

OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

September 14, 2009 – 7:00 p.m.

AGENDA

1. **INVOCATION**

The Reverend Danny Bush, Oak Ridge Ministerial Association

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPEARANCE OF CITIZENS**

5. **APPROVAL OF AGENDA**

6. **RECOGNITION OF VISITORS**

Mr. Douglas McGill, Municipal Marketing Manager, Waste Connections of Tennessee

Presentation of Award to the Number One Residential Recycler in Oak Ridge

7. **PROCLAMATIONS AND COURTESY RESOLUTIONS**

A proclamation designating September 18-20, 2009 as "Oak Ridge High School Class of 1969 Weekend."

A resolution congratulating *Keep Anderson County Beautiful* on its certification as an official affiliate of *Keep America Beautiful* and pledging support in working with the organization to continue to improve the quality of life for the citizens of Oak Ridge.

8. **PUBLIC HEARING**

Amendment of the Zoning Ordinance to provide clarification of certain provisions contained in the following sections:

Article III, General Provisions, Accessory Buildings or Structures or Additions to Principal Buildings, Section 3.07(e)2.

Article IX, Special Districts, Manhattan District Overlay, Section 9.09 (d), Overlay Criteria.

Article XIII, Landscaping and Design Standards, Sections 13.01, Introduction, and 13.02, Design Review Standards, subsections titled *Actions Subject to Design Review, Architectural Character, Landscape, Screening, and Lighting*.

Article XIV, Sign Regulations, Section 14.06, Signs Allowed in All Districts (Exempt Signs).

9. **CONSENT AGENDA**

a. Approval of the Minutes of the August 10, 2009 City Council meeting.

b. Adoption of a resolution authorizing the City to enter an agreement with the Tennessee Valley Authority to amend the *energy right*® agreement to include the In-Home Energy Evaluation Program.

- c. Adoption of a resolution awarding a contract in the estimated amount of \$42,700.00 to Stadium Pros, Inc., Red Bay, Alabama, for the furnishing of all labor, tools, materials, equipment and supplies necessary, as well as utilization of existing City-owned bleacher materials, to perform all work and services for the construction of bleachers at Grey Strang Baseball Field and Pinewood Softball Field.
- d. Confirming the appointment of Council members L. Charles Hensley, Ellen D. Smith, and Thomas L. Beehan to serve as the Budget and Finance Special Committee until September of 2010, with Councilman Hensley to serve as the Chair, and the appointment of Councilwoman Anne Garcia Garland to serve as a member of the Intergovernmental Relations Committee until September of 2010.

10. SPECIAL REPORTS

- a. Mayor and City Council
- b. Special Committees

City Manager Evaluation Committee: Mayor Tom Beehan, Chair

A resolution approving the recommendations of the City Manager Evaluation Committee and amending the Employment Agreement between the City and James R. O'Connor as City Manager to increase the salary of the City Manager by 1%, effective March 8, 2009, and to extend his term of office by one year.

- c. Boards and Commissions
- d. Other

11. APPROVAL OF MINUTES

12. ORDINANCES

- a. First Reading of New Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS" BY AMENDING SECTION 9.09, TITLED "MANHATTAN DISTRICT OVERLAY," SUBSECTION (D)(1)(A) TO INCLUDE LANGUAGE TO ADDRESS PATIOS, DECKS AND OTHER SIMILAR NON-ROOFED AND NON-ENCLOSED APPURTENANCES OF A PRINCIPAL BUILDING; ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY AMENDING SECTION 9.09, TITLED "MANHATTAN DISTRICT OVERLAY," SUBSECTION (D)(1)(D) TO MAINTAIN CONSISTENCY WITH OTHER SECTIONS IN THE ZONING ORDINANCE; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.01, TITLED "INTRODUCTION," SUBSECTION (B)(1)(B) FOR CLARIFICATION PURPOSES; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.01, TITLED "INTRODUCTION," SUBSECTION (B)(1)(D) FOR CLARIFICATION PURPOSES; ARTICLE XIII, TITLED "LANDSCAPING AD DESIGN STANDARDS," BY AMENDING SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," THIRD PARAGRAPH OF SUBSECTION (D)(1) FOR CLARIFICATION PURPOSES; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (D)(3) FOR CONSISTENCY AND

CLARIFICATION PURPOSES; ARTICLE XIII, TITLED “LANDSCAPING AND DESIGN STANDARDS,” BY AMENDING SECTION 13.02, TITLED “DESIGN REVIEW STANDARDS,” FOURTH, FIFTH AND SEVENTH PARAGRAPHS OF SUBSECTION (F)(2) FOR CLARIFICATION PURPOSES; ARTICLE XIII, TITLED “LANDSCAPING AND DESIGN STANDARDS,” BY AMENDING SECTION 13.02, TITLED “DESIGN REVIEW STANDARDS,” SUBSECTION (G)(3)(A) TO DELETE OBSOLETE LANGUAGE IN THE ZONING ORDINANCE; AND ARTICLE XIII, TITLED “LANDSCAPING AND DESIGN STANDARDS,” BY AMENDING SECTION 13.02, TITLED “DESIGN REVIEW STANDARDS,” SUBSECTION (H)(2), FOR CONSISTENCY AND CLARIFICATION PURPOSES.

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” ARTICLE XIV, TITLED “SIGN REGULATIONS,” BY AMENDING SECTION 14.06, TITLED “SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS),” SUBSECTION 8, TO ADDRESS TWO-SIDED FREE-STANDING SIGNS, AND BY AMENDING SECTION 14.06, TITLED “SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS),” TO CREATE A NEW SUBSECTION 9 TO ALLOW OFF-SITE DIRECTIONAL SIGNS FOR RESIDENTIAL DEVELOPMENT.

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 ROANE COUNTY TAX MAP 29, PARCELS 10.01 AND 10.04, FROM FIR, FEDERAL INDUSTRY AND RESEARCH, TO IND-2, INDUSTRIAL.

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 3.00, MAP 100B, GROUP A, FROM O-2, OFFICE, TO UB-2, UNIFIED 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 AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” ARTICLE IX, TITLED “SPECIAL DISTRICTS,” BY AMENDING SECTION 9.07, TITLED “FLOODPLAIN REGULATIONS,” SUBSECTION (F)(2), TO UPDATE THE EFFECTIVE DATE OF THE NEW FEMA FLOOD MAPS, AND BY AMENDING SECTION 9.08, TITLED “F, FLOODWAY DISTRICTS; FRINGE AREA,” SUBSECTIONS (B) AND (C) TO UPDATE THE EFFECTIVE DATES OF VARIOUS FLOOD MAPS, ALL FOR THE PURPOSE OF COMPLIANCE WITH FEMA REQUIREMENTS.

AN ORDINANCE TO AMEND TITLE 15, TITLED “MOTOR VEHICLES, TRAFFIC AND PARKING,” SECTION 15-127, TITLED “COMPLIANCE WITH FINANCIAL RESPONSIBILITY LAW REQUIRED; EVIDENCE OF COMPLIANCE,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY ADDING A NEW SUBSECTION (3) FOR COMPLIANCE WITH 2009 PUBLIC CHAPTER 441 BY PROHIBITING A DISMISSAL OF A PERSON’S VIOLATION FOR FINANCIAL RESPONSIBILITY WHEN FINANCIAL RESPONSIBILITY WAS NOT IN EFFECT AT THE TIME OF THE VIOLATION.

13. RESOLUTIONS

a. General Resolutions

A resolution authorizing the City to participate in the National League of Cities Prescription Drug Discount Card Program in connection with CVS Caremark at no direct cost to the City, with the program to be in effect on or about October 1, 2009.

A resolution authorizing the issuance of general obligation bonds in the aggregate principal amount of not to exceed twenty million dollars (\$20,000,000) of the City of Oak Ridge, Tennessee; making provision for the issuance, sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal of, premium, if any, and interest on the bonds.

b. Bids and Contracts

A resolution amending the contract between the City of Oak Ridge and the Tennessee Valley Authority for electric power to adopt the new electric rate schedule as developed by the Tennessee Valley Authority, a summary of which is attached hereto, effective with October 2009 electric billings.

A resolution authorizing the City to enter into an agreement (TV-54097A, Supplement No. 72) with the Tennessee Valley Authority to amend the Power Contract to include the Time Differentiated Hours Use of Demand (TD-HUD) Program.

14. ELECTIONS

Election of three (3) members to serve on the Environmental Quality Advisory Board for three-year terms of office commencing on September 30, 2009.

Notice of Elections

Two (2) elections are scheduled for the October 12, 2009 City Council meeting to appoint:

- One (1) member to the Board of Electrical Examiners
- One (1) member to the Youth Advisory Board

The deadline for filing is 5:00 p.m. on Tuesday, September 29, 2009.

15. COMMUNICATIONS – None

16. CITY MANAGER'S REPORT

1. Senior Center Progress Report

17. CITY ATTORNEY'S REPORT

18. UNFINISHED BUSINESS

19. NEW BUSINESS

20. **MISCELLANEOUS**
21. **UPCOMING MEETINGS/MAJOR ISSUES**
22. **ADJOURNMENT**

**RECOGNITION
OF
VISITORS**



RECEIVED

2009 AUG 11 AM 8:15

WASTE CONNECTIONS OF TENNESSEE OFFICE OF THE CITY CLERK
Connect with the Future®

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

Dear Mayor Beehan,

It is hard to believe it's been nearly 6 months since the kick-off for our Recycle Bank Program with the City of Oak Ridge.

As we discussed earlier with you, Waste Connections wishes to do an award presentation at the September 14, 2009 council meeting. We want to invite the Number One Residential Recycler from your City to this meeting. This reward will be based on the most weight generated from their home during the first 6-months of the program.

We wish to present them with a Framed Award Certificate and a Gift Certificate from a local participating Reward Merchant Partner, for their recycling efforts. Unfortunately, we will not be able to announce the winner until all the August numbers are in. We will contact the winner ourselves as soon as possible. We will also contact yourself and Gary Cinder with the recipient's name. We would also like to present a Plaque to be kept at City Hall with the Name of the Annual Top Performer of the Year. The Annual winner will be announced each year at the April City Council Meeting, in the future, with the City's approval.

Enclosed you will find a copy of the Plaque and script for the annual award.

We request that you put this Awards Presentation on the Council Agenda for September 14, 2009 meeting.

If there are any questions that you need answered on this award, please contact me at (865) 679-2656.

Sincerely,

Waste Connections of Tennessee, Inc.

Douglas McGill
Municipal Marketing Manager





THIS IS AN EXAMPLE OF HOW THE PLAQUE WILL LOOK.

City of Oak Ridge
And
Waste Connections of Tennessee
Awards
Top Performer of the Year for
Recycling Participation
Based on Weights Generated

Presented to the Resident who goes the extra mile to
Save Our Environment and Natural Resources.

We will have each Name engraved on the slot for
each year; there will be 12 slots per plaque.

**PROCLAMATIONS
AND COURTESY
RESOLUTIONS**

CITY CLERK MEMORANDUM
09-55

DATE: September 2, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PROCLAMATION

ORHS Class of 1969

The accompanying proclamation is presented for the Council's consideration at the request of Councilwoman D. Jane Miller.


City Clerk

Attachment

PROCLAMATION

WHEREAS, September 18-20, 2009, has been set aside in Oak Ridge as a time for recognition and celebration of the Oak Ridge High School Class of 1969's 40th reunion; and

WHEREAS, during this time the 1969 class will return to Oak Ridge to attend the Oak Ridge High School football game where the roar of this class shall be heard once again; and

WHEREAS, the class of 1969 will tour the new Oak Ridge High School where its members once graced the hallowed halls of the two round buildings, E and F (now removed), and hold yet another celebration on Saturday night at the Flatwater Event Center; and

WHEREAS, although the class of 1969, comprising 560 graduates and being the largest class in ORHS history at that time, scattered to the earth and became successful doctors, dentists, pharmacists, business leaders, administrators, nurses, lawyers, judges, teachers, bankers, engineers, public servants, elected officials, mothers, fathers, grandparents, and volunteers, they never forgot their Oak Ridge roots; and

WHEREAS, the class of 1969 reunion will include former teachers and will honor and remember with fondness 50 classmates who have passed away since its graduation in June of 1969; and

WHEREAS, during this weekend the public is invited to recognize the 1969 class as part of the great heritage of Oak Ridge, and to help commemorate its members' 40 years of accomplishments and their continued loyalty and love of the City of Oak Ridge and Oak Ridge High School.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that September 18-20, 2009, be proclaimed

OAK RIDGE HIGH SCHOOL CLASS OF 1969 WEEKEND

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to honor this worthy observance.

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 14th day of September in the year 2009.

ROLL WILDCATS!

MAYOR

**CITY COUNCIL MEMORANDUM
09-59**

DATE: September 3, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: Courtesy Resolution

KEEP ANDERSON COUNTY BEAUTIFUL

This resolution is requested by Ms. Linda Kimmel and Ms. Ruby Miller, Co-Chairs of *Keep Anderson County Beautiful*. Ms. Pat Imperato, a member of EQAB as well as *Keep Anderson County Beautiful* will be present at the City Council meeting to accept the resolution.


City Clerk

Attachment

CITY OF OAK RIDGE, TENNESSEE

RESOLUTION NUMBER 9-86-09

WHEREAS, *Keep Anderson County Beautiful* is a volunteer citizen organization dedicated to improving the quality of life of the citizens of Anderson County, including the City of Oak Ridge; and

WHEREAS, *Keep Anderson County Beautiful* cooperates with other organizations to improve community aesthetics and to reduce litter; and

WHEREAS, *Keep Anderson County Beautiful* educates residents and businesses on preventing litter; and

WHEREAS, the citizens and businesses of Oak Ridge value community involvement and citizen responsibility in promoting the Oak Ridge Community as a desirable place to live and work; and

WHEREAS, the City of Oak Ridge is proud to be a part of Anderson County.

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

That this City Council congratulates *Keep Anderson County Beautiful* on its certification as an official affiliate of *Keep America Beautiful* and pledges its support in working with *Keep Anderson County Beautiful* to continue to improve the quality of life for the citizens of Oak Ridge, Tennessee.

This the 14th day of September 2009.

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Mayor

City Clerk

PUBLIC HEARING

CITY CLERK MEMORANDUM
09-56

DATE: September 3, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PUBLIC HEARING

A public hearing has been scheduled for the September 14, 2009 City Council meeting on the following:

Amendment of the Zoning Ordinance to provide clarification of certain provisions contained in the following sections:

Article III, General Provisions, Accessory Buildings or Structures or Additions to Principal Buildings, Section 3.07(e)2.

Article IX, Special Districts, Manhattan District Overlay, Section 9.09 (d), Overlay Criteria.

Article XIII, Landscaping and Design Standards, Sections 13.01, Introduction, and 13.02, Design Review Standards, subsections titled *Actions Subject to Design Review*, *Architectural Character*, *Landscape*, *Screening*, and *Lighting*.

Article XIV, Sign Regulations, Section 14.06, Signs Allowed in All Districts (Exempt Signs).

Supporting documentation will be found under First Reading of New Ordinances.


City Clerk

CONSENT AGENDA

CITY CLERK MEMORANDUM
09-57

DATE: September 3, 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 September 14, 2009 City Council meeting.

Approval of Minutes – August 10, 2009

Bids and Contracts

Adoption of a resolution authorizing the City to enter an agreement with the Tennessee Valley Authority to amend the *energy right*® agreement to include the In-Home Energy Evaluation Program.

Adoption of a resolution awarding a contract in the estimated amount of \$42,700.00 to Stadium Pros, Inc., Red Bay, Alabama, for the furnishing of all labor, tools, materials, equipment and supplies necessary, as well as utilization of existing City-owned bleacher materials, to perform all work and services for the construction of bleachers at Grey Strang Baseball Field and Pinewood Softball Field.

Elections

Confirming the appointment of Council members L. Charles Hensley, Ellen D. Smith, and Thomas L. Beehan to serve as the Budget and Finance Special Committee until September of 2010, with Councilman Hensley to serve as the Chair, and the appointment of Councilwoman Anne Garcia Garland to serve as a member of the Intergovernmental Relations Committee until September of 2010.

The documentation for these items follows this memorandum.


City Clerk

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

August 10, 2009

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on August 10, 2009, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by The Reverend Myra Mansfield, Chaplain, Oak Ridge Police Department.

PLEDGE OF ALLEGIANCE

Mr. David McCoy, Chairman of the Elder Citizens Advisory Board, led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

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

APPEARANCE OF CITIZENS

Ms. Jamika King, 1308 Joe Hinton Road, Knoxville, lodged a complaint about the treatment of her nephew by the Oak Ridge Police Department; specifically, she said that her nephew was handcuffed by an officer when an older person with whom he was traveling had his car "pulled over." She made the point that the boy's mother was not present when this incident occurred.

Ms. Paula Booker, also a Knoxville resident, said that she had a message from Deborah Booker who lives on South Benedict Avenue in Oak Ridge; specifically, about three weeks ago Deborah Booker's house was "riddled with five bullets" and there has been no follow-up contact by the Police Department since the initial investigation by a single officer.

At the suggestion of the Mayor, both ladies agreed to discuss their concerns with the City Manager.

APPROVAL OF AGENDA

Councilwoman Miller moved that the agenda be approved as published, seconded by Councilman Hayes.

The Mayor reported that the staff is recommending the following amendments to the agenda:

1. Under Special Reports, Boards and Commissions

The addition of a report dated August 4, 2009 from Mr. David McCoy, Chairman of the Elder Citizens Advisory Board, containing its recommendations regarding a new Senior Center.

2. Under General Resolutions, the addition of the following:

- A resolution authorizing the City to submit an application to the U.S. Department of Commerce Economic Development Administration for a grant in an amount up to \$500,000 for assistance in water and sewer infrastructure improvements, as well as construction of a new road, on Parcel ED-5 located within the Heritage Center as a co-applicant with Heritage Center, LLC, and the Community Reuse Organization of East Tennessee (CROET).
- A resolution adopting greenhouse gas emissions reduction targets for the City of Oak Ridge using the year 2004 as a baseline.

3. Under Bids and Contracts, the addition of the following:

- A resolution authorizing the City to enter into contracts with the State of Tennessee Department of Transportation (TDOT) for construction of a 16-inch water line in the amount of \$1,596,651.56 and for relocation of two sewer pressure forcemain lines in the amount of \$58,200.50, being part of TDOT's roadway construction project for State Route 95 from the interchange of State Route 95 and State Route 58 east to Westover Drive.
- A resolution amending the Professional Services Agreement between the City of Oak Ridge and Jordan, Jones & Goulding, Inc., Knoxville, Tennessee, for professional engineering services for design of utility relocation for the roadway widening project along a portion of the Oak Ridge Turnpike (State Route 95) in the estimated amount of \$383,700.00, to increase the scope of work to provide necessary additional engineering services for the project and to increase the estimated compensation amount by \$36,500.00 to cover such services.
- A resolution approving a utility relocation contract associated with the State of Tennessee Department of Transportation's (TDOT) roadway construction project for State Route 95 from the end of the current project to the junction with State Route 58, providing for TDOT to perform the utility relocation at an estimated cost of \$209,598.38 and reimbursement from the City to TDOT for betterment costs to the utility system in the estimated amount of \$15,480.00.

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

The agenda was approved, as amended, by unanimous voice vote with Council members Garcia Garland, 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 - None

PUBLIC HEARING

A public hearing was held on the following:

1. Rezoning of approximately 45.82 acres of Parcels 10.01 and 10.04, Roane County Tax Map 29, also identified as ED-5, located within Heritage Center north of State Route 58, from FIR, Federal Industry and Research, to IND-2, Industrial District.

The City Manager briefly reviewed this rezoning proposal and advised that it has been recommended for approval by the Oak Ridge Municipal Planning Commission.

There were no citizen comments.

2. Rezoning of Parcel 3.00, Anderson County Tax Map 100B, Group A, also identified as Parcel 279.04, Block 18-CF, a 4.61-acre parcel with frontage on the Oak Ridge Turnpike in front of the Federal Office Building, west of Laboratory Road, from O-2, Office, to UB-2, Unified General Business District; and amendment of the Comprehensive Plan's Land Use Plan from O, Office/Institutional, to B, General Business

Mr. Sandy Weathersby, owner of the subject property, supported this rezoning proposal.

