) seats will become vacant on the Elder Citizens Advisory Board due to normal expirations of term. These seats are designated for one member each from the Oak Ridge Retired Teachers' Association, the Anderson County Council on Aging, and the National Association of Retired Federal Employees. All have been contacted and asked to submit a new nominee or to endorse the incumbent if each chooses to serve again. The term of office is three years.

Board of Electrical Examiners

There is one (1) vacancy on the Board of Electrical Examiners due to a member's removal from office. There are no special qualifications for this seat the unexpired term will end on March 10, 2011. As of this date, there are no candidates.

Health and Educational Facilities Board

There are three (3) remaining vacancies on the Health and Educational Facilities Board. There are no special qualifications for these seats and as of this date, there are no candidates. These terms end on June 6, 2011, June 6, 2013, and June 6, 2015.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Tuesday, June 10, 2009.

  
City Clerk

**UPCOMING  
MEETINGS  
MAJOR ISSUES**

**CITY COUNCIL MEMORANDUM**  
**09-18**

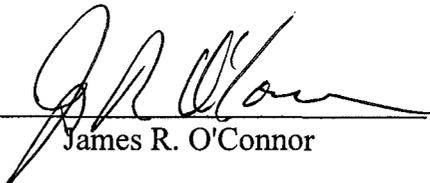
DATE: May 6, 2009  
TO: Honorable Mayor and Members of City Council  
FROM: James R. O'Connor, City Manager  
SUBJECT: UPCOMING MEETINGS/MAJOR ISSUES

Wednesday, May 27, 2009, and Thursday, May 28, 2009 – Tennessee Valley Corridor National Technology Summit, New Hope Center, Oak Ridge, TN

Sunday, June 14, 2009, through Tuesday, June 16, 2009 – TML Annual Conference, Chattanooga, TN

Monday, June 22, 2009, 7:00 p.m. – Regular Meeting

- Oak Ridge Chamber of Commerce Contract
- Oak Ridge Convention and Visitors Bureau Contract
- Healthy Start Contract

  
James R. O'Connor