There were no citizen comments.

3. Updating of Roane County Flood Insurance Rate Maps to bring the City into compliance with the Federal Emergency Management Agency requirements.

There were no citizen comments.

CONSENT AGENDA

Councilwoman Smith requested that the following item be removed from the Consent Agenda:

Approval of the Minutes of the July 20, 2009 City Council meeting.

Councilwoman Miller then moved that the Consent Agenda be approved as amended. The motion was seconded by Councilman Hensley and was adopted, thereby:

- Approving the Minutes of the July 13, 2009 City Council meeting;
- Adopting **Resolution No. 8-73-09** authorizing continued participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,231.00 for the 2009 calendar year;
- Adopting **Resolution No. 8-74-09** authorizing the submittal of a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2,000.00 to be used for safety equipment or training related to workers' compensation;
- Adopting **Resolution No. 8-75-09** approving a Rights-of-Way Use and Joint Use Pole Agreement between the City and Kentucky Data Link, Inc., Evansville, Indiana, setting forth the responsibilities and other considerations for location of telephonic and other data related transmission facilities within rights-of-way and on the City's power distribution poles;
- Confirming the appointment of Council members David N. Mosby, Thomas W. Hayes, and Anne Garcia Garland to serve as the City Council Rules and Procedures Review Committee, with Councilman Mosby to serve as the Chair; and

- Confirming the appointment of former Mayor David R. Bradshaw and former Councilwoman Louise B. Dunlap to serve on the Board of Directors of the Anderson County Development Corporation for terms of office coextensive with the term of Tom Beehan as Mayor.

The vote was unanimous with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

SPECIAL REPORTS

Guns in Parks

Recalling recent discussions with reference to the Council's decision to prohibit the carrying of handguns in City parks, Councilman Hensley commented on the low crime rate in the parks as indicated by statistics obtained from the Oak Ridge Police Department.

Dedication of Oak Ridge Baptist Church

Councilwoman Miller reported that as Mayor Pro Tem, yesterday she represented the Council at the dedication of the new Oak Ridge Baptist Church located on Bethel Valley Road. She advised that the Church offered to provide tours to members of City Council and staff and she volunteered to coordinate the tours.

EQAB Comments on the Scope of TVA's Integrated Resource Plan EIS

Councilwoman Smith reported that the Environmental Quality Advisory Board (EQAB) has decided that it will submit no comments at this time.

Elder Citizens Advisory Board Senior Center Recommendations

Mr. David McCoy, Chairman of the Elder Citizens Advisory Board, reported that the Board met on Monday, August 3, 2009, and by an 8/2 vote approved the following recommendations to City Council

- That a binding contract be drawn up between the City, County and the Elder Citizens Advisory Board on building a new Senior Center at the present Emory Valley site.
- That provisions be made for the Senior Center to stay at the present Emory Valley site for the next five years at which time the City will build a new one-level Senior Center after leveling the present location.
- That the City work with the Elder Citizens Advisory Board to help start a 501(c)3 non-profit organization for fundraising and donations.
- That the staff be directed to work with the Elder Citizens Advisory Board and the community on design of a new Senior Center.

Following the presentation of the Board's recommendations, the Mayor called on the City Manager for comment. The City Manager presented the following proposal:

That the lease of the property that currently houses the Senior Center be continued for five years with the option that the building be sold to the City by Anderson County at the end of that time for

\$1.00. The property to be acquired by the City would include only the front building on this site with the rear building which houses the County offices to remain where it is. In order to provide assurances, the contract with the County would contain the provision that the building on the property to be acquired by the City would be demolished by the City and the new building to be constructed thereon would be used for a senior facility.

That the City staff work with the Elder Citizens Advisory Board to establish a 501(c)3 organization whose mission would be to raise funds for the senior center and to assist in the promotion of senior activities.

That a funding plan be adopted for the new senior center construction project that would begin next year with the allocation of \$20,000, with increasing allocations in each succeeding year that will result in a total of approximately \$450,000 by the end of the fifth year. This amount of money would become a reserve for the bond issue that will be needed to provide the capital for construction of the new senior center building. It is envisioned that a bond issue of two to 2.5 million dollars will be needed for this purpose.

The City Manager pointed out that this schedule would provide time for the development of senior center programs and the designing of a facility that will accommodate those programs. He noted that it will also provide time for the Emory Valley Center, which occupies the other end of the building that currently houses the senior center, to complete its fundraising campaign and to construct its own new facility. He also confirmed that this lease/purchase proposal has been discussed with the Anderson County Mayor who appeared to have no major problem with it; however, final approval will require the vote of the County Commission.

The ensuing discussion touched on such matters as the seniors' lack of trust in City government and measures that could be built into this proposal that would help to regain that trust; the condition of the current premises and the City's plans to make minor improvements – painting, for example, and lighting – as well as improvements to the parking lot; and senior needs that are met by the senior center programs. The Chairman of the Elderly Citizens Advisory Board made an eloquent presentation with regard to the latter, pointing out that 20.1% of Oak Ridgers are over the age of 65.

The expressed concerns of Council members were:

Councilman Hensley said he would prefer not to be locked into this one site for a new senior center. He was hopeful that a more centralized location would become available. The City Manager said that the contract with Anderson County could likely be worded to include an "out clause" that would allow the City to opt out of the purchase provision if a better site became available. He also commented that while the current site may not be located in the geographic center of the city, a study of the city's demographics would likely reveal that it is located close to the population center. Councilman Hensley said he did not like the term "out clause." The City Manager suggested "termination clause," but Councilman Hensley did not like that either.

Councilwoman Smith focused on the issues of trust and the lack of a senior center during the transition period between the demolition of the current building and the construction of a new senior center. She made the point that a future Council might decide not to follow through with the City Manager's proposed plan, if approved, and that would deepen the seniors' cynicism about the trustworthiness of City government. With reference to the issue of trust, the City Manager said that in the past some of the commitments that were apparently made regarding the senior center were not "written down" so the attempt here is to put the plan into documentary form, as a matter of record, with a funding plan that can be tracked annually. He conceded that there can be no 100% guarantee, using the example that if the

City were to become bankrupt in five years, the construction of a new senior center would likely not be the highest priority. With reference to the transition period, he said that existing facilities would be used for senior services during that time; i.e., priorities would shift at the Civic Center to accommodate senior activities, and possibly other community facilities, such as the Pollard center, could be utilized.

Concluding, Councilwoman Smith said that she had misgivings about this plan. She suggested that the City could “do better faster” by purchasing the former Trinity Church for use as a senior center, thereby avoiding the trust and transition issues. The City Manager countered that buying an older building similar in age to the building that currently houses the senior center is not a good plan for the City. He mentioned several issues, such as a building with three floors is not suitable for seniors, maintenance of the large acreage of church property is just not feasible from an operational standpoint, and the expense associated with adapting the building to a public facility that would accommodate ADA and other requirements.

Councilman Hayes was concerned about (1) the possibly treacherous access at the current site, (2) the cost of demolition, (3) the need to ensure that Roane State Community College (RSCC) is not “hemmed in” but can expand where they are located. He mentioned the vacant property between Robertsville Road and the Oak Ridge High School track as a possible site for a new senior center and concurred in Councilman Hensley’s opinion that the City should not limit itself to consideration of the current site only for the location of such a center. Responding to the “hemming in” of RSCC, the City Manager made the point that there are several areas that could become available for the expansion of the college. He mentioned the skateboard park and disk golf course located adjacent to the RSCC campus and suggested that the building constructed on the current site to house a new senior center could also be expanded to accommodate Roane State if that becomes a concern.

Councilwoman Garcia Garland concurred that the City should not limit its consideration to one site. She said that she would rather find a suitable piece of property on which a senior center could be located and begin construction prior to the termination of the lease with Anderson County. She suggested (1) that this could happen whenever Emory Valley Center has vacated the current premises, assuming the lease agreement stipulates that the City can terminate the contract at any time with notice and (2) that the City could commit to take the property and demolish it to relieve the county of its burden, then use it for some other City purpose, with a stipulation that it could not be sold for commercial development. She also suggested that the Council should commit to the funding plan for a new senior center at this time.

While she cited no specific concerns about the proposal under discussion, Councilwoman Miller indicated that she understood the senior citizens’ lack of trust in City government where the senior center issue is concerned. She commented on the several failures to act on the matter and asserted that it is time to move forward with a decision.

On call of the question, it became apparent that no action had been taken on the recommendations of the Elder Citizens Advisory Board, nor was there a motion in regard to the City Manager’s proposal.

Councilman Hayes moved that the report presented by the Elder Citizens Advisory Board be received for the record. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

At the Mayor’s request, the City Manager recommended the Council’s consideration of the following motion:

That the staff be directed to work with the Elder Citizens Advisory Board and present for the Council's consideration at its regular meeting in October the contractual agreements and a plan for the Senior Center that would meet the objectives discussed at this meeting.

Councilwoman Miller moved that the motion be adopted as recommended by the City Manager, seconded by Councilman Mosby. At the suggestion of Councilwoman Smith, by general consent the motion was revised by substituting the word "strategy" for the word "plan."

Responding to requests for clarification of the motion, the City Manager said the following:

As part of the process, we will present a contract with Anderson County with the provisions that we have heard here tonight to the best that we can incorporate those, and a funding plan that will be developed by the Finance Department in conjunction with the Elder Citizens Advisory Board if we can work through how they are going to proceed with the 501(c)3 effort. This would be a recommendation that will, hopefully, be presented by the Elder Citizens Advisory Board along with the City Administration.

Prior to the vote, the Council heard the comments of Mr. Kerry Trammel of 1125 West Outer Drive, who serves as a member of the Elder Citizens Advisory Board. He too emphasized the need to restore the seniors' trust in City government.

At the request of Councilwoman Garcia Garland, the City Manager agreed to provide an interim report to City Council at the September meeting.

The motion was adopted by unanimous electronic vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

APPROVAL OF MINUTES – July 20, 2009

Councilwoman Smith moved that the minutes of the July 20, 2009 City Council meeting be amended by substitution of the following as the second paragraph under **MISCELLANEOUS, Signs** on page 9:

Councilwoman Smith expressed concern about the lack of signage directing motorists to Oak Ridge tourist attractions at the Solway Bridge entrance to the City (SR 62).

The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, 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 ROANE COUNTY TAX MAP 29, PARCELS 10.01 AND 10.04, FROM FIR, FEDERAL INDUSTRY AND RESEARCH, TO IND-2, INDUSTRIAL.

Councilman Hayes moved that the ordinance be approved on first reading. The motion was seconded by Councilwoman Smith and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

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 3.00, MAP 100B, GROUP A, FROM O-2, OFFICE, TO UB-2, UNIFIED 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 Hayes moved that the ordinance be approved on first reading. The motion was seconded by Councilwoman Smith and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” ARTICLE IX, TITLED “SPECIAL DISTRICTS,” BY AMENDING SECTION 9.07, TITLED “FLOODPLAIN REGULATIONS,” SUBSECTION (F)(2), TO UPDATE THE EFFECTIVE DATE OF THE NEW FEMA FLOOD MAPS, AND BY AMENDING SECTION 9.08, TITLED “F, FLOODWAY DISTRICTS; FRINGE AREA,” SUBSECTIONS (B) AND (C) TO UPDATE THE EFFECTIVE DATES OF VARIOUS FLOOD MAPS, ALL FOR THE PURPOSE OF COMPLIANCE WITH FEMA REQUIREMENTS.

Councilwoman Miller moved that the ordinance be approved on first reading, seconded by Councilwoman Smith.

Councilwoman Smith moved that the ordinance be amended by striking the following sentence from Section 3, Zoning Ordinance Section 9.08, F, Floodway Districts; Fringe Area, (c) Floodway Fringe Area:

Development within these areas, although subject to flooding, will not adversely affect the height or velocity of floodwaters.

The City Manager confirmed that the staff concurs with this proposed amendment.

Councilman Hayes seconded the motion and it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

The ordinance was approved on first reading, as amended, by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

AN ORDINANCE TO AMEND TITLE 15, TITLED “MOTOR VEHICLES, TRAFFIC AND PARKING,” SECTION 15-127, TITLED “COMPLIANCE WITH FINANCIAL RESPONSIBILITY LAW REQUIRED; EVIDENCE OF COMPLIANCE,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY ADDING A NEW SUBSECTION (3) FOR COMPLIANCE WITH 2009 PUBLIC CHAPTER 441 BY PROHIBITING A DISMISSAL OF A PERSON’S VIOLATION FOR FINANCIAL RESPONSIBILITY WHEN FINANCIAL RESPONSIBILITY WAS NOT IN EFFECT AT THE TIME OF THE VIOLATION.

Councilman Hayes moved that the ordinance be approved on first reading. The motion was seconded by Councilwoman Smith and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

Adoption of Ordinances (Second Reading) - None

RESOLUTIONS

General Resolutions

Resolution No. 8-76-09

A resolution approving the permanent accesses to Tulsa Road from Parcel 7, Anderson County Tax Map 99N, Group A (formerly known as Parcel 606.04, Block 19BZ), as shown on the drawings attached hereto, dated July 21, 2009.

Councilwoman Miller moved that the resolution be adopted, seconded by Councilman Hensley

Mayor Beehan announced that inasmuch as he represents the applicants for these accesses as their realtor, he will refrain from the discussion as well as the voting on this matter.

Mr. Amit Patel, the developer of the Staybridge Suites in Oak Ridge, explained that his company plans to construct a second hotel on Parcel 7, which hotel is proposed to be an 80-unit Holiday Inn Express.

A brief discussion followed with the City Manager, Mr. Patel, and Mr. Paul Williams, the Chief Engineer for this project, responding to the Council's questions and comments.

The resolution was adopted by electronic vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, and Smith voting "Aye." Mayor Beehan abstained.

Resolution No. 8-77-09

A resolution approving comments entitled *City of Oak Ridge Comments on the Oak Ridge Reservation Natural Resource Damage Assessment Evaluation of Contaminant-Related Losses in Watts Bar Reservoir and Gains from the Black Oak Ridge Conservation Easement (Draft Final March 25, 2009)* for transmittal to the State of Tennessee as the official comments of the City of Oak Ridge.

Councilwoman Smith moved that the resolution be adopted, seconded by Councilwoman Miller.

The Mayor called attention to the staff's recommendation that the resolution be amended by substitution of an amended version of the subject comments. As transmitted to City Council on August 6, 2009, the amended comments read as follows (text revisions in boldface):

City of Oak Ridge Comments on the Oak Ridge Reservation Natural Resource Damage Assessment Evaluation of Contaminant-Related Losses in Watts Bar Reservoir and Gains from the Black Oak Ridge Conservation Easement (Draft Final March 25, 2009)

1. The management of the conservation easement and the NRDA process are issues of vital importance to the City of Oak Ridge. The City has requested participation in the NRDA process to ensure that community issues are identified and addressed as the trustees pursue the recovery of natural resource damages in the City of Oak Ridge.
2. The subject evaluation demonstrates the long-time horizon required to identify and mitigate natural resource damages. The Trustees should consider a more comprehensive process for the remaining NRDA work to reduce the amount of time and funding required by the current piecemeal approach.

3. Confirm with the DOE Realty Office the number of acres comprising the Oak Ridge Reservation. The **approximate acreage is 33,640, which is considerably less** than the estimate of 37,000 acres noted in the report.
4. Limited and incomplete information require that numerous assumptions are made in the calculation of injuries and valuation of restoration efforts. If no data exist, that does not necessarily mean that no injury has occurred. This is a weakness in the evaluation.
5. The Record of Decision for Watts Bar requires institutional controls such as signs and restrictions on dredging. The evaluation needs to better integrate the institutional controls into the damages and remedy. It is very difficult to quantify the damages that result from “No fishing” signs and other institutional controls. The study’s explanation for not including cesium as a contaminant is not convincing in light of the Record of Decision. This is a significant issue for the City of Oak Ridge and needs to be addressed.
6. It is unclear whether the authors consulted the Tennessee Department of Tourism or local tourism officials in the calculation of “value of trips.”
7. **The City requests that the State establish a point of contact with the City Manager’s office in order to provide effective communication regarding the management plan. In addition, the City requests a list of contact information for all the Trustees. This information should also be included in the subject document as a matter of record.**
8. **As noted in previous comments to TDEC dated February 2005, the Black Oak Ridge Conservation Easement (BORCE) Draft Management Plan indicates that there will be no parking areas, which is not compatible with recreational use of the property. The subject analysis should address the need for parking in order to maximize use of the BORCE, and include the amenity in the compensation analysis.**

Councilwoman Smith moved that the resolution be amended by substitution of these amended comments as the official comments of the City of Oak Ridge. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

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

Resolution No. 8-78-09

A resolution authorizing the City to submit an application to the U.S. Department of Commerce Economic Development Administration for a grant in an amount up to \$500,000 for assistance in water and sewer infrastructure improvements, as well as construction of a new road, on Parcel ED-5 located within the Heritage Center as a co-applicant with Heritage Center, LLC, and the Community Reuse Organization of East Tennessee (CROET).

Councilwoman Smith moved that the resolution be adopted. The motion was seconded by Councilwoman Miller and after brief deliberation, it carried by unanimous voice vote.

Resolution No. 8-79-09

A resolution adopting greenhouse gas emissions reduction targets for the City of Oak Ridge using the year 2004 as a baseline.

Councilwoman Miller moved that the resolution be adopted, seconded by Councilwoman Smith.

The City Manager advised that upon its adoption, this resolution will be transmitted to the Local Governments for Sustainability organization, formerly known as the International Council for Local Environment Initiatives (ICLEI). He explained that the Environmental Quality Advisory Board, working with the staff liaison, has developed these reduction targets and is recommending their adoption by City Council as one of the five milestones that the City pledged to complete when it joined ICLEI.

A discussion followed in which the City Manager and Ms. Patricia M. Fain, a member of the Environmental Quality Advisory Board, responded to the Council's questions and comments with reference to the resolution and its contents.

The resolution was adopted by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Bids and Contracts

Resolution No. 8-80-09

A resolution accepting the 2009 Neighborhood Stabilization Program grant from the Tennessee Housing Development Agency (THDA) for the acquisition and redevelopment of vacant properties that might become sources of abandonment and blight, in the amount of \$89,900.00, and authorizing the City to enter into a subrecipient agreement with Aid to Distressed Families of Appalachian Counties, Inc., to provide the services for the 2009 Neighborhood Stabilization Program awarded to the City, with said agreement in the estimated amount of \$93,900.00, including \$4,000.00 for administration of the grant program.

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

Resolution No. 8-81-09

A resolution awarding a contract in the estimated amount of \$839,087.00 to Underground Technologies, Inc., Maryville, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the repair and rehabilitation of portions of the sanitary sewer collection system.

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 Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 8-82-09

A resolution approving a Professional Services Agreement between the City and Lamar Dunn & Associates, Inc., Knoxville, Tennessee, for the provision of professional engineering services for the final design for replacement of the 4 million gallon reservoir cover at the Water Treatment Plant, as well as services relating to the bidding process and construction oversight, in the estimated amount of \$110,000.00.

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

Resolution No. 8-83-09

A resolution authorizing the City to enter into contracts with the State of Tennessee Department of Transportation (TDOT) for construction of a 16-inch water line in the amount of \$1,596,651.56 and for relocation of two sewer pressure forcemain lines in the amount of \$58,200.50, being part of TDOT's roadway construction project for State Route 95 from the interchange of State Route 95 and State Route 58 east to Westover Drive.

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

Resolution No. 8-84-09

A resolution amending the Professional Services Agreement between the City of Oak Ridge and Jordan, Jones & Goulding, Inc., Knoxville, Tennessee, for professional engineering services for design of utility relocation for the roadway widening project along a portion of the Oak Ridge Turnpike (State Route 95) in the estimated amount of \$383,700.00, to increase the scope of work to provide necessary additional engineering services for the project and to increase the estimated compensation amount by \$36,500.00 to cover such services.

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

Resolution No. 8-85-09

A resolution approving a utility relocation contract associated with the State of Tennessee Department of Transportation's (TDOT) roadway construction project for State Route 95 from the end of the current project to the junction with State Route 58, providing for TDOT to perform the utility relocation at an estimated cost of \$209,598.38 and reimbursement from the City to TDOT for betterment costs to the utility system in the estimated amount of \$15,480.00.

Councilwoman Smith moved that the resolution be adopted. The motion was seconded by Councilwoman Miller and after brief deliberation, it carried by unanimous voiced vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

ELECTIONS

Oak Ridge Housing Authority

On first ballot, Ms. Karen A. Buckley was reelected to serve on the Board of Commissioners of the Oak Ridge Housing Authority for a five-year term of office commencing on August 18, 2009. She received the votes of Council members Garcia Garland, Hensley, Miller, Mosby, and Smith. Mayor Beehan and Councilman Hayes voted for Ms. Sharon Crane.

Personnel Advisory Board

Councilman Hensley moved that Ms. Ella H. DuBose be reelected by acclamation to serve on the Personnel Advisory Board for a three-year term of office commencing on September 1, 2009. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Garcia Garland, 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 September 14, 2009 City Council meeting to appoint one (1) member to the Board of Electrical Examiners and three (3) members to the Environmental Quality Advisory Board. The deadline for filing is 5:00 p.m. on Tuesday, September 1, 2009.

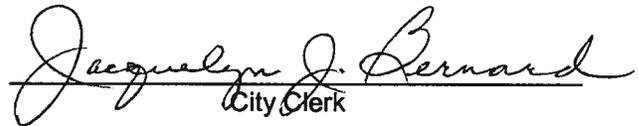
COMMUNICATIONS – None

CITY MANAGER'S REPORT – None

CITY ATTORNEY'S REPORT – None

ADJOURNMENT

The meeting adjourned at 9:40 p.m.


City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
09-13

DATE: September 1, 2009

To: James R. O'Connor, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: APPROVAL OF PARTICIPATION IN TVA

Attached is a resolution amending the TVA Energy Right Program to approve participation in the TVA In-Home Energy Evaluation Program.

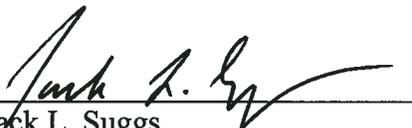
The City participates in the TVA Energy Right Program through an agreement originally executed in 2002. This program has offered various, but substantial benefits to our customers over the years in their efforts toward efficient utilization of the energy in their homes. Included in these were an on line energy audit, but no in-home option.

TVA has developed a pilot program that will provide for in-home energy audits for residential customers. Under this new program, the customer will have to pay a \$150.00 cost to have the evaluation provided.

If recommended improvements are made within ninety days of the evaluation, however, the home owner will be reimbursed one half the cost of specific improvements up to a total of \$500.00.

The energy audits will be provided by TVA contractors and the program largely administered by TVA. Significant staff work is not anticipated nor is any budget impact.

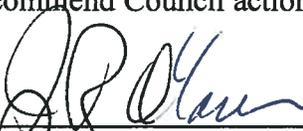
Staff recommends approval of the attached resolution.



Jack L. Suggs
Electrical Director

City Manager's Comments:

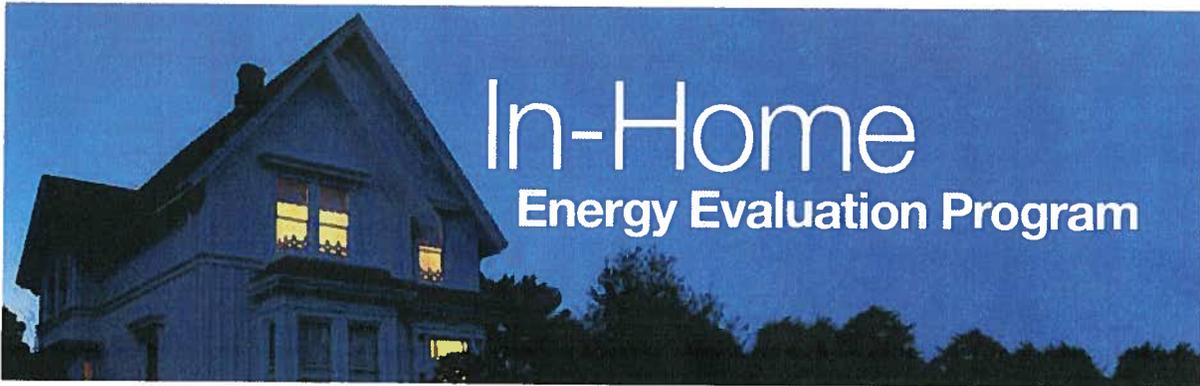
I have reviewed the above issue and recommend Council action as outlined in this document.



James R. O'Connor



Date



Your local power distributor and TVA are making it easier than ever to become energy efficient while also saving money. With the new In-Home Energy Evaluation Program, you can reduce your power usage and receive a cash incentive or financing assistance for installing home energy improvements. The recommended energy-related home improvements you make are eligible for reimbursement of 50 percent of the installation cost, with an upper limit of \$500, or for convenient financing.

Here's how it works:

- Contact your local power distributor to arrange for an in-home energy evaluation by a TVA-certified evaluator.*
- The evaluator reviews your home and creates a report outlining the potential energy-efficiency modifications and available cash incentives or financing. (See reverse for list of eligible improvements.)
- Modifications must be made by a member of the TVA Quality Contractor Network, except for self-installed insulation. The evaluator will provide the names of qualified contractors.
- All home improvements must be completed within 90 days. Once the work is finished, it will be inspected to ensure that everything is installed properly to maximize savings.
- After the inspection, you submit receipts for the completed work to be eligible for the cash incentive. For financing, your contractor will be paid directly upon successful completion of the inspection.

Cash incentive option

No matter how many modifications are made, \$500 is the maximum reimbursable amount for all work done. Some modifications have lower maximum amounts, and some require distributor pre-approval (see list).

Two financing options are available, subject to credit approval:

- TVA financing through your power distributor, at 6 percent for up to 10 years. The minimum loan is \$1,500 and is payable via your monthly utility bill.
- Energy Finance Solutions (EFS) financing, at 10 to 15 percent for up to 10 years. The minimum loan is \$1,500, and repayment is directly to EFS.

For more information on the In-Home Energy Evaluation Program, incentives, and financing options, call your local public power distributor.



** Some power distributors may charge an in-home evaluation fee. If the homeowner makes recommended improvements costing \$150 or more, the fee will be reimbursed.*



These items are eligible for a 50 percent cash incentive on recommended installation measures, up to a \$500 maximum, or financing. Some items may also be eligible for federal tax credits. For information, see fact sheets available from your distributor, or go to www.energytaxincentives.org.

ELIGIBLE IMPROVEMENTS				
✓	ENERGY EFFICIENCY MEASURE	REQUIREMENT	CASH INCENTIVE	FINANCING AVAILABLE?
	Replace windows	Must meet Energy Star® requirements (officially branded with a sticker)	\$500	No
	Storm windows	Must meet <i>energy right</i> ® requirements	\$500	Yes
	Duct repair/replacement & sealing	<ul style="list-style-type: none"> Existing HVAC only Air distribution only 	\$500	Yes
	Rehabilitation work	Minor repair work such as broken glass, glazing or prime door replacement and Distributor pre-approval	\$250	Yes
	Replace HVAC <ul style="list-style-type: none"> All heat pumps included Dual-fuel heat pumps Air conditioning (with gas pack or gas split) 	<ul style="list-style-type: none"> Must meet Energy Star® requirements Distributor pre-approval for dual fuel or air conditioning 	\$250	<ul style="list-style-type: none"> Heat pumps Dual-fuel heat pumps
	Attic insulation/ventilation (must be nonpowered)	Must meet <i>energy right</i> ® requirements (Weatherization)	\$500	Yes
	Floor or perimeter insulation, and ground cover	<ul style="list-style-type: none"> Must meet <i>energy right</i>® requirements (Weatherization) Where allowed by Codes 	\$500	Yes
	Exterior wall insulation	<ul style="list-style-type: none"> Knee walls only R18 or greater 	\$500	Yes
	Water heater insulation	Electric only	\$50	Yes
	Air sealing (including weatherstrip and caulk)	<ul style="list-style-type: none"> Must meet <i>energy right</i>® requirements (Weatherization) 	\$500	Yes
	<i>Self-installed</i> insulation, caulk, weatherstrip, rehabilitation (as defined above)	<ul style="list-style-type: none"> Only the cost of materials may be claimed Distributor pre-approval 	\$250	No
	HVAC tune-up	Must be performed by QCN contractor.	\$150	Yes

The following items are not eligible for the cash incentive or financing option:

- Water heaters (including tankless)
- Clothes washers or dryers
- Dishwashers
- Refrigerators
- Insulated garage doors
- Storm doors
- Window film/solar screens
- Radiant barriers
- Room air conditioners
- Programmable thermostats (existing systems)

RESOLUTION

WHEREAS, by Resolution 5-55-02, City Council approved an agreement between the City and the Tennessee Valley Authority (TVA) for the *energy right*® Program; and

WHEREAS, the City participates in the *energy right*® Program as a service to its citizens and to promote the efficient use of electric power; and

WHEREAS, TVA has developed a new program, called the In-Home Energy Evaluation Program, designed to provide in-home energy audits to promote efficient utilization of energy in residential homes; and

WHEREAS, the City desires to offer this program to its customers; and

WHEREAS, offering this program requires an amendment to the *energy right*® agreement between the City and TVA, and TVA has prepared an agreement to amend and supplement the agreement to include this program; and

WHEREAS, the City Manager recommends approval the agreement.

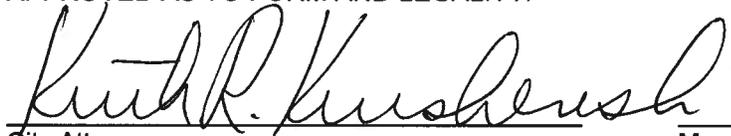
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to enter an agreement with the Tennessee Valley Authority to amend the *energy right*® agreement to include the In-Home Energy Evaluation Program.

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

This the 14th day of September 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

RECREATION AND PARKS MEMORANDUM
09-07

DATE: August 28, 2009
TO: Jim O'Connor, City Manager
THROUGH: Josh Collins, Director 
FROM: Paula Zarestky, Recreation Manager
SUBJECT: Bleacher Replacement Project

The accompanying Resolution awards a contract to Stadium Pros, 4894 Hwy 24, Red Bay, Alabama for the construction of two (2) sets of ten (10) row thirty-two foot (32 ft.) aluminum, elevated, handicapped accessible bleachers and four (4) sets of four (4) row, fifteen foot (15 ft.) aluminum bleachers in the estimated amount of \$42,700.

The proposed project envisions the replacement of aging bleacher units at Grey Strang Baseball field and Pinewood Softball field. The current bleacher units are over 30 years old, do not comply with current SBC (Standard Building Code) regulations and do not meet ADA requirements. Proposed units will meet all applicable codes and regulations. All six sets of bleachers will utilize existing materials provided by the City and new materials provided by Stadium Pros.

When the soccer field at Oak Ridge High School was reconfigured, the bleacher system at the field could no longer meet the school's needs. The large grandstand sections were donated to the City for use at Grey Strang Baseball Field. Stadium Pros will reconfigure these large bleacher sections into smaller sets of bleachers thus meeting current needs of the City.

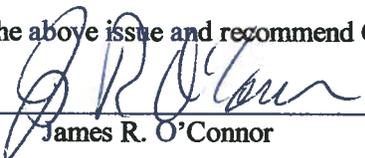
City Staff considered two renovation options for the bleacher replacement project:

- Option 1: Construction of permanent and portable bleachers with all labor and material to be provided by the contractor
- Option 2: Construction of permanent and portable bleachers using donated grandstand materials and contractor provided labor and hardware to disassemble/reassemble into the desired configuration

Option 2 was the most cost effective approach to solving the City's bleacher problem. Staff recommends approval of the accompanying resolution as submitted. Funding for this project has been included in the Capital Maintenance Fund for fiscal year 2010. The Bleacher Replacement Program was included in the Department's CIP request for Fiscal Year 2010.

City Manager's Comments:

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


James R. O'Connor


Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 09-14
OPENING DATE: August 25, 2009 2:00 P.M.

FOR — DESCRIPTION	Option	UNIT	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
PERMANENT BLEACHERS FOR GREY STRANG BASEBALL AND PINEWOOD SOFTBALL FIELDS AND PORTABLE BLEACHERS			Stadium Pros 4894 Hwy 24 Red Bay, AL 35582	\$ 48,200.00	Christopoulos & Kennedy Construction, Inc. P.O. Box 53502 Knoxville, TN 37950	\$ 74,177.00	Middle 10 Contractors 463 Bonnie Valley Drive Lebanon, TN 37087	\$ 74,900.00
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR PERMANENT BLEACHERS FOR GREY STRANG BASEBALL AND PINEWOOD SOFTBALL FIELDS AND PORTABLE BLEACHERS PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE RECREATION AND PARKS DEPARTMENT	1			\$ 42,700.00		No Bid		No Bid
	2							
TOTAL PRICE				\$ 42,700.00		\$ 74,177.00		\$ 74,900.00
TERMS				NET 30		NET 30		NET 30
DELIVERY				PER CONTRACT		PER CONTRACT		PER CONTRACT
F.O.B.				JOB SITE		JOB SITE		JOB SITE
VIA				VENDOR		VENDOR		VENDOR
OTHER BIDDERS CONTACTED:			BIDS OPENED AND RECORDED BY—					
Chairon Bleachers - Liberty, SC			Dant Clayton Corporation - Louisville, KY					
National Recreation Systems - Fort Wayne, IN			Tomark Sports, Inc. - Corona, Ca					
Southeastern Seating - Tampa, FL			Bleachers International - Kiowa, CO					
BSN Sports / Collegiate Pacific - Dallas, TX			Holm Construction, LLC - Knoxville, TN					
MMI - Federal Marketing Service - Montgomery, AL			Hunter Knepsield - LaGrange, KY					
Century Industries - Knoxville, TN								
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:					
ONLY BID RECEIVED			Stadium Pros					
LOW PRICE			4894 Hwy 24					
BETTER OR REQUIRED DESIGN			Red Bay, AL 35582					
EARLY DELIVERY								
LOWEST TOTAL COST								
			BIDS REVIEWED BY—					
			<i>Allen Dowlen</i> Allen Dowlen Accounting Division Manager					
			<i>Janice McGinnis</i> Janice McGinnis Financial Director					

RESOLUTION

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for construction of bleachers at Grey Strang Baseball Field and Pinewood Softball Field; and

WHEREAS, bids were received and publicly opened on August 25, 2009, with Stadium Pros, Inc., Red Bay, Alabama, submitting the lowest and best 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 Stadium Pros, Inc., 4894 Hwy 24, Red Bay, Alabama 35582, for the furnishing of all labor, tools, materials, equipment and supplies necessary, as well as utilization of existing city-owned bleacher materials, to perform all work and services for the construction of bleachers at Grey Strang Baseball Field and Pinewood Softball Field; said award in strict accordance COR 09-14, the required specifications, and the bid as publicly opened on August 25, 2009, and in the estimated amount of \$42,700.00.

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

This the 14th day of September 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

MAYOR'S MEMORANDUM
09-07

DATE: September 3, 2009

TO: Fellow Members of City Council

FROM: Mayor Tom Beehan

SUBJECT: APPOINTMENT OF BUDGET AND FINANCE AND
INTERGOVERNMENTAL RELATIONS COMMITTEES

Budget and Finance Committee

Resolution No. 11-107-07 which created the new Budget and Finance Committee provides that it shall be composed of three (3) members appointed annually in September in accordance with the Council's policy for the appointment of members to serve on Council committees. This means that the current chairman, Councilman Tom Hayes, will rotate off the committee, the member with the greatest tenure will become the chair, and a new member must be appointed. The other committee members are Councilman Hensley and Councilwoman Smith. Councilman Hensley has the longest tenure and has agreed to become the chair, Councilwoman Smith will remain as a committee member and Mayor Beehan (myself), who has never served on this committee, has agreed to become the new member.

Intergovernmental Relations Committee

This committee has seats designated for the Mayor, as chair, and the Council's representative on the Energy Communities Alliance (ECA) Board of Directors. Since Councilwoman Miller has been designated to serve as my alternate on the ECA Board, she and I will remain on this committee. Resolution No. 11-108-07 which created this committee provides that the third member shall be recommended by the Mayor and appointed annually in September. This means that the term of Councilman Mosby, who currently occupies this seat, will end this month and a new member must be appointed. Councilwoman Anne Garcia Garland has agreed to become the new member.

Recommendation

It is my recommendation that Council members Charles Hensley, Ellen Smith, and Tom Beehan be appointed to serve as the Budget and Finance Committee until September of 2010, with Councilman Hensley to serve as the chair, and that Councilwoman Garcia Garland be appointed to serve on the Intergovernmental Relations Committee until September of 2010.



Mayor

SPECIAL REPORTS

MEMORANDUM

DATE: September 1, 2009

TO: Fellow Members of City Council

FROM: City Manager Evaluation Committee
Mayor Thomas L. Beehan, Chair
Councilman Thomas W. Hayes
Councilman David N. Mosby

SUBJECT: REPORT AND RECOMMENDATIONS

The City Manager Evaluation Committee met on August 10 and August 25, 2009 to review the Summary of the FY 2009 City Manager Evaluation Questionnaires prepared by the City Clerk and the list of FY 2010 Goals/Objectives for the City Manager as submitted by City Council members. All committee members were present on August 10th, as were the City Manager and City Clerk. The City Manager was absent from the August 25th meeting.

The overall rating of the City Manager for this evaluation period (FY 2009) is 4.49 out of a possible 5.00, as indicated on the attached evaluation summary. His rating for the previous evaluation period (FY 2008) was 4.43. Based on the FY 2009 rating, the Committee recommends (1) that Mr. O'Connor be awarded a 1% salary increase, resulting in an annual base salary of \$131,955.20, retroactive to March 8, 2009, and (2) that his term of office be extended by one year, until March 15, 2014. The committee is well aware that Mr. O'Connor's overall rating indicates he is deserving of an increase greater than 1%; however, we were influenced by the budget constraints which limited the overall increase for City employees to 1%. As you will recall, the City Attorney Evaluation Committee was influenced by these same constraints with the result that the City Attorney, though highly rated, was likewise limited to a 1% salary increase. The recommended term extension is also commensurate with the extension awarded to the City Attorney. This one-year extension maintains both at a five-year term of office, subject to the termination provisions contained in their contracts with City Council.

Attached is a resolution that will accomplish the recommended amendments to the City Manager's Employment Agreement to increase his base salary and extend his term of office. Also, as in previous years, the Committee recommends that individual members of City Council make an appointment with the City Manager to provide their comments on his performance during FY 2009 and their expectations for his performance in coming years.

Under the terms of the City Manager's Employment Agreement (copy attached), it is also the duty of this committee to meet with the City Manager to establish performance criteria and goals and objectives which shall provide the basis for his evaluation for the following fiscal year. With that in mind, the Committee asked each member of Council to submit three to five goals/objectives in priority order at the time of submission of their completed evaluation questionnaires. It was the intent of the committee to review the submitted goals/objectives for commonality and to present an integrated list to the Council for approval as part of the completed evaluation package. Council members submitted a total of 32 goals/objectives and upon review, the committee decided to seek professional help in arriving at a process for refining them into a cohesive package that could provide the basis for evaluation of the City Manager's performance for FY 2010.

**CITY MANAGER EVALUATION COMMITTEE
REPORT AND RECOMMENDATIONS**

September 1, 2009

Page 2

At the direction of the committee, the City Clerk contacted Ms. Margaret Norris, the City's Management Consultant with the U.T. Municipal Technical Advisory Service, who agreed to review the goals/objectives provided by Council members, as well as those presented by the City Manager, and to then meet with the committee to present her recommendations in this regard. Attached is the analysis that she presented to the committee on August 25, 2009. Upon examination of the analysis and after hearing Ms. Norris' comments on the matter, it was the opinion of the committee that the entire Council should participate in this goal-setting process. Ms. Norris has agreed to conduct a goal-setting workshop for the Council and, with your approval, the committee would like to invite her to do so. She is well-qualified for the task due to both her training and her experience in providing this same type of assistance to other Tennessee communities.

The committee recommends (1) that the attached resolution be adopted, thereby increasing the City Manager's salary by 1% and extending his term of office by one year, and (2) that Ms. Margaret Norris of MTAS be invited to conduct a workshop to establish goals/objectives for the City Manager for FY 2010 at the earliest possible time.



Thomas L. Behan

Attachments

CITY COUNCIL'S CITY MANAGER EVALUATION SUMMARY, FY 2009

GROUP A, LEADERSHIP/PERSONAL INITIATIVE		City Council Individual Ranking										Average	General Comments
		TB	AGG	TH	CH	JM	DM	ES	Div.				
1	Descriptive Statements	1	5	0	4	4	4	4	4	5	6	0.00	See SUMMARY OF COMMENTS on the following pages.
2	Sets and enforces high, yet attainable work standards	2	5	0	5	4	4	4	5	5	6	4.33	
3	Motivates self and others to maximum performance	3	5	0	4	4	4	4	5	5	6	4.67	
4	Work efforts lead toward successful accomplishment of goals	4	5	0	4	4	4	4	5	5	6	4.50	
5	Demonstrates drive and initiative in achieving organizational goals and objectives	5	4	0	5	4	4	4	5	5	6	4.50	
6	Demonstrates the ability to perform tasks energetically and puts forth extra effort in task completion	6	5	0	5	5	5	5	5	5	6	5.00	
7	Responds and adjusts quickly to extra demands on time	7	5	4	5	5	5	4	5	5	7	4.71	
8	Achieves respect from others while maintaining credibility as an individual	8	5	0	5	5	4	5	5	5	6	4.83	
9	Is able to identify, assimilate, and comprehend the critical elements of a situation	9	5	4	5	4	4	4	5	5	7	4.57	
10	Has the ability to conceptualize the needs of the city	10	4	3	5	3	4	4	5	5	7	4.14	
11	Has complete personal and professional integrity	11	5	0	5	5	5	5	5	5	6	5.00	
12	Is politically astute while remaining completely impartial and non-political	12	5	1	5	5	3	5	5	5	7	4.14	
13	Ensures that reports to the Council include all the information on a given issue, not just the information that leads to a certain conclusion	13	5	1	5	4	4	4	5	3	7	3.86	
14	Provides innovative ideas to aid in the restoration of aging infrastructure	14	4	0	5	3	4	4	4	3	6	3.83	
15	Is comfortable in brokering the agreements that build the vision of what the city wants to become	15	5	0	4	3	4	4	5	4	6	4.17	
16	Implements policy as set by Council	16	5	3	5	5	5	5	5	3	7	4.43	
17	Successfully interprets direction and intent of City Council and establishes operational goals based upon that direction	17	5	0	5	5	5	5	4	3	6	4.50	
	Exercises appropriate flexibility of ideas in dealing with new issues	17	5	0	5	3	5	4	5	4	6	4.50	
Additional Comments: See SUMMARY OF COMMENTS.													
GROUP A, LEADERSHIP/PERSONAL INITIATIVE AVERAGE:													
												4.45	
1 - Unsatisfactory, 2 - Marginal, 3 - Satisfactory, 4 - Good, 5 - Excellent, 0 - No Observation													

**City Council's City Manager Evaluation, FY 2009
SUMMARY OF COMMENTS**

GENERAL COMMENTS

Group A, Leadership/Personal Initiative

<u>Question Number</u>	<u>Council Member</u>	<u>Comments</u>
1	Smith	This is not easy to judge since staff are understandably reticent to discuss the city manager in conversations with Council members, but all indications I have seen are that Jim sets appropriate expectations and standards of the staff.
2	Smith	Jim works hard and clearly expects the same from others.
5	Miller Smith	Jim is high energy and never complains about tasks. Jim works hard and clearly expects the same from others.
8	Smith	Jim has impressive awareness, understanding, and insight regarding the diverse variety of matters and situations that arise in "running" the city, and has an impressive ability to analyze a new situation quickly.
11	Miller	Not always impartial.
12	Smith	Much of the information that is provided to City Council is balanced and complete, but on certain contentious matters such as the traffic camera vote and the decision processes on the senior center, the formal packages of information presented to Council have been skewed toward supporting the staff's recommendation.
13	Miller Smith	Difficult job with limited resources. We can never have too many good ideas in the area of restoring aging infrastructure.
14	Smith	The city manager and staff deserve credit for successfully brokering a deal with TDOT regarding the next phase of HWY 95 widening. It's too bad that the city was not assertive about initiating serious discussions sooner.
15	Smith	Jim is consistent in implementing policy as he understands it, but in reality Council has not been effective in articulating policy. The city manager (to whom charter gives the responsibility for setting the Council agenda) has not helped to remedy that lack of policy direction, as the Council has few opportunities to discuss "the big picture" as a Council or to take action that sets major new directions.

Group A, Leadership/Personal Initiative (continued)

16	Miller Smith	Does well with diverse council inputs. The City Manager seems to be successful at using one-on-one interactions with Council members in order to gain insight into Council direction and intent, but it would be better if more of the "direction and intent" came via open discussions involving the whole Council.
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ADDITIONAL COMMENTS

Councilman Hensley	I would like to see more emphasis on the long term outlook. I feel we do too much reacting and are not proactive enough. I think Mr. O'Connor can do this easily.
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Councilman Mosby	Jim is an effective and motivated leader.
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CITY COUNCIL'S CITY MANAGER EVALUATION SUMMARY, FY 2009

GROUP B, FISCAL MANAGEMENT/BUDGETING												
	<i>Descriptive Statements</i>	City Council Individual Ranking									Div.	Average
		TB	AGG	TH	CH	JM	DM	ES				
1	Presents a realistic and responsible budget	5	3	5	5	5	5	5	5	7	0.00	See SUMMARY OF COMMENTS on the following pages.
2	Controls expenditures within set budget levels	5	4	5	4	5	5	5	5	7	4.71	
3	Develops, seeks, and implements creative strategies for novel funding sources	4	3	4	3	5	4	4	4	7	3.86	
4	Takes action to consistently provide high service levels efficiently and effectively	5	0	5	5	4	5	4	6	4.67		
5	Achieves budget objectives	5	3	5	5	5	5	5	7	4.71		
6	Communicates budget status to City Council	5	3	5	5	5	5	2	7	4.29		
7	Prepares understandable budget documentation	5	0	4	4	5	5	5	6	4.67		
8	Is innovative with a lean budget	5	0	5	4	5	4	5	6	4.67		
9	Clearly states funding and service alternatives	5	0	5	4	5	4	4	6	4.50		
Additional Comments: See SUMMARY OF COMMENTS.												
GROUP B, FISCAL MANAGEMENT/BUDGETING AVERAGE:												
											4.53	
1 - Unsatisfactory, 2 - Marginal, 3 - Satisfactory, 4 - Good, 5 - Excellent, 0 - No Observation												

City Council's City Manager Evaluation, FY 2009

SUMMARY OF COMMENTS

GENERAL COMMENTS

Group B. Fiscal Management/Budgeting

<u>Question Number</u>	<u>Council Member</u>	<u>Comments</u>
2	Smith	Fiscal management is remarkably good under Jim's leadership.
5	Smith	Fiscal management is remarkably good under Jim's leadership. Fortunately, we have not faced the kinds of budget challenges that would make it critically important for City Council to receive frequent reports on budget status. However, City Council does not receive some types of reports that could make the Council more effective in its oversight of City finances. The Council is not kept apprised on a real-time basis regarding the status of budgets. Also, Council does not routinely receive information regarding "discretionary" expenditures (such as the contract for the July 4 th fireworks) in the \$10,000 to \$25,000 range that formerly required City Council approval.

ADDITIONAL COMMENTS

Councilwoman Miller	Jim continues to do a good job managing the budget within established limits. This is an area of strength where his experience comes into play.
Councilman Mosby	Jim consistently provides good leadership concerning fiscal matters.

CITY COUNCIL'S CITY MANAGER EVALUATION SUMMARY, FY 2009

GROUP C, ADMINISTRATIVE AND MANAGEMENT ACTIVITIES												
	<i>Descriptive Statements</i>	City Council Individual Ranking										Average
		TB	AGG	TH	CH	JM	DM	ES	Div.			
1	Understands the City's laws and ordinances	1	5	3	5	5	5	5	4	7	0.00	General Comments See SUMMARY OF COMMENTS on the following pages.
2	Enforces the City's laws and ordinances	2	5	2	5	5	3	5	5	7	4.57	
3	Meets deadlines for agendas, status reports, budgets, and other routine assignments	3	4	5	5	5	5	3	5	7	4.29	
4	Administers a number of ongoing projects successfully	4	4	0	5	5	4	5	6	6	4.57	
5	Clearly defines problems and demonstrates creativity, decisiveness, and imagination in solving them	5	5	0	5	3	4	4	5	6	4.67	
6	Anticipates problems and takes proactive measures	6	4	0	5	3	4	5	5	6	4.33	
7	Uses consensus problem-solving strategies when appropriate and actively seeks input from staff	7	5	0	5	4	4	4	4	6	4.33	
8	Encourages participation by those who will be impacted by a decision	8	5	0	5	4	5	5	4	6	4.67	
9	Motivates others by encouraging creativity and the pursuit of excellence	9	5	0	5	3	0	5	4	5	4.40	
10	Develops long and short-range planning objectives which are consistent with policies established by Council	10	4	0	5	4	5	4	3	6	4.17	
11	Demonstrates insight, flexibility, and creativity in strategic planning sessions	11	4	0	5	4	4	4	4	6	4.17	
12	Is able to be sensitive and perceive the needs and feelings of others	12	5	2	5	5	4	5	5	7	4.43	
13	Resolves citizen complaints consistent with Council policy and in a timely manner	13	5	0	4	5	4	5	3	6	4.33	
14	Demonstrates a thorough understanding of City operations and continually seeks improvements thereto	14	5	0	5	4	4	5	5	6	4.67	
15	Has the respect and support of the staff on the conduct of City operations and programs	15	5	0	5	4	5	4	4	6	4.50	
16	Recommends amendments to outdated ordinances and policies	16	5	0	5	4	5	4	4	6	4.50	
Additional Comments: See SUMMARY OF COMMENTS												
GROUP C, ADMINISTRATIVE AND MANAGEMENT ACTIVITIES AVERAGE:												
											4.43	
1 - Unsatisfactory, 2 - Marginal, 3 - Satisfactory, 4 - Good, 5 - Excellent, 0 - No Observation												

City Council's City Manager Evaluation, FY 2009

SUMMARY OF COMMENTS

GENERAL COMMENTS

Group C. Administrative and Management Activities

<u>Question Number</u>	<u>Council Member</u>	<u>Comments</u>
1	Miller	Jim is very knowledgeable in this area.
2	Miller	Need more proactive and aggressive codes enforcement.
10	Garcia Garland	I am not yet sure Council establishes policies.
12	Smith	Jim is excellent at connecting with people. This personal quality serves the City well.
13	Mosby Smith	Is usually very responsive in this regard. Although not every complaint gets resolved as quickly as citizens would hope (or in the way I think it should be resolved), Jim and the staff are usually effective in responding to complaints passed along by Council members. Responsiveness to citizen complaints received through other channels seems to be less consistent. Also, some of the city staff's responses to complaints are too much of a knee-jerk reaction that may actually prove counter-productive (for example, when there are complaints about weeds and tall grass, having a contract crew cut down all of the landscaped shrubs on the site, along with the weeds and tall grass, is likely to make things worse in the long run).
15	Miller Smith	Jim is consistent with his reports. This is another one of those items that is difficult for a Council member to judge due to the understandable reticence of staff to communicate any issues.
16	Miller	Has presented many amendments/updates to ordinances.

Group C. Administrative and Management Activities (Continued)

ADDITIONAL COMMENTS

Councilwoman Smith

The City needs to work continuously to improve staff's "customer service" perspective/attitude. It is all too easy to fall into an "us vs. them" attitude about relationships with citizens, whether those citizens are residents with routine concerns (such as with a neighborhood code enforcement situation), businesses applying for city permits and approvals, new residents applying to start utility service, people who have run afoul of ordinances, or individuals offering ideas that they are sure will benefit Oak Ridge. All of these groups have chronic gripes about their treatment by City officials, indicating a need for continuing efforts in the "customer service" area.

CITY COUNCIL'S CITY MANAGER EVALUATION SUMMARY, FY 2009

		City Council Individual Ranking											Average	General Comments	
		TB	AGG	TH	CH	JM	DM	ES	Div.						
GROUP D, COMMUNITY RELATIONS															
	Descriptive Statements														
1	Has the respect and support of the community on the conduct of City operations and programs	5	2	4	4	4	4	4	3	7	0.00	See SUMMARY OF COMMENTS on the following pages.			
2	Solicits and gives attention to concerns and opinions of all community groups and individuals	5	2	5	4	5	4	3	7	4.00					
3	Demonstrates openness, receptiveness, and approachability in both formal and informal situations	5	2	5	4	5	5	5	7	4.43					
4	Responds in a professional manner to concerns expressed by individual and community groups	5	2	5	5	5	5	5	7	4.57					
5	Uses sensitivity, diplomacy, and empathy when dealing with the public	5	2	5	4	5	5	5	7	4.43					
6	Works closely with federal, state and other local government representatives in areas which may affect or benefit the City	5	0	5	5	5	5	5	6	5.00					
7	Is active in community affairs, both as a city official and citizen/resident	5	0	5	5	5	5	5	6	5.00					
8	Supports public boards and commissions and effectively utilizes their advice and assistance	5	2	5	4	4	4	3	7	3.86					
Additional Comments: See SUMMARY OF COMMENTS.															
GROUP D, COMMUNITY RELATIONS AVERAGE:															4.38
1 - Unsatisfactory, 2 - Marginal, 3 - Satisfactory, 4 - Good, 5 - Excellent, 0 - No Observation															

City Council's City Manager Evaluation, FY 2008

SUMMARY OF COMMENTS

GENERAL COMMENTS

Group D, Community Relations

<u>Question Number</u>	<u>Council Member</u>	<u>Comments</u>
1	Beehan Smith	This is a strong point in Jim's management style. Now that Jim has been in Oak Ridge for several years, he has acquired some detractors in the citizenry. This decline in community trust was predictable, and is reflected in my "satisfactory" rating.
2	Miller Smith	Jim puts himself out there in the community. Not all sectors of the community feel that they have equal access.
3	Smith	Jim is exceptionally good at being "open, receptive, and approachable" when interacting with people.
6	Garcia Garland	It looks like probably.
7	Miller	Jim is very active in the community – very visible.
8	Miller Smith	RLC proposal should have first come through TSAB. We need to better use our citizen boards and commissions and listen to their input. Oak Ridge's citizen boards and commissions can be a valuable asset. During the past year, I've seen both positives and negatives in the support and utilization of these groups. On the positive side, I've been pleased to see the Planning Commission and BZA receive training that not only fulfills state requirements but appears to be worthwhile for the volunteer members. I'm pleased to see new vitality in the Youth Advisory Board, which appears to be making positive contributions to the "state of the youth" in Oak Ridge, thanks in large part to excellent staff support. I've been pleased that the City is relying on EQAB for advice and hard work on the "greening Oak Ridge" initiative, and that EQAB has received appropriate staff support and resources to fulfill its responsibilities. Involving the Planning Commission in waterfront planning appears to be a good use of that commission's expertise, although the involvement may not have worked as well in practice as was hoped. The involvement of the Board of Building and Housing Code Appeals with the Applewood case did not "pan out" as hoped, but it was a worthwhile use of citizen volunteers to bring their expertise and community awareness to bear

Group D, Community Relations (Continued)

(Smith comments continued)

on a significant challenge facing the city. The Beer Board has been frustrated by limitations on its authority, but it has received good staff support with its important work. On the negative side, I think that staff erred in bringing Mr. Chilton's proposed PUD revision to the City Council for approval before the Planning Commission had made a clear recommendation – the entire public process probably would have benefited from letting that commission finish its work before asking the City Council to jump in. I feel that the City has not worked in good faith with the Elder Citizens Advisory Board regarding its assignment to make recommendations regarding the senior center. The Traffic Safety Advisory Board was used appropriately as a sounding board regarding issues not only of highway access to businesses but also on new matters such as rumble strips for bike lanes, but I believe they also should have been invited to study and make recommendations on traffic cameras before that program was recommended to Council. Finally, I am concerned that (1) the city manager's action (which happened several years ago, but only recently became public information) to create a nonpublic advisory committee for waterfront development and (2) the staff's continuing use of the Chamber of Commerce's Developer's Forum as a source of advice on planning and zoning matters has set a pattern that is likely to be demoralizing to the volunteers who serve the city as council-appointed members of boards and commissions that address the same types of matters but must go about their business in public.

ADDITIONAL COMMENTS

Councilwoman Miller

Jim is highly respected by the majority of the community.

CITY COUNCIL'S CITY MANAGER EVALUATION SUMMARY, FY 2009

GROUP E, GENERAL PERSONNEL MANAGEMENT AND SUPERVISION												
	<i>Descriptive Statements</i>	City Council Individual Ranking										Average
		TB	AGG	TH	CH	JM	DM	ES	Div.	Average	General Comments	
1	Delegates appropriate tasks to subordinates	5	0	5	3	5	5	4	6	0.00		
2	Has clearly established himself as an advocate for the staff	5	0	5	4	4	5	5	6	4.50		See SUMMARY OF COMMENTS on the following pages.
3	Has gained the staff's confidence as their leader	5	0	5	4	4	4	5	6	4.67		
4	Is consistent in decision making	5	0	5	4	5	5	5	6	4.50		
5	Is adequately involved in the daily management of the city's affairs	5	0	5	5	5	4	5	6	4.83		
6	Has a positive impact on the morale of employees	5	0	5	4	0	5	5	5	4.80		
7	Communicates effectively	5	3	5	5	5	5	5	7	4.71		
8	Provides staff with opportunities for appropriate professional development and training	5	0	5	4	0	4	5	5	4.60		
9	Sets and maintains standards for quality of staff reports, both written and oral	5	0	5	3	5	4	5	6	4.50		
10	Seeks to build working relationships based upon mutual respect and trust	5	0	5	4	5	5	5	6	4.83		
	Additional Comments: See SUMMARY OF COMMENTS.											
	GROUP E, GENERAL PERSONNEL MANAGEMENT AND SUPERVISION AVERAGE:									4.68		
	1 - Unsatisfactory, 2 - Marginal, 3 - Satisfactory, 4 - Good, 5 - Excellent, 0 - No Observation											

City Council's City Manager Evaluation, FY 2009
SUMMARY OF COMMENTS

GENERAL COMMENTS

Group E, General Personnel Management and Supervision

<u>Question Number</u>	<u>Council Member</u>	<u>Comments</u>
1	Garcia Garland	Probably.
1	Smith	Tasks are delegated well (to department heads) as near as I can determine, but I'd prefer to see less filtering by the city manager of communications to Council regarding matters related to specific departments.
2	Miller	Sometimes over protective – could be more objective.
3	Smith	This is one of those areas that is difficult for Council members to judge, as staff understandably would be reluctant to direct complaints to us. However, I see no indication that staff are not confident in the city manager's leadership.
4	Miller	Staff has told me he is the same every day – positive.
6	Garcia Garland	I'm thinking not but I still need more time to observe.
9	Miller	Staff reports received are good.

ADDITIONAL COMMENTS

Mayor Beehan

I'm very pleased with Jim's performance. He has grown and continues to move the city in a positive direction.

Councilwoman Garcia Garland

You may not want to include my rankings since I have not really had much opportunity to observe most of the behaviors in the evaluation. The city manager is clearly very capable. I am concerned that citizens perceive him to be dismissive when they disagree with him and that he and the Mayor give the appearance of making decisions without the advice of Council. This may be due in part to insufficient direction from City Council but I am much too new at this to have a supportable opinion on that. I look forward to this process.

Group E. General Personnel Management and Supervision (Continued)

Councilman Hayes

Comments made on Mr. O'Connor's previous evaluation report remain valid. He remains a very loyal and dedicated city manager. He is energetic and enthusiastic regarding tasks to be performed in delivering city services. He makes a concerted effort to keep council informed and up to date on issues before council. This is not an easy assignment, but Mr. O'Connor's performance has been commendable. In order to keep Mr. O'Connor and staff from majoring in the minors, council needs to gain a greater understanding of the difference between administration and policy making.

Councilman Hensley

Mr. O'Connor is a pleasure to work with. I suggest more delegation to staff, and seeking some new additions to staff to lighten the Manager's time commitments to reactions and allow more time for new initiatives and outreaching.

EMPLOYMENT AGREEMENT

This is an agreement entered into this 11th day of February, 2004 between the City of Oak Ridge (the City) by the City Council and James R. O'Connor (City Manager) to provide for the employment of James R. O'Connor as City Manager of the City of Oak Ridge, Tennessee, 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 James R. O'Connor agree as follows:

Section 1. Duties

A. City Council agrees to employ James R. O'Connor as City Manager 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.

B. The City Manager agrees to remain in the exclusive employ of the City and agrees to neither accept other employment nor become employed by any other employer during the term of this agreement, including any renewals and extensions.

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 Manager at any time, subject only to the provisions of the City Charter and those set forth in Section 5, Paragraphs A, B, and C of this agreement.

B. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to resign at any time, subject only to the provisions set forth herein.

C. Except as otherwise herein stated, this agreement shall become effective as of March 15, 2004, and shall continue in effect until March 15, 2013, except as provided in Section 2, Paragraph D. (Amended 2/16/04, Resolution No. 2-24-04; 7/18/05, Resolution No. 7-74-05; 7/24/06, Resolution No. 7-91-06; 6/4/07, Resolution No. 6-62-07; 8/18/08, Resolution No. 8-74-08)

D. In order to extend the term of this agreement, City Council shall take action by July 31, 2012, or at such time as is mutually agreed upon by City Council and the City Manager. However, upon the request of the City Manager during this same period, City Council shall make a decision as to whether it desires to extend said agreement. (Amended 6/4/07, Resolution No. 6-62-07; 8/18/08, Resolution No. 8-74-08)

Section 3. Performance Evaluation

A. No later than the last business day of June of each year, or at such time as is mutually agreed upon by City Council and the City Manager, a committee of City Council shall

meet with the City Manager to establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Manager for the following fiscal year. 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. The performance criteria and goals and objectives established by the committee shall be presented to City Council for final approval by July 31 of each year.
(Amended 6/19/06, Resolution No. 6-65-06)

B. The first formal evaluation of the City Manager's performance shall be completed by July 31, 2005, or at such time as is mutually agreed upon by City Council and the City Manager. Thereafter, evaluations shall be conducted on an annual basis by July 31 of each year for the previous fiscal year.

Section 4. Code of Ethics

Inasmuch as the City Manager is an active member of the International City/County Management Association (ICMA), the "Code of Ethics" promulgated by ICMA is incorporated herein and attached hereto, and by this reference made a part hereof. Said Code of Ethics shall furnish principles to govern the City Manager's conduct and actions as the City Manager of the City.

Section 5. Termination and Severance Pay

A. In the event the City Manager is terminated by the Council at its will and pleasure during such time that the City Manager is willing and able to perform his duties under this agreement, then in that event the City agrees to pay the City Manager a sum equal to six (6) 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 Manager's matching portion of benefits provided for and during said six (6) months' severance period. The pay would continue for the period of six (6) months at normal intervals by direct deposit into an account directed by the City Manager, and shall be in such amounts as to ensure the City Manager's retention of those benefits provided in Sections 12 and 15 of this Agreement. At City Council's option, the actual resignation date may be extended through earned and accrued leave balances due the City Manager then in effect. Provided, however, that in the event the City Manager 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, with the exception of accumulated General Leave. "Just cause" is defined and limited for the purposes of this Agreement to the following reasons: (1) willful neglect of duty; (2) any felony conviction, (3) misdemeanor conviction of any crime involving moral turpitude; (4) violation of duties by the City Manager of honesty and sobriety; (5) any other act of a similar nature of the same or greater seriousness.
(Amended 7/24/06, Resolution No. 7-91-06)

B. In the event the City at any time reduces the salary or other financial benefits of the City Manager in a greater percentage than an applicable across-the-board reduction for all City employees, then the City Manager may at his option be deemed to be "terminated" at the

date of such reduction within the meaning and context of the herein severance pay provision.

C. The City Manager may terminate his employment with the City by directing written notice to the Mayor and City Council 60 days in advance of the effective date of termination.

Section 6. Disability

If the City Manager becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued leave, the City shall have the option to terminate this agreement, subject to the severance pay requirements of Section 5, Paragraph A.

Section 7. Salary

A. City agrees to pay the City Manager for his services rendered pursuant hereto an annual base salary of \$130,644.80, retroactive to March 9, 2008, and payable in installments at the same time as other City employees are paid. (Amended 7/18//05, Resolution No. 7-74-05; 7/24/06, Resolution No. 7-91-06; 6/4/07, Resolution No. 6-62-07; 8/18/08, Resolution No. 8-74-08)

B. In addition, the City Manager shall be entitled to longevity payments in the same manner as other City employees as specified in Article 6 of the City of Oak Ridge Personnel Plan. (Amended 7/24/06, Resolution No. 7-91-06)

C. City agrees to increase said base salary and/or other benefits of the City Manager 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 Manager. (Amended 7/24/06, Resolution No. 7-91-06)

Section 8. Hours of Work

The City of Oak Ridge requires the full-time service of its City Manager and, therefore, in the event the City Manager is not available for his duties, he shall designate a City employee as his representative to be responsible in his place, and so inform members of City Council when appropriate.

Section 9. Automobile and Communications Equipment

A. The City Manager requires that he shall have for business and personal use during his employment with the City an automobile provided to him by the City. City shall be responsible for paying liability, property damage, and comprehensive insurance and for the purchase, operation, maintenance, repair, and regular replacement of said automobile.

B. The City agrees to provide a mobile or portable radio compatible with the City's radio system for the City Manager's exclusive use.

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

Section 10. Dues and Subscriptions

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

Section 11. Professional Development

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

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

Section 12. Retirement

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

B. The City may contribute to the City Manager's Deferred Compensation Plan with the International City/County Management Retirement Corporation, on behalf of the City Manager, a sum equal to the annual contribution to such plan by the City Manager. Such annual contribution by the City shall not exceed three (3) percent of the City Manager's annual salary.

Section 13. Community Involvement

The City recognizes the desirability of representation in and before local civic and other organizations, and the City Manager is encouraged to participate in these organizations in order to maintain a continuing awareness of our community attitudes and ideas.

Section 14. Leave

As of the date of commencement of the term of employment, the City Manager shall have credited to his account 80 hours of sick leave and 120 hours of annual leave. Thereafter, the City Manager shall accrue leave in the same manner as other City employees as specified in Article 11 of the City of Oak Ridge Personnel Plan. Provided, however, that Section 11.2e, Effect of Termination on Emergency Leave Credits, of said Plan shall have no applicability to the City Manager, and Sections 11.1f and 11.8 of said Plan shall be applied to the City Manager as follows:

Section 11.1f. General and Emergency Leave Upon Termination

Upon termination of employment, all General Leave and Emergency Leave shall be paid to the City Manager, subject to the provisions of Section 5, Termination and Severance Pay, of this Employment Agreement.

Section 11.8. Administrative Leave

The City Council may excuse the City Manager from duty in special situations for short periods of time for the benefit of the City. This type of leave would also be granted when the City Manager is assigned to home pending completion of an investigation.

(Amended 7/24/06, Resolution No. 7-91-06)

Section 15. Medical, Dental, Disability, Long-Term Care, and Life Insurance Benefits

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

Section 16. Liability Protection

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

Section 17. Bonding

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

Section 18. Residence

The City requires and the City Manager agrees to the establishment of his principal residence inside the corporate limits of the City of Oak Ridge prior to December 31, 2004, and further agrees to maintain his principal residence in Oak Ridge during the term of this

agreement, including any renewals and extensions. (Amended 8-16-04; Res. No. 8-110-04)

Section 19. Moving and Relocation Expenses

A. The City agrees to pay for the expenses of moving the City Manager, his family and personal property from St. Charles to the City of Oak Ridge, with said moving expenses to include packing, moving, storage costs, unpacking, and insurance charges. The City Manager agrees to secure at least three bids from reputable moving companies for such services, and shall use the lowest responsible bidder.

B. The City shall pay reasonable relocation expenses of up to three thousand dollars (\$3,000.00) which may include, but is not limited to, sixty (60) days of temporary housing.

Section 20. 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 Manager

ATTEST:

City Clerk

Goal Prioritization

Probability of Occurrence	High	High Priority	High Priority	Medium Priority
	Medium	High Priority	Medium Priority	Low Priority
	Low	Medium Priority	Low Priority	Low Priority
		High	Medium	Low

Probable Impact on Community

FY 2010 GOALS/OBJECTIVES FOR THE CITY MANAGER AS SUBMITTED BY CITY COUNCIL MEMBERS

PRIORITY #1 = 5 Points

Beehan - Improve Code Enforcement

Overall plan to address older housing. Set in place a plan to rehab or demo problem homes. Implement landlord license program. Encourage home ownership. We seem bogged down.

Garcia Garland – Enhance Public Relations

Devise and implement a strategy to collect information on ways in which the City of Oak Ridge is perceived to be “difficult to work with” or an unfriendly or hostile environment to various kinds of people or interests. Share that collected information with the City Council and consult with them on ways to begin to address these perceptions. Suggested interest groups: developers, small businesses, new manufacturers, residents of each area of the city, home buyers/sellers, real estate dealers, athletic organizations, elder citizens, school administrators/teachers, young adults, teenagers.

Hayes – Increase Sales Tax

To continue to increase retail sales so as to enhance city budget.

Hensley – Create a Strategic Plan

Work for a renewal of the Comprehensive Plan through citizen involvement and a qualified and experienced facilitator, including the following initiatives....(reference is to his Priorities #2 – 5)

Miller – Reduce Crime

Public campaign to aggressively reduce crime to include drug sales and distribution, shut down of known drug houses, marina break-ins of parked cars, home and car burglaries, parking lot assaults and thefts, etc., using current OR Police, special task forces, teaming with Anderson County Sheriff’s Department, citizen involvement, benchmarking other cities who have reduced criminal activity and other “out of the box” ideas.

Mosby - Reduce Crime

Increase focus on reducing crime in the city. Continue emphasis on programs and new crime prevention initiatives.

Smith – Improve Council Work Sessions

Make effective use of City Council work sessions, committees, and meetings (including special sessions, as appropriate) to generate productive discussion of the Council’s visions, goals, and policies that leads to some clearly articulated conclusions.

PRIORITY #2 = 4 Points

Beehan - Reduce Crime

Crime in city. Add more police through the COPS program. Continue working with Sheriff and District Attorney to keep pressure on problem areas. Use revenues from safety program to place school crossing guards in middle schools.

Garcia Garland – Enhance Public Relations

Devise and implement a plan for improving city information dissemination to all customers, especially the citizenry at large. This should include evaluating the flexibility and thoroughness of the city website; relooking at processes in place within the city staff for conducting business with customers to identify what's working and what's not and creating improvements; creating new or better relationships with local and regional publications including blogs. The website is especially important in the light of its near universal availability to citizens. There should be a plan for making all public information available via the city website (by 2013?). This is where the news about CROET's interest in developing an airport, for instance, could be introduced to the city and have a forum for questions and interested parties to keep up.

Hayes - Reduce Crime

To continue to provide for safety programs that will reduce crime in the city of Oak Ridge.

Hensley – Improve Economic Development

Get the City more proactively involved in the Downtown Mall redevelopment. Come up with a development plan – maybe as part of the Comp Plan. Possibly buy it, change its use perspective (John Rather's ideas for Green Energy Business Park?), and/or possibly getting MTAS involved to change the tax structure to dis-incentivise letting it continue to depreciate – or even get it appraised based upon potential loss to the City. Bring a lawsuit against Thrash, and Core Properties, for loss of quality of life in Oak Ridge due to their reticence.

Miller – Improve Code Enforcement

Proactive and aggressive codes enforcement in neighborhoods including addressing deteriorating and substandard housing, abandoned vehicles, animal leash law violations encroaching on neighbors, trash piles causing rodent problems, unsightly piles of rubbish and garbage, etc. This proactive and aggressive codes enforcement must be applied also to business properties both occupied and unoccupied throughout Oak Ridge.

Mosby – Create a Strategic Plan

Establish a five-year plan for City operations and organization (not a CIP). Maintain an open dialogue with the Oak Ridge Schools to help ensure appropriate focus on issues as they arise.

Smith – Improve Financial Reporting

Implement the necessary internal financial/effort tracking/reporting to provide full reporting of the true costs to the City of special events and initiatives, including (but not limited to) Secret City Festival, Earth Day, holiday lighting and holiday parade, police protection for demonstrations at Y-12, increased police patrols to reduce crime, expanded police patrols in school crossing zones, 4th of July fireworks, and special rowing events. (Such additional cost information would aid in weighing the costs and benefits of various initiatives that are not clearly discernible in current budgets, as well as evaluating the need for and potential value of new requested expenditures, such as the Recreation & Parks Department's annual request for a special events coordinator. The information may also be helpful in connection with federal interactions regarding the unusual costs the City assumes as a DOE host city.)

PRIORITY #3 = 3 Points

Beehan – Improve Economic Development

Push on the owner of the Mall to produce, or sell land. Support efforts at Jackson Square and Grove Center.

Garcia Garland – Buy Trinity Church

As a symbol of creating a high quality of life community, the city manager should cooperate with the Elder Citizens Advisory Board to arrange for the city to purchase the Trinity Church and renovate it to meet the needs of a national class senior enrichment center. A community effort akin to the Housing Summit should be organized to create ideas for multiple uses for the property so that the city has alternate ways for the building to create a return on investment.

Hayes – Reduce Property Tax Rate

To reduce the property tax rate in order to become a more competitive city in the business world.

Hensley – Improve Economic Development

Develop a plan for economic growth that we can all grasp, follow, and measure results. Possibly, pursue more ties to the ACEDA and Roane County like getting some help from Tim Thompson and others in moving Oak Ridge forward – possibly getting a closer connection between the Anderson County Chamber and the Oak Ridge Chamber activities. Discuss deliverables with Jackie Nichols and Tim Thompson and consider more funding to ACEDA. Consider refilling the Economic Development Specialist Job with someone experienced, connected, and proactive. Also, write the new Chamber contract to include measures of performance that reflect increase in the appraised tax base of the City.

Miller – Improve Economic Development

Economic development to increase revenue stream into Oak Ridge by a combination of the following: new/additional retail (sales tax collection growth), increasing number of residents, (growth in property taxes), new industrial development (increase in jobs and business tax base).

Mosby – Improve Beautification

Initiate efforts to beautify Oak Ridge that emphasize litter/trash removal along major thoroughfares and the planting of trees in open spaces. Strengthen grading ordinance to minimize destructive tree removal and clear-cutting where other option exist.

Smith – Improve Financial Reporting

Report quarterly to the City Council regarding the status of the current year budget, including summaries of revenue collections, summary expenditures by major account, major purchases (including items over \$10,000 but less than \$25,000 that formerly would have required Council approval), and any changes in indebtedness.

PRIORITY #4 = 2 Points

Beehan – Improve Economic Development

Economic development of west end, with continuing efforts at Horizon Park and Heritage

Garcia Garland – Create a Strategic Plan

Begin the process of designing a time line for creating a visioning process for the city on which to build a new comprehensive plan so that we can develop a strategic plan.

Hensley – Hire a Green Initiative Coordinator

Bring our green initiatives, sustainability efforts, and other new and environmentally related initiatives together under one full-time staff person or persons who can get the word out that we really ARE doing a good job!

Miller – Enhance Public Relations

Improved overall city customer service. Continue to work with City staff in all departments at every level to improve customer service to all citizens, to be courteous and helpful in all communication interfaces (face to face, phone, e-mail, etc.). This improved customer service shall also include business owners/managers, existing and potential new developers/investors, business partners and sponsors, and other government agencies to assure the City of Oak Ridge will become known as a city that is “positive, can do” and “open for business.”

Mosby - Maintain Budget Goals

Maintain balanced budget and high financial rating for the City. Focus on debt reduction.

Smith – Improve Economic Development

Develop and present a coordinated economic development program plan that has clearly stated objectives, clearly defines the roles and responsibilities of each “player” (e.g., city staff, Chamber of Commerce, consultants), and has costs that do not exceed revenues allocated to this function.

PRIORITY #5 = 1 Point

Beehan – Create a Strategic Plan

Support community visioning that leads to community goals and an updated comprehensive plan.

Hensley – Benchmark Public Safety

Audit the emergency and police response times and verify that we are doing as well as we think we are.

Miller – Maintain Budget Goals

Balanced budget without a tax increase in agreement with City Manager's self-recommended goal number 3.

Mosby – Hold a Youth Summit

Hold a youth summit to generate ideas and plans (best practices) from around the region.

Smith – Create a Strategic Plan

Develop and present a long-term, multi-year conceptual capital improvements program plan that addresses the schedule and budget for meeting needs such as the preschool that currently are outside the CIP planning timeframe.

COMMENTS

Jane Miller: The self-goals submitted by the City Manager are appreciated. Goals No. 1, 2, and 4 (animal shelter, marina, and senior center) are important but more operational/tactical and not broad, strategic goals for the City.

Ellen Smith: I appreciate the City Manager's input regarding his goals for the year, but those are all programmatic objectives that would require Council approval and/or budget. I prefer instead to identify a set of "goals" that could reasonably be used as part of the basis for evaluating his performance in the coming year. If I were instead listing "things to work on", my list of needs would include (not necessarily in order of priority): (1) reduce crime, (2) implement sustainability initiatives, (3) improve staff's customer service attitude, (4) improve City website as a communication tool, (5) animal shelter improvements, (6) reach decisions on the future of the waterfront and senior center, (7) resolve the Applewood situation, (8) implement a citywide housing improvement program, and (9) use 4-way stop signs, crosswalks, and other low-cost measures to calm traffic citywide.

City Manager's Goals for FY 2010

1. Improvements both physical and operational at the Animal Shelter. We are experiencing rodent and insect problems at the shelter and I expect that both areas will be addressed and corrected. Operationally the Police Chief will be taking a more active role in the overall operation of the shelter.
2. Completion and the start of implementing the waterfront plan along Melton Lake Drive. I would expect the plan to be adopted by the Planning Commission and City Council and initial steps taken to show improvements in the planning area.
3. Balanced budget without a tax increase. It would be expected that the City Administration would present a budget to City Council for FY 2010-11 that would propose no property tax. The budget would be maintaining the service levels now provided to City residents.
4. The Senior Center issue will be addressed with a long-term plan. The City will have a plan for improvements for the senior facility that will meet the space needs for the services presently provided and those being proposed.

Goals/Objectives for Oak Ridge City Manager for FY 09/10

For priority #1, each item received five points

For priority #2, each item received four points

For priority #3, each item received three points

For priority #4, each item received two points

For priority #5, each item received one point

ISSUE							TOTALS
Reduce crime	5	5	4	4			18
Improve economic development	4	3	3	3	2	2	17
Create a strategic plan	5	4	2	1	1		13
Enhance public relations	5	4	2				11
Improve code enforcement	5	4					9
Improve financial reporting	4	3					7
Increase retail sales taxes	5						5
Improve council work sessions	5						5
Maintain budget goals	2	1					3
Buy Trinity church	3						3
Reduce property tax rate	3						3
Improve beautification efforts	3						3
Hire a green initiative coordinator	2						2
Benchmark public safety	1						1
Hold a youth summit	1						1
						total	101

RESOLUTION

WHEREAS, Article V, Section 1, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall appoint a chief administrative officer of the City who shall be entitled City Manager and who shall serve at the pleasure of the Council; and

WHEREAS, on February 11, 2004, City Council and James R. O'Connor entered into an employment agreement (the Agreement) which provides certain conditions applicable to the position of City Manager; and

WHEREAS, Section 3, Item B, of the Agreement provides that evaluations of the performance of the City Manager shall be conducted on an annual basis by July 31 of each year; and

WHEREAS, City Council appointed a City Manager Evaluation Committee (the Committee) to develop a procedure for conducting the evaluation of the City Manager's performance during FY 2009 and to oversee the evaluation process; and

WHEREAS, on July 20, 2009, the Committee presented a recommended procedure to City Council, which procedure was approved, and the Committee has completed the evaluation process in accordance with that procedure; and

WHEREAS, based on the results of the evaluation of the City Manager's performance during FY 2009, the Committee recommends that the City Manager's term of office be extended by one year and his annual salary adjusted by 1%.

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

That the recommendations of the City Manager Evaluation Committee are approved and the Employment Agreement between the City of Oak Ridge and James R. O'Connor as City Manager is hereby amended to increase the salary of the City Manager by 1%, effective March 8, 2009, and to extend his term of office by one year, so that the Agreement shall read:

Section 2. Term

C. Except as otherwise herein stated, this agreement shall become effective as of March 15, 2004, and shall continue in effect until March 15, 2014, except as provided in Section 2, Paragraph D.

D. In order to extend the term of this agreement, City Council shall take action by July 31, 2013, or at such time as is mutually agreed upon by City Council and the City Manager. However, upon the request of the City Manager during this same period, City Council shall make a decision as to whether it desires to extend said agreement.

Section 7. Salary

A. City agrees to pay the City Manager for his services rendered pursuant hereto an annual base salary of \$131,955.20 payable in installments at the same time as other City employees are paid.

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

This the 14th day of September 2009.

APPROVED AS TO FORM AND LEGALITY:

Handwritten signature of Keith R. Kushenish in cursive script, written over a horizontal line.

City Attorney

Mayor

City Clerk

ORDINANCES
FIRST READING

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
09-38**

DATE: August 28, 2009
TO: James O'Connor, City Manager
FROM: Kathryn G. Baldwin, Community Development Director
THROUGH: Monica Austin Carroll, AICP, Community Development Division Manager
SUBJECT: **REVISIONS FOR THE ZONING ORDINANCE**

Attached are two ordinances for City Council's consideration. Both ordinances contain revisions to the Zoning Ordinance and the amendments were recommended for approval at the Planning Commission meeting on August 27, 2009. Over the past few months, Planning staff has identified areas in the Zoning Ordinance that were either not addressed, did not meet the criteria as prescribed in our Zoning Ordinance, or needed clarification. The first ordinance contains various text amendments throughout the Zoning Ordinance while the second ordinance specifically addresses amendments to the sign provisions of the Zoning Ordinance.

Below is a list and explanation of individual provisions that need revisions. The added revisions are identified in bold print and the deletions are identified as the strikethroughs.

First Ordinance

1. **Section 9.09 Manhattan Overlay District**

(d) Overlay Criteria

- (1)(a) All principal buildings or additions or structures or accessory buildings shall not be closer than six (6) feet to a side lot line. ***Patios, decks, and other similar non-roofed and non-enclosed appurtenances of a principal building shall be allowed to be constructed in the required side yard provided they are constructed no closer than five (5) feet to a side lot line.***

2. **Section 9.09 Manhattan Overlay District**

(d) Overlay Criteria

- (1)(d) All accessory buildings shall not be closer than ~~four (4)~~ ***five (5)*** feet to a rear lot line and not be placed in the required front yard.

3. **Section 13.01 Introduction**

(b) Actions Subject to Design Review

- (1)(b) Any addition *attached* to an existing structure totaling 50% of the ground floor area

4. **Section 13.01 Introduction**

(b) Actions Subject to Design Review

(Add the following new subsection)

- (1)(d) **Any newly-constructed detached building on an existing legal lot of record with existing building(s) where the new building totals 50% or more of the ground floor area of the existing largest building. If the new building totals 50% or more of the ground floor of the existing largest building, then the entire site shall be brought into compliance with the current regulations. If the new building total is less than 50% of the ground floor area of the existing largest building, then the new building and all its associated performance criteria shall meet the requirements as specified. However, IND-1, IND-2, and IND-3 are exempt.**

5. **Section 13.02 Design Review Standards**

(d) Architectural Character

(1) Compatibility With Surroundings

(Third Paragraph)

The uses of certain materials as the primary exterior building material are prohibited in all commercial and office, and *multifamily residential (residential with more than four (4) attached housing units)* zones. These materials include: vinyl siding (vinyl siding not less than 40 mill is allowed), metal siding, and standard concrete block. *Neon lights used as accents are also prohibited.* Standing seam metal roofs may be allowed. Consideration will be given to prohibit building materials when being placed on additions to existing structures to maintain continuity. (Note: Consideration will also be given to additional buildings on the same lot and not just building additions.) Full chroma colors shall not be used, except as accents.

6. **Section 13.02 Design Review Standards**

(d) Architectural Character

(3) Relationship to Streets

(Fourth Paragraph)

Building service areas or loading areas within commercial, *office, and multifamily residential (residential with more than four (4) attached housing units)* zone districts shall not be visible from streets; they shall be located away from streets and/or adequately screened. Screening shall meet criteria identified in Section 13.02 (g) 3 b. of this Article.

7. **Section 13.02 Design Review Standards**

(f) Landscape

(2) Streetscape

(Fourth Paragraph)

Trees shall be planted along streets at least 40 feet on center with relatively even spacing. If frontages exceed a multiple of 40 feet, an additional tree should be planted along the street, for example, a frontage of 50 feet should contain two trees, a frontage of 130 feet should have four trees. *Areas for curb cuts shall not be included in the street frontage.*

(Fifth Paragraph)

All streetscape trees located in Industrial (IND-1, IND-2, IND-3) Districts shall be 60 feet on center. *Areas for curb cuts shall not be included in the street frontage.*

(Seventh Paragraph)

In an effort to minimize the visual impact of parking areas in commercial, *office, and multifamily residential (residential with more than four (4) attached housing units)* zones, shrub rows shall be planted within the Streetscape area at a minimum height of 24 inches to 30 inches along the boundaries of any parking area visible from public streets. Species used shall be evergreen or have dense branching qualities, which provide an effective visual screen in all seasons.

8. **Section 13.02 Design Review Standards**

(g) Screening

(3) Design Standards

- (a) Transitional Screening: Transitional screening is required, where commercial or industrial zone districts and associated land uses adjoin residential areas, where multi-family residential ~~or mobile home sites~~ adjoin one (1)- or two (2)-family housing zones, and within Planned Unit Developments with similar disparities.

9. **Section 13.02 Design Review Standards**

(h) Lighting

(2) Site and Parking Area Lighting

Site or parking area lighting should not cast light beyond property boundaries. Where necessary, cut-off devices should be used to avoid illuminating adjacent sites. Lighting that would otherwise cast a glare or cause a nuisance to adjacent residential properties or public streets should be obscured in some acceptable manner.

In office *and multifamily residential (residential with more than four (4) attached housing units)* zone districts the maximum lighting height shall be 24 feet. In all commercial zone districts the maximum lighting height shall be 30 feet. Lighting fixtures should be compatible in style with associated buildings.

Second Ordinance

1. **Section 14.06 Signs Allowed in All Districts (Exempt Signs)**

8. Real estate marketing signs provided that only one (1) non-illuminated sign per lot except where the lot fronts two (2) or more streets, one (1) additional sign per lot per street frontage shall be allowed; the total surface display area not to exceed thirty-two (32) square feet for non-residential (commercial *and industrial* zoning districts), sixteen (16) square feet for office-institutional zoning districts and six (6) square feet for residential zoning districts; shall not be over eight (8) feet in height measured from the ground level; may remain on the property the length of the sale *and shall be removed ten (10) business days after the sale*; and sign shall be maintained in good condition. *A freestanding sign designed to be viewed from two (2) different directions shall be considered as one (1) sign, provided that the two (2) sign faces are parallel (back-to-back), mounted on the same support structures, and neither side exceeds 16 (sixteen) square feet. For all two-sided signs*

not mounted parallel (back-to-back), the total surface display area shall not exceed 16 (sixteen) square feet.

Signs for advertising *open houses*, including directional signs, ~~for open houses~~ shall be allowed three (3) days prior to the open house and removed the day after the open house. Note: Off-site directional signs are only allowed for the advertising of an open house and not for the sale of the house or place of business.

2. **Section 14.06 Signs Allowed in All Districts (Exempt Signs)**

(Add the following new subsection)

9. ***Subdivision Off-Site Directional Signs***

Purpose: The purpose of this ordinance is to provide a uniform coordinated method of offering developers a means of providing directional signs to residential projects while minimizing confusion among prospective purchasers who wish to inspect subdivisions, and promoting traffic safety and reducing the visual blight of sign proliferation. Permits for temporary signs in the public right-of-way are allowed on a limited basis during periods of new construction activity. Directional signs may only be used to direct traffic to subdivisions that are less than 75% complete. Residential subdivisions not located on a state highway shall be allowed to place either one two-sided ground sign or two one-sided ground signs not to exceed 32 square feet and not over eight (8) feet in height within the right-of-way of the nearest arterial street. Staff may issue a sign permit for a period of 24 months. The Oak Ridge Municipal Planning Commission may grant extensions in 12-month increments up until 75% build out of the subdivision or formal street acceptance, whichever is first. This type of sign is allowed as follows:

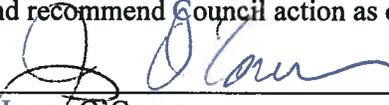
- a. ***All temporary signs shall be constructed and designed of materials durable enough to withstand the elements to which the sign is to be subjected.***
- b. ***No sign shall be illuminated, painted with light reflecting paint, or have moving parts.***
- c. ***No sign shall be located in the clear sight triangle or obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, or fire hydrant, or otherwise create a hazard.***
- d. ***Signs in the right-of-way may not be posted on center medians, trees, utility poles, or other utility structures located in the right-of-way.***
- e. ***Signs must have a sign permit prior to placement.***

- f. If a temporary sign becomes a nuisance, or is not maintained, the sign may be subject to removal.*
- g. Signs may not impair the integrity or character of the area in which it is located.*
- h. Signs may not display any symbol or words that would likely be mistaken for an official traffic control sign.*
- i. The sign display shall be limited to the name of the subdivision, directional instructions, and directional arrows.*
- j. The person responsible for any sign shall be the owner of the subdivision being advertised.*

Approval of the attached ordinances is recommended.

City Manager's Comments:

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


James O'Connor

9/3/09
Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY AMENDING SECTION 9.09, TITLED "MANHATTAN DISTRICT OVERLAY," SUBSECTION (D)(1)(A) TO INCLUDE LANGUAGE TO ADDRESS PATIOS, DECKS AND OTHER SIMILAR NON-ROOFED AND NON-ENCLOSED APPURTENANCES OF A PRINCIPAL BUILDING; ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY AMENDING SECTION 9.09, TITLED "MANHATTAN DISTRICT OVERLAY," SUBSECTION (D)(1)(D) TO MAINTAIN CONSISTENCY WITH OTHER SECTIONS IN THE ZONING ORDINANCE; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.01, TITLED "INTRODUCTION," SUBSECTION (B)(1)(B) FOR CLARIFICATION PURPOSES; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.01, TITLED "INTRODUCTION," SUBSECTION (B)(1)(D) FOR CLARIFICATION PURPOSES; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," THIRD PARAGRAPH OF SUBSECTION (D)(1) FOR CLARIFICATION PURPOSES; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (D)(3) FOR CONSISTENCY AND CLARIFICATION PURPOSES; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," FOURTH, FIFTH AND SEVENTH PARAGRAPHS OF SUBSECTION (F)(2) FOR CLARIFICATION PURPOSES; ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (G)(3)(A) TO DELETE OBSOLETE LANGUAGE IN THE ZONING ORDINANCE; AND ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," BY AMENDING SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (H)(2) FOR CONSISTENCY AND CLARIFICATION PURPOSES.

WHEREAS, the City of Oak Ridge recently revised the regulations pertaining to signs to eliminate outdated provisions and to update the remaining provisions thereby making the sign regulations more understandable to the general public; and

WHEREAS, after the adoption of the revised sign ordinance and real application of the provisions, the City has determined that some provisions require further revision; and

WHEREAS, additional housekeeping amendments are also necessary throughout the Zoning Ordinance; and

WHEREAS, the following changes 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. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 9.09, titled "Manhattan District Overlay (MDO)," Subsection (d), titled "Overlay District," is hereby amended by deleting Subsection (1)(a) in its entirety and substituting therefor a new Subsection (1)(a) which new subsection shall read as follows:

Section 9.09. Manhattan District Overlay (MDO).

(d) Overlay District

- (1)(a) All principal buildings or additions or structures or accessory buildings shall not be closer than six (6) feet to a side lot line. Patios, decks, and other similar non-roofed and non-enclosed appurtenances of a principal building shall be allowed to be constructed in the required side yard provided they are constructed no closer than five (5) feet to a side lot line.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 9.09, titled "Manhattan District Overlay (MDO)," Subsection (d), titled "Overlay District," is hereby amended by deleting Subsection (1)(d) in its entirety and substituting therefor a new Subsection (1)(d) which new subsection shall read as follows:

Section 9.09. Manhattan District Overlay (MDO).

(d) Overlay District

- (1)(d) All accessory buildings shall not be closer than five (5) feet to a rear lot line and not be placed in the required front yard.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.01, titled "Introduction," Subsection (b), titled "Actions Subject to Design Review," is hereby amended by deleting Subsection (1)(b) in its entirety and substituting therefor a new Subsection (1)(b) which new subsection shall read as follows:

Section 13.01. Introduction.

(b) Actions Subject to Design Review

- (1)(b) Any addition attached to an existing structure totaling 50% of the ground floor area.

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.01, titled "Introduction," Subsection (b), titled "Actions Subject to Design Review," is hereby amended by creating a new Subsection (1)(d) which new subsection shall read as follows:

Section 13.01. Introduction.

(b) Actions Subject to Design Review

- (1)(d) Any newly-constructed detached building on an existing legal lot of record with existing building(s) where the new building totals 50% or more of the ground floor area of the existing largest building. If the new building totals 50% or more of the ground floor of the existing largest building, then the entire site shall be brought into compliance with the current regulations. If the new building total is less than 50% of the ground floor area of the existing largest building, then the new building and all its associated performance criteria shall meet the requirements as specified. However, IND-1, IND-2, and IND-3 are exempt.

Section 5. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (d), titled "Architectural Character," Subsection (1), titled "Compatibility With Surroundings," is hereby amended by deleting the third paragraph and substituting therefor a new third paragraph which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

- (d) Architectural Character
 - (1) Compatibility With Surroundings

(Third paragraph)

The uses of certain materials as the primary exterior building material are prohibited in all commercial, office, and multifamily residential (residential with more than four (4) attached housing units) zones. These materials include: vinyl siding (vinyl siding not less than 40 mill is allowed), metal siding, and standard concrete block. Neon lights used as accents are also prohibited. Standing seam metal roofs may be allowed. Consideration will be given to prohibited building materials when being placed on additions to existing structures to maintain continuity. (Note: Consideration will also be given to additional buildings on the same lot and not just building additions.) Full chroma colors shall not be used, except as accents.

Section 6. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (d), titled "Architectural Character," Subsection (3), titled "Relationship to Streets," is hereby amended by deleting the fourth paragraph and substituting therefor a new fourth paragraph which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

- (d) Architectural Character
 - (3) Relationship to Streets

(Fourth Paragraph)

Building service areas or loading areas within commercial, office, and multifamily residential (residential with more than four (4) attached housing units) zone districts shall not be visible from streets; they shall be located away from streets and/or adequately screened. Screening shall meet criteria identified in Section 13.02 (g) 3 b. of this Article.

Section 7. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (f), titled "Landscape," Subsection (2), titled "Streetscape," is hereby amended by deleting the fourth, fifth and seventh paragraphs and substituting therefor new fourth, fifth and seventh paragraphs which new paragraphs shall read as follows:

Section 13.02. Design Review Standards.

(f) Landscape

(2) Streetscape

(Fourth Paragraph)

Trees shall be planted along streets at least 40 feet on center with relatively even spacing. If frontages exceed a multiple of 40 feet, an additional tree should be planted along the street, for example, a frontage of 50 feet should contain two trees, a frontage of 130 feet should have four trees. Areas for curb cuts shall not be included in the street frontage.

(Fifth Paragraph)

All streetscape trees located in Industrial (IND-1, IND-2, IND-3) Districts shall be 60 feet on center. Areas for curb cuts shall not be included in the street frontage.

(Seventh Paragraph)

In an effort to minimize the visual impact of parking areas in commercial, office, and multifamily residential (residential with more than four (4) attached housing units) zones, shrub rows shall be planted within the Streetscape area at a minimum height of 24 inches to 30 inches along the boundaries of any parking area visible from public streets. Species used shall be evergreen or have dense branching qualities, which provide an effective visual screen in all seasons.

Section 8. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (g), titled "Screening," Subsection (3), titled "Design Standards," Subpart (a), titled "Transitional Screening," is hereby amended by deleting the first paragraph and substituting therefor a new first paragraphs which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

(g) Screening

(3) Design Standards

(a) Transitional Screening

Transitional screening is required, where commercial or industrial zone districts and associated land uses adjoin residential areas, where multi-family residential adjoin one (1)- or two (2)-family housing zones, and within Planned Unit Developments with similar disparities.

Section 9. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (h), titled "Lighting," is hereby amended by deleting Subsection (2), titled "Site and Parking Area Lighting," and substituting therefor a new Subsection (2), titled "Site and Parking Area Lighting," which new subsection shall read as follows:

Section 13.02. Design Review Standards.

(h) Lighting

(2) Site and Parking Area Lighting

Site or parking area lighting should not cast light beyond property boundaries. Where necessary, cut-off devices should be used to avoid illuminating adjacent sites. Lighting that would otherwise cast a glare or cause a nuisance to adjacent residential properties or public streets should be obscured in some acceptable manner.

In office and multifamily residential (residential with more than four (4) attached housing units) zone districts the maximum lighting height shall be 24 feet. In all commercial zone districts the maximum lighting height shall be 30 feet. Lighting fixtures should be compatible in style with associated buildings.

Section 10. 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: _____
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE XIV, TITLED "SIGN REGULATIONS," BY AMENDING SECTION 14.06, TITLED "SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS)," SUBSECTION 8, TO ADDRESS TWO-SIDED FREE-STANDING SIGNS, AND BY AMENDING SECTION 14.06, TITLED "SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS)," TO CREATE A NEW SUBSECTION 9 TO ALLOW OFF-SITE DIRECTIONAL SIGNS FOR RESIDENTIAL DEVELOPMENT.

WHEREAS, the City of Oak Ridge recently revised the regulations pertaining to signs to eliminate outdated provisions and to update the remaining provisions thereby making the sign regulations more understandable to the general public; and

WHEREAS, after the adoption of the revised sign ordinance and real application of the provisions, the City has determined that some provisions require further revision; and

WHEREAS, additional housekeeping amendments are also necessary throughout the Zoning Ordinance; and

WHEREAS, the following changes 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. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 14.06, titled "Signs Allowed in All Districts (Exempt Signs)," is hereby amended by deleting Subsection 8 in its entirety and substituting therefor a new Subsection 8 which new subsection shall read as follows:

Section 14.06. Signs Allowed in All Districts (Exempt Signs).

8. Real estate marketing signs provided that only one (1) non-illuminated sign per lot except where the lot fronts two (2) or more streets, one (1) additional sign per lot per street frontage shall be allowed; the total surface display area not to exceed thirty-two (32) square feet for non-residential (commercial and industrial zoning districts), sixteen (16) square feet for office-institutional zoning districts and six (6) square feet for residential zoning districts; shall not be over eight (8) feet in height measured from the ground level; may remain on the property the length of the sale and shall be removed ten (10) business days after the sale; and sign shall be maintained in good condition. A freestanding sign designed to be viewed from two (2) different directions shall be considered as one (1) sign, provided that the two (2) sign faces are parallel (back-to-back), mounted on the same support structures, and neither side exceeds 16 (sixteen) square feet. For all two-sided signs not mounted parallel (back-to-back), the total surface display area shall not exceed 16 (sixteen) square feet.

Signs for advertising open houses, including directional signs, shall be allowed three (3) days prior to the open house and removed the day after the open house. Note: Off-site directional signs are only allowed for the advertising of an open house and not for the sale of the house or place of business.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 14.06, titled "Signs Allowed in All Districts (Exempt Signs)," is hereby amended by creating a new Subsection 9 which new subsection shall read as follows:

Section 14.06. Signs Allowed in All Districts (Exempt Signs).

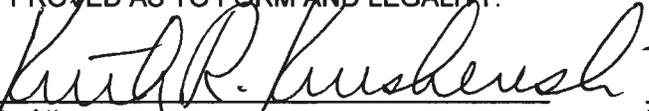
9. Subdivision Off-Site Directional Signs. The purpose of this subsection is to provide a uniform coordinated method of offering developers a means of providing directional signs to residential projects while minimizing confusion among prospective purchasers who wish to inspect subdivisions, and promoting traffic safety and reducing the visual blight of sign proliferation. Permits for temporary signs in the public right-of-way are allowed on a limited basis during periods of new construction activity. Directional signs may only be used to direct traffic to subdivisions that are less than seventy-five percent (75%) complete. Residential subdivisions not located on a state highway shall be allowed to place either one (1) two-sided ground sign or two (2) one-sided ground signs not to exceed thirty-two (32) square feet and not over eight (8) feet in height within the right-of-way of the nearest arterial street. Staff may issue a sign permit for a period of twenty-four (24) months. The Oak Ridge Municipal Planning Commission may grant extensions in twelve (12) month increments up until seventy-five percent (75%) build out of the subdivision or formal street acceptance, whichever is first.

This type of sign is allowed as follows:

- a. All temporary signs shall be constructed and designed of materials durable enough to withstand the elements to which the sign is to be subjected.
- b. No sign shall be illuminated, painted with light reflecting paint, or have moving parts.
- c. No sign shall be located in the clear sight triangle or obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, or fire hydrant, or otherwise create a hazard.
- d. Signs in the right-of-way may not be posted on center medians, trees, utility poles, or other utility structures located in the right-of-way.
- e. Signs must have a sign permit prior to placement.
- f. If a temporary sign becomes a nuisance, or is not maintained, the sign may be subject to removal.
- g. Signs may not impair the integrity or character of the area in which it is located.
- h. Signs may not display any symbol or words that would likely be mistaken for an official traffic control sign.
- i. The sign display shall be limited to the name of the subdivision, directional instructions, and directional arrows.
- j. The person responsible for any sign shall be the owner of the subdivision being advertised.

Section 3. 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: _____
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

ORDINANCES
SECOND READING

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
09-37

DATE: July 24, 2009

TO: James O'Connor, City Manager

THROUGH: Kathryn Baldwin, Community Development Director *KGB*

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Request to Rezone, Parcels 10.01 and 10.04, Roane County Tax Map 29, from F.I.R. to IND-2**

An item for the City Council agenda is a request to rezone ED-5 East and West, two parcels with a total area of 45.82 acres, from F.I.R., Federal Industry and Research to IND-2, Industrial. The property is located within Heritage Center and is being converted to private industrial use. Plans for two speculative industrial buildings to be located on ED-5 are being reviewed by City staff and construction is expected to begin in the near future. At their regular meeting on July 23, 2009, the Planning Commission recommended approval of the rezoning by a vote of 9-0.

The F.I.R., Federal Industry and Research zoning district is only applicable to the D.O.E. Reservation. When property is transferred from the federal government to enable private development, rezoning to an appropriate district is required. Staff finds the rezoning to be in compliance with the Comprehensive Plan, consistent with the existing uses within the area and appropriate for the proposed use. Approval of the rezoning is recommended.

Kahla Gentry

City Manager's Comments:

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

[Signature]
_____ James O'Connor

7/29/09
_____ Date

Staff Review of Rezoning Request

Location & Approximate Area: Roane County Tax Map 29, Parcels 10.01 and 10.04, located within the Heritage Center. Parcel also identified as ED-5. Approximately 45.82 acres in area.

Date: July 6, 2009

Owner: Heritage Center LLC
107 Lea Way
Oak Ridge, TN 37830

Request Rezoning

From: F.I.R., Federal Industry and Research
To: IND-2, Industrial

Purpose: Property has been transferred to private ownership and F.I.R. zoning is no longer appropriate. The proposed use is industrial.

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

Existing Land Use: Vacant

Adjacent Land Uses & Zoning:

North: F.I.R., Federal Industry and Research office building
East: F.I.R., Federal Industry and Research
South: F.I.R. Federal Industry and Research
West: F.I.R., Federal Industry and Research

Previous Rezoning Requests: None

2. **Conformity with 1988 Comprehensive Plan:** The Land Use Plan designates this area as I, Industrial. The proposed zone is in conformance with the Land Use Plan.

Applicable Policies:

Policy E-3: The City will attempt to strengthen a coordinated, business-like, public-private approach to retain, develop and recruit targeted businesses that broaden the tax base, particularly those which maintain or increase per capita and family income.

POLICY E-4: In a joint public-private partnership approach, the City will work with the community to nurture spin-off industries and stimulate the formation of affinity industries in Oak Ridge.

POLICY L-11: The City will locate new industrial and office areas and enforce site design standards to ensure that residential neighborhoods are protected from the adverse effects of those activities.

3. Applicable Regulations:

Setbacks: IND-2, Industrial setbacks are as follows: Front – 30 feet; Side –25 feet;
Rear – 25 feet
Maximum Usable Floor Area to Lot Area Ratio: 60%

Analysis:

The following criteria were used to evaluate the rezoning request.

- 1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**
Yes.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**
The property has become privately owned and made available by D.O.E for economic development.
- 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 an industrial area without close proximity to residential uses. There is nearby access to S.R. 58, S.R. 95 and Interstate 40.
- 4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**
ED-5 is the first parcel within the Heritage Center to be rezoned. Additional rezonings from F.I.R. will occur as the redevelopment and privatizing of the Heritage Center continues.
- 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 Heritage Center is already an industrial site. Changing the zoning from F.I.R. to IND-2 will not change the environmental impacts.

Neighborhood Position: No comments have been received. The surrounding property is held either by Heritage Center LLC or the U.S. D.O.E.

Landscaping/Buffering requirements: The landscaping and design standards within Article XIII of the Zoning Ordinance will apply at final site review stage.

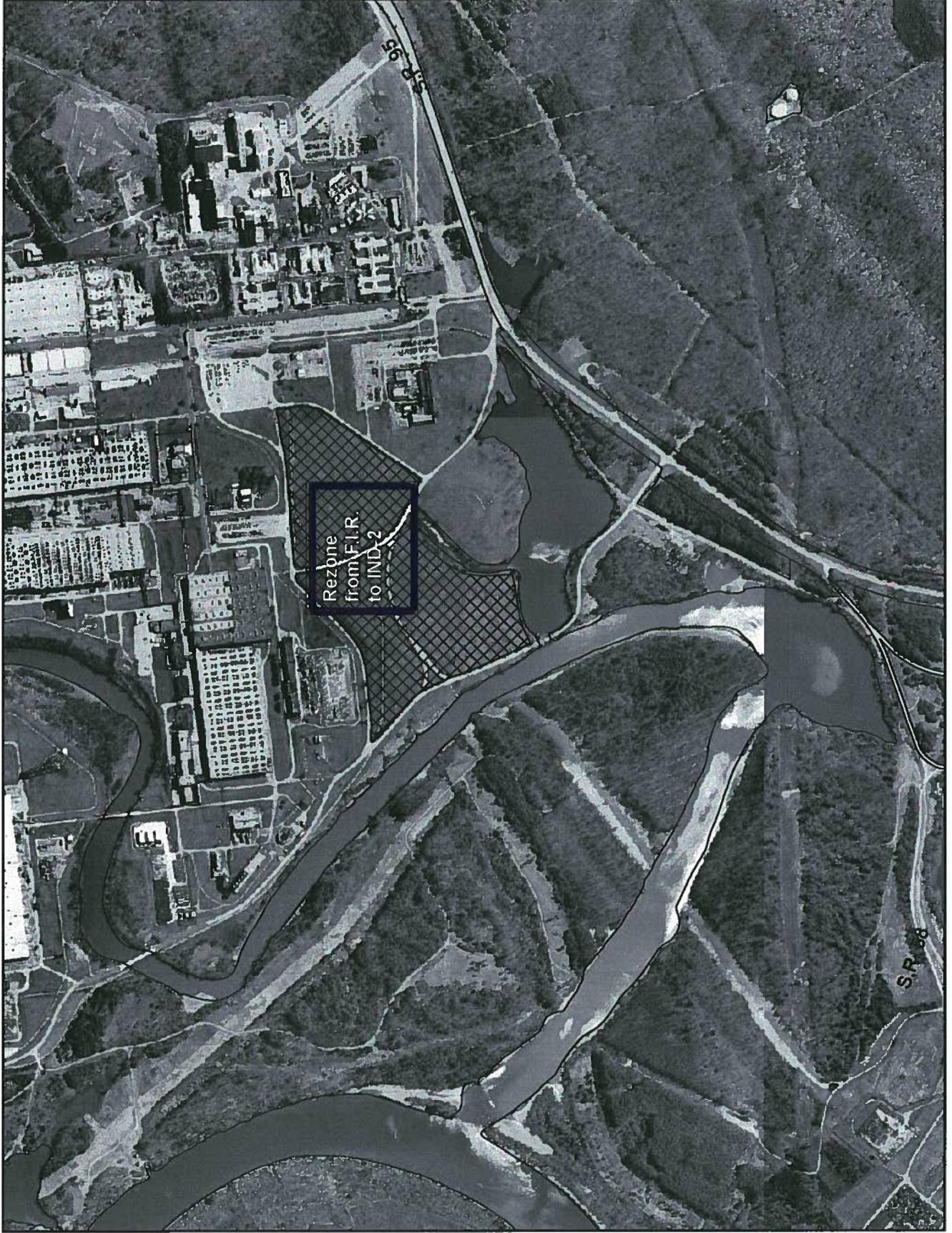
Notification of Property Owners Within 200': July 9, 2009

Conclusion and Planning Staff Recommendation: Staff recommends approval of the rezoning to IND-2, Industrial finding the proposed zoning consistent with existing uses and the character of development within the area and in compliance with the Comprehensive Plan.

Planning Commission Recommendation: July 23, 2009 Recommended approval by a vote of 9-0.

Heritage Center/ED-5 Location Map

1 inch equals 1,000 feet



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 ROANE COUNTY TAX MAP 29, PARCELS 10.01 AND 10.04, FROM FIR, FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Regional 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 as shown on the attached map and further described as follows:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Roane County Tax Map 29, Parcel 10.01 and Parcel 10.04 (approx. 45.82 acres)	Heritage Center, North of State Route 58	FIR, Federal Industry and Research	IND-2, Industrial

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

Section 3. 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: 8/10/09
 First Reading: 8/10/09
 Publication Date: 8/17/09
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
09-36

DATE: July 24, 2009

TO: James O'Connor, City Manager

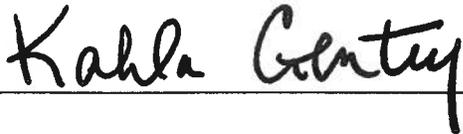
THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Request to Rezone Parcel 100B A 3.00 from O-2 to UB-2 and Land Use Plan Amendment from O to B**

An item for the City Council agenda is a request to rezone a 4.6 acre undeveloped parcel, located between Laboratory Road and Administration Road, with frontage on the Oak Ridge Turnpike, from O-2, Office to UB-2, Unified General Business. The parcel is further described as being in front of the D.O.E. administration building and across the Oak Ridge Turnpike from Jackson Plaza. The applicant has stated that although there are no development plans at this time, the UB-2 zone is seen as more appropriate for the subject property because of the location on the Turnpike and near the hospital and other retail/commercial uses. At their regular meeting on July 23, 2009, the Oak Ridge Municipal Planning Commission passed a motion recommending rezoning from O-2 to UB-2 by a vote of 8-1. Ms. Shelton, who voted against the rezoning, felt that some of the uses permitted in the UB-2 zoning district are inappropriate at this location. 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 is undeveloped. Abutting the subject parcel on the east is a medical building, on the south is the federal office building and on the west is a 4.66 acre undeveloped parcel. The abutting property is zoned O-2, Office. Across the Turnpike from the subject property is Jackson Plaza and a strip commercial center zoned B-2 and UB-2. The area is generally commercial in nature without residential development in close proximity to the property proposed for rezoning. The office zoning districts and the business zoning districts all allow closely related commercial uses. Although the adjoining property is zoned O-2, staff feels that expanding the uses available to the property by rezoning increases the potential for development, and the office and retail uses allowable in the UB-2 zoning district are compatible with the existing development within the area. Staff recommends approval of the Land Use Plan amendment from O to B and the requested rezoning from O-2, Office to UB-2, Unified 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: Parcel 279.04, Block 18-CF, a 4.61 acre parcel with frontage on the Oak Ridge Turnpike (north), located in front of the Federal Building property. Anderson County Tax Map 100B, Group A, Parcel 3.00

Owner: Weathersbee Properties, LLC

Date: July 6, 2009

Request Rezoning:

From: 0-2, Office

To: UB-2, Unified General Business

Site Characteristics:

- a. Elevation: Generally below adjacent lands.
- b. Terrain: sloping.
- c. Adequate drainage is presently provided by a natural drainage way flowing to Ernie's Creek. Erosion potential exists should significant cut or fill activities occur as a result of development. No Floodway on the site.
- d. Mostly grass with some trees, primarily along the drainage way.

Existing Land Use: Undeveloped

- a. Access: City Council approved a right turn in, right turn out access to and from the Oak Ridge Turnpike subject to owners completing off-site improvements including closing of the center median crossing and construction of a right-turn deceleration lane. An access easement to Laboratory Road was also approved by City Council.
- b. Utilities adequate for development are adjacent to the parcel.

Adjacent Land Uses & Zoning:

- North: Across Oak Ridge Turnpike, Jackson Plaza office building, zoned UB-2 and B-2, other retail and service businesses in B-2 zone
- West: Undeveloped parcel, McDonald's Restaurant, in 0-2 Office zone.
- South: Federal Office Building (D.O.E. and others), zoned 0-2 Office.
- East: Medical office zoned 0-2, and across Laboratory Road an automobile dealership, zoned B-3.

Previous Rezoning Requests:

- 9-19-88, request to rezone from 0-2, Office to UB-2, Unified General Business, Planning Commission recommended approval but not approved by City Council
- 3-19-87, entire parcel rezoned from RG-1, Residential, Open Space & Reserved to 0-2, Office.
- 6-19-83, entire parcel rezoned from 0, Office to RG-1, Residential, Open Space & Reserved.
- 3-29-68, entire parcel rezoned from G, Greenbelt to 0, Office.

1. Purpose: As stated by the applicant, "frontage on Oak Ridge Turnpike and location between existing destination retail (Home Depot) and Methodist Hospital make it more appropriate for retail, convenience and service uses in addition to office uses. No specific development plans at this time since current economic conditions are not conducive."

2. Conformity with 1988 Comprehensive Plan:

- a. 1988 Land Use Plan proposes "O", Office. An amendment will be required to B, General Business if rezoned to UB-2.
- b. **Applicable Policies:**

Economic Development:

E-3: The City will attempt to strengthen a coordinated, business-like, public-private approach to retain, develop and recruit targeted businesses that broaden the tax base, particularly those which maintain or increase per capita and family income.

Land Use:

L-4: While retaining planned open space, the City will guide and promote the development of major vacant land parcels in the vicinity of the city center, along major thoroughfares, in industrial parks, and in residential areas through business-like financial leveraging, regulatory incentives, and/or detailed planning and design coordination, as appropriate.

L-8: The City will promote the location of intensively-designed retail, service, office, hotel, multiple-family residential, and civic activities in the Turnpike-Illinois-Rutgers vicinity and in the Jackson Square - Jackson Plaza vicinity while allowing appropriately located and designed neighborhood shopping centers.

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.

L-11: The City will locate new industrial and office areas and enforce site design standards to ensure that residential neighborhoods are protected from the adverse effects of those activities.

Quality of Life:

Q-4: The City will attempt to improve employment opportunities, security, and diversity by promoting the development of new businesses and industry in Oak Ridge and by promoting the community as a desirable place to live and work.

3. Applicable Regulations:

Setbacks: UB-2, General Business setbacks are as follows: Front – 30 feet; Side and Rear – 30 feet if adjoining a different zoning district. None required if adjoining property zoned UB-2, provided that building placement is compatible with existing site development on the adjacent parcel, and that for the purposes of fire protection there is a usable corridor on the lot from front to rear of not less than 6 feet in width for access to the rear of any building on such lot, unless such access to the site is otherwise provided.

Maximum Height: 35 Feet

Maximum Usable Floor Area to Lot Area Ratio: 80%

Landscaping/Buffering Requirements: Required buffer between property zoned O-2 and UB-2 is a Type B buffer comprised of 2 canopy trees, 4 understory trees and 6 shrubs per 100

linear feet for a 15 foot wide buffer. Plantings may be decreased as open area width increases.

4. **Environmental Impact:** Adverse impacts are possible to the natural drainage that traverses the property. Such impacts can be avoided through sound engineering design and precautionary construction measures as required by the City's Storm Water and Erosion Control ordinance.
5. **Neighborhood Position:** No comments received at time of staff review (there are no near-by residences). Property was posted with rezoning notices on July 9, 2009.
6. **Public Services/Utilities Impact:** Public services and utilities will be provided within existing service levels.
7. **Traffic Impact:**
 - a. **Access to Arterial Roads:** Right turn in, right turn out access to Oak Ridge Turnpike. An access easement provides access to Laboratory Road.
 - b. **Estimated trip generation:** Specific plans have not been submitted. A significant change in the potential number of trips generated due to rezoning from O-2 to UB-2 is not expected, although UB-2 is more likely to generate a higher number of trips.

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 UB-2, Unified 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.**
The most recent nearby development includes a medical clinic and a McDonald's restaurant. Under current regulations a medical clinic is allowable in both O-2 and UB-2, however a stand alone restaurant is no longer allowable within the O-2 district. If built today the McDonald's restaurant would require UB-2 or B-2 zoning.
- 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 frontage on 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 UB-2, General Business, property located nearby on the north side of the Oak Ridge Turnpike is zoned UB-2 and B-2. There is B-2 and UB-2 zoning both east and west of the subject property on the Oak Ridge Turnpike.

- 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?**
As required by the City's Storm Water and Erosion Control ordinance, proper procedures must be followed to avoid detrimental impacts to on the natural drainage.

Conclusion & Planning Staff Recommendation:

Favoring the Request:

Central city location, directly on arterial road, where commercial development is to be encouraged under Comprehensive Plan policies;

No adjacent residences to be impacted;

Rezoning would add one more significant site zoned for retail use, which will be available for office uses as well.

The existing properties zoned O-2 more than meet current demand.

Opposing the Request:

There is already significant office development in the immediate area, and the present O-2 Office zone is consistent with those uses;

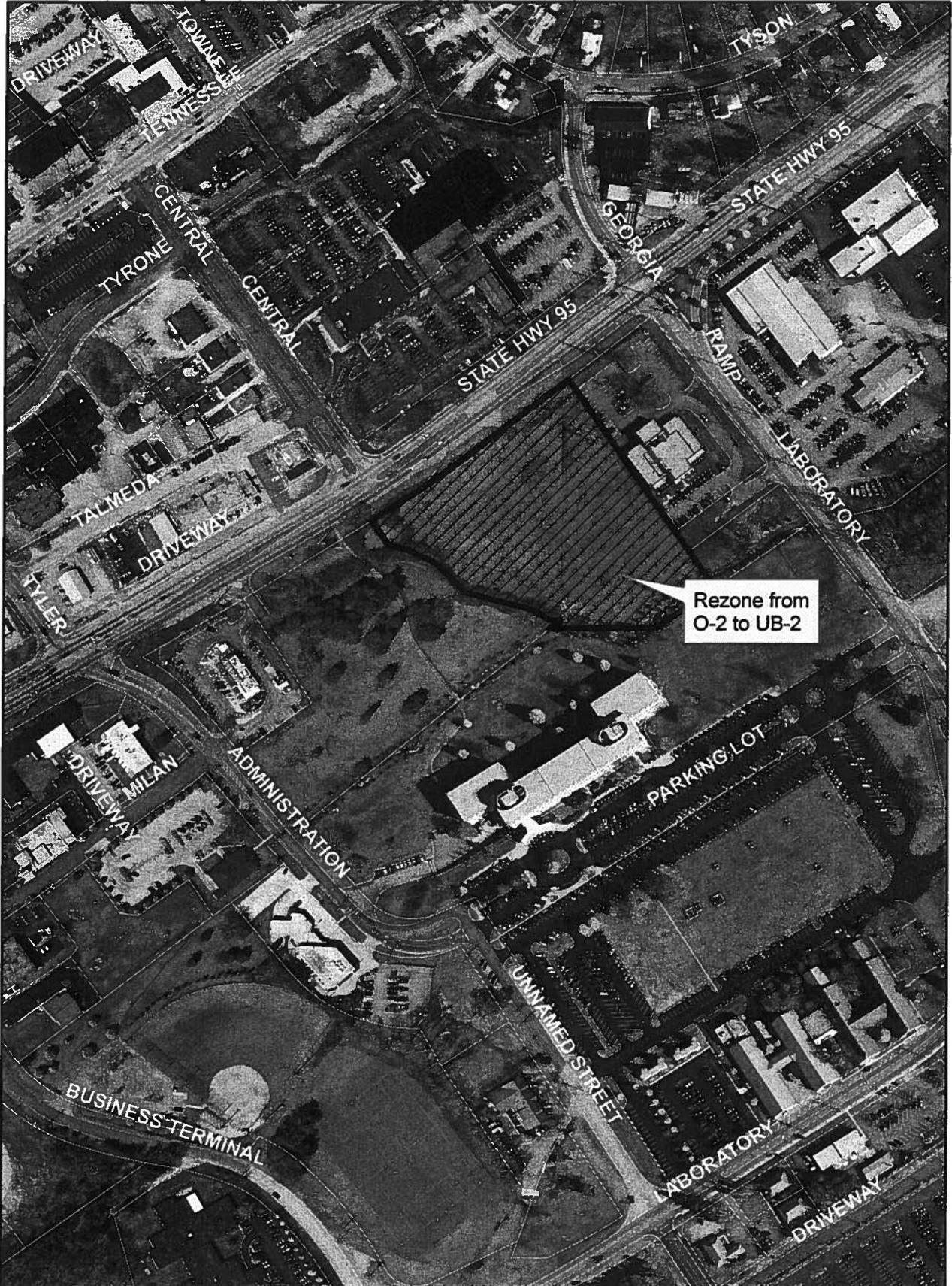
An additional 4-acre retail site will tend to weaken the viability of other retail sites.

Arguments can be made on both sides of the question. Although the adjoining property is zoned O-2, staff feels that expanding the uses available to the property by rezoning increases the potential for development, and the office and retail uses allowable in the UB-2 zoning district are compatible with the existing development within the area. Staff recommends approval of the Land Use Plan amendment from O to B and the requested rezoning from O-2, Office to UB-2, Unified General Business.

Planning Commission Recommendation: July 23, 2009 Recommended approval by a vote of 8-1.

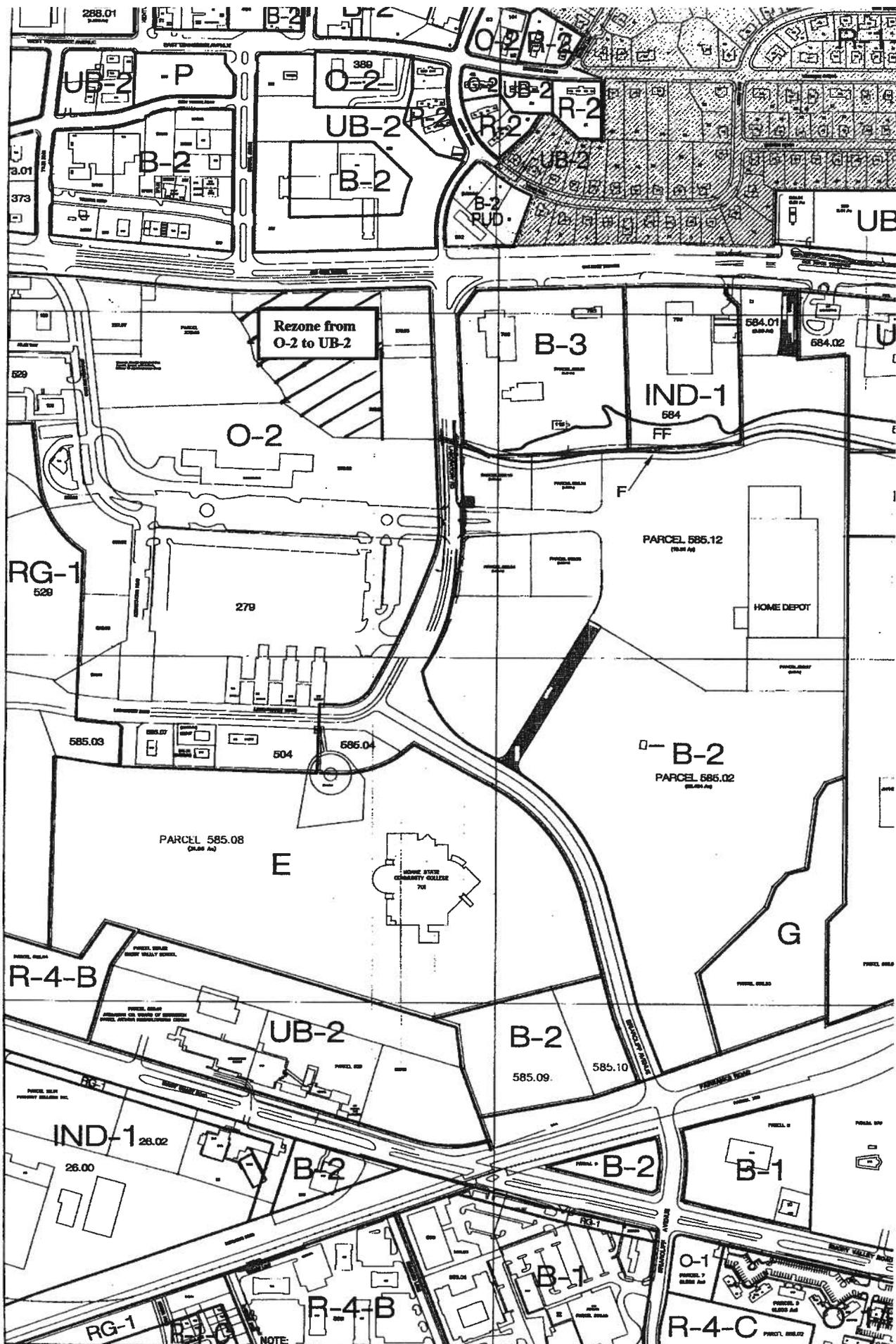
LOCATION Map

Map 100B Group A Parcel 3.00

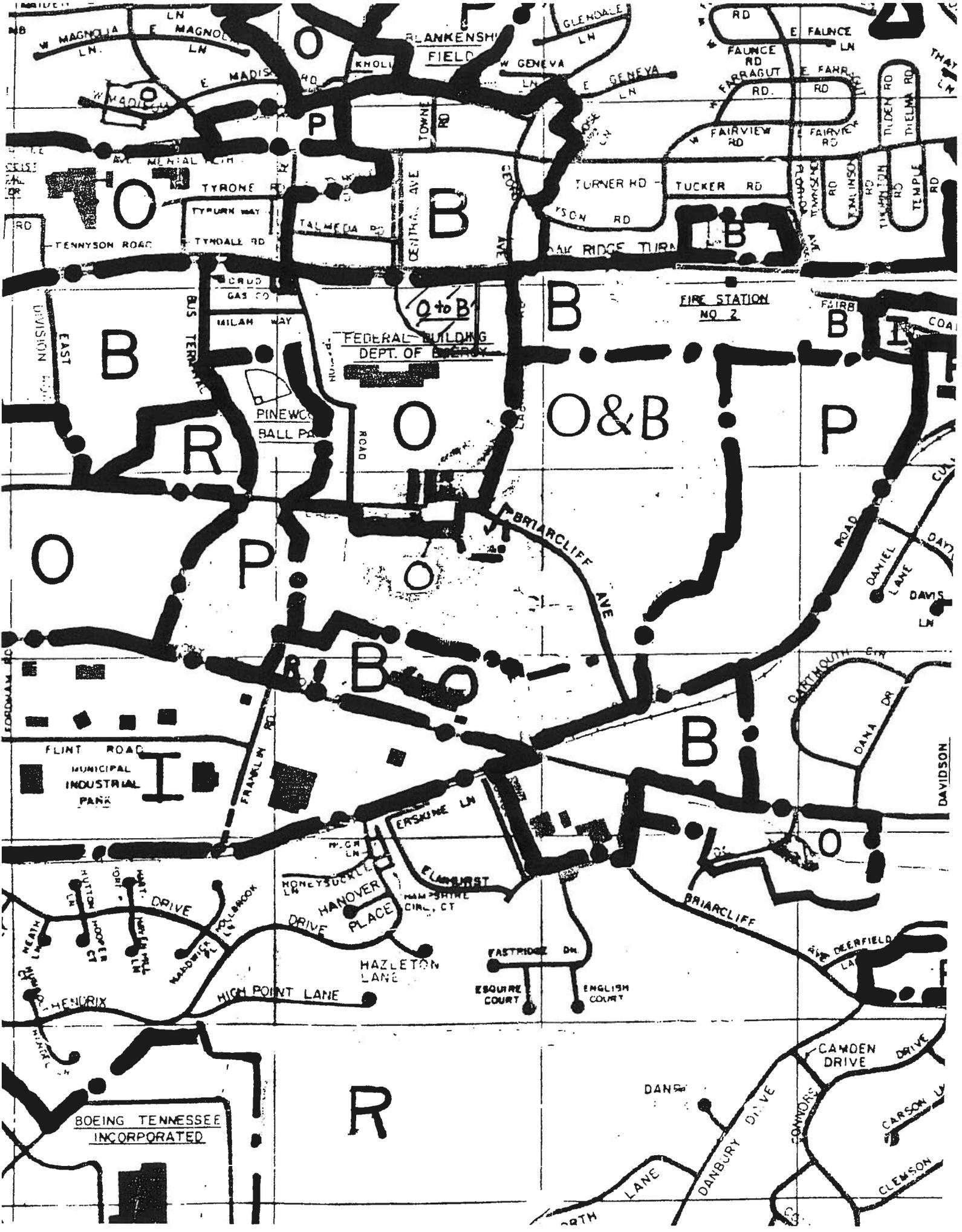


1 inch equals 300 feet





NOTE: Floodway and Floodway Fringe boundaries shown on the drawing are approximate location only. Refer to the most current version of the Federal Emergency Management Agency Flood Insurance Study, Flood Insurance Rate Map and Flood Reimbursement



W MAGNOLIA LN
E MAGNOLIA LN
E MADISON RD
W MADISON LN

BLANKENSHIRE FIELD
W GENEVA LN
E GENEVA LN
TOWNE RD
CENTRAL AVE

E FAUNCE LN
FAUNCE RD
FARRAGUT RD
E FARRAGUT RD
W FAIRVIEW RD
FAIRVIEW RD

TYRONE RD
TYRONE WAY
TENNISON ROAD
TYNDALL RD

TURNER RD
TUCKER RD
YSON RD
LAKE RIDGE TURN

TURNER RD
TUCKER RD
YSON RD
LAKE RIDGE TURN

EAST B
R
BUS TERMINAL
MILAN WAY

FEDERAL BUILDING
DEPT. OF ENERGY
PINEWOOD BALL PARK
ROAD

FIRE STATION NO. 2
FAIRB
COAL

O
P
O

O & B
BRIARCLIFF AVE

P
DANIEL LAKE
DAVIS LN

FLINT ROAD
MUNICIPAL INDUSTRIAL PARK
FRANKLIN RD

ERSKINE LN
HONEYUCKLE LN
HANOVER PLACE
HAZLETON LANE

B
DARTMOUTH ST
DANA DR
DAVIDSON

DRIVE
HUTTON HOOPER LN
HENRICH

ESQUIRE COURT
ENGLISH COURT
FASTRIDGE DR

BRIARCLIFF
AVE DEERFIELD LN

BOEING TENNESSEE INCORPORATED

R
DANBURY DRIVE

CAMDEN DRIVE
CARSON LN
CLEMSON

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 3.00, MAP 100B, GROUP A, FROM O-2, OFFICE TO UB-2, UNIFIED 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 3.00, Map 100B, Group A (approx. 4.60 acres)	Oak Ridge Turnpike west of Laboratory Road (Parcel is in front of the Federal Building)	0-2, Office District	UB-2, Unified 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 3.00, Map 100B, Group A, 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: 8/10/09

First Reading: 8/10/09

Publication Date: 8/17/09

Second Reading: _____

Publication Date: _____

Effective Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
09-35

DATE: July 24, 2009

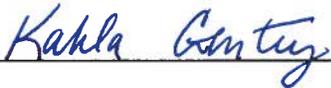
TO: James O'Connor, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

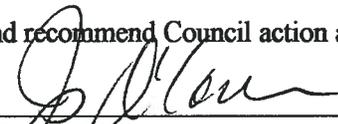
SUBJECT: **FEMA FLOODPLAIN MANAGEMENT ORDINANCE UPDATE**

An item for the City Council agenda is an amendment to the Oak Ridge Zoning Ordinance as it pertains to Floodplain Management Regulations. The Federal Emergency Management Agency (FEMA) is in the process of providing updated Flood Insurance Rate Maps (FIRM) and flood insurance studies. FEMA requires the City to adopt the updated maps by ordinance in order to remain in the FEMA flood insurance program. The maps that have been updated show a one foot reduction in the flood elevation of the Clinch River on the D.O.E. Reservation near Melton Hill Dam. At this time the City's floodplain ordinance needs to be amended to reference the effective date of the affected Roane County FIRM maps as November 18, 2009. At their regular July meeting the Planning Commission recommended approval of the floodplain ordinance amendment by a vote of 9-0. Staff also recommends approval.



City Manager's Comments:

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



James O'Connor



Date

Zoning Code Flood Text Amendments
(Changes shown in bold/strikethrough)

Section 9.07 Floodplain Regulations

(f) General Provisions

2. The Areas of Special Flood Hazard identified on the Anderson County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS), effective date May 4, 2009, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47001C0214F, 0217F, 0218F, 0219F, 0236F, 0238F, 0239F, 0277F, 0281F, 0282F, 0302F, 0310F, effective date January 17, 2007 and Panel Numbers 47001C0230G, 02237G and 0245G, effective date May 4, 2009; and the Roane County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47145C0039F, 0110F, 0120F, 0130F, ~~0140F, 0145F~~ and 0260F, effective date September 28, 2007, **and Community Panel Numbers 47145C0140G and 47145C0145G, effective date November 18, 2009**; and any subsequent amendments or revisions thereto, along with all supporting technical data, are adopted by reference and declared to be part of this Ordinance. These areas shall be incorporated into the City of Oak Ridge, Tennessee Zoning Map. If any discrepancies occur between the City of Oak Ridge, Tennessee Zoning Map and the FEMA Flood Maps, the FEMA Flood Maps shall prevail.

Section 9.08 F. Floodway Districts; Fringe Area

(b) Floodway District Designation

The area designated and shown in the "F, Floodway District" shall be as shown on the Federal Emergency Management Agency, Flood Insurance Rate Map (FIRM), and shall be that portion of the area of those maps designated "Floodway" or equivalent according to the map legends, together with the data in the Flood Insurance Study (FIS), Anderson County, Tennessee, and Incorporated Areas, effective May 4, 2009 and the Flood Insurance Study (FIS) for Roane County, Tennessee and Incorporated Areas, effective ~~September 28, 2007~~ **November 18, 2009**, and any subsequent amendments or revisions, shall be used for the purpose of identifying the Floodway.

(c) Floodway Fringe Area

The Floodway Fringe Area is those areas lying outside the Floodway Districts, but within the 100 Year Floodplain, as outlined in the Federal Emergency Management Agency Flood Insurance Study (FIS) for Anderson County, Tennessee, and Incorporated Areas, effective May 4, 2009 and the Flood Insurance Study (FIS) for Roane County, Tennessee and Incorporated Areas, effective ~~September 28, 2007~~ **November 18, 2009**, and any subsequent amendments or revisions and as shown on the Federal Emergency Management Agency Flood Maps as referenced above. Development within these areas, although subject to flooding, will not adversely affect the height or velocity of floodwaters. Although not a separate district, Floodway Fringe Areas are so indicated on the Zoning Map and serve not to restrict development but to advise potential users within said areas of the flood risks and performance criteria referenced in Section 9.07.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY AMENDING SECTION 9.07, TITLED "FLOODPLAIN REGULATIONS," SUBSECTION (F)(2), TO UPDATE THE EFFECTIVE DATE OF THE NEW FEMA FLOOD MAPS, AND BY AMENDING SECTION 9.08, TITLED "F, FLOODWAY DISTRICTS; FRINGE AREA," SUBSECTIONS (B) AND (C) TO UPDATE THE EFFECTIVE DATES OF VARIOUS FLOOD MAPS, ALL FOR THE PURPOSE OF COMPLIANCE WITH FEMA REQUIREMENTS.

WHEREAS, the City of Oak Ridge is a participant in the National Flood Insurance Program (NFIP) by its adoption and enforcement of floodplain management ordinances contained in the Zoning Ordinance; and

WHEREAS, as a result of participation in the NFIP, federally-backed flood insurance is available to homeowners, renters and business owners in Oak Ridge; and

WHEREAS, the City is required to update certain flood map effective dates contained with the flood ordinances for compliance with the Federal Emergency Management Agency's (FEMA) current requirements; and

WHEREAS, the following change has been submitted for approval 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. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article IX, titled "Special Districts," Section 9.07, titled "Floodplain Regulations," Subsection (f)(2) is hereby amended, which new subsection shall read as follows:

Section 9.07 Floodplain Regulations

(f) General Provisions

2. The Areas of Special Flood Hazard identified on the Anderson County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS), effective date May 4, 2009, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47001C0214F, 0217F, 0218F, 0219F, 0236F, 0238F, 0239F, 0277F, 0281F, 0282F, 0302F, 0310F, effective date January 17, 2007 and Panel Numbers 47001C0230G, 02237G and 0245G, effective date May 4, 2009; and the Roane County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47145C0039F, 0110F, 0120F, 0130F, and 0260F, effective date September 28, 2007, and Community Panel Numbers 47145C0140G and 47145C0145G, effective date November 18, 2009; and any subsequent amendments or revisions thereto, along with all supporting technical data, are adopted by reference and declared to be part of this Ordinance. These areas shall be incorporated into the City of Oak Ridge, Tennessee Zoning Map. If any discrepancies occur between the City of Oak Ridge, Tennessee Zoning Map and the FEMA Flood Maps, the FEMA Flood Maps shall prevail.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article IX, titled "Special Districts," Section 9.08, titled "F, Floodway Districts; Fringe Area," Subsection (b), First Paragraph is hereby amended, which new paragraph shall read as follows:

Section 9.08 F, Floodway Districts; Fringe Area

(b) Floodway District Designation

The area designated and shown in the "F, Floodway District" shall be as shown on the Federal Emergency Management Agency, Flood Insurance Rate Map (FIRM), and shall be that portion of the area of those maps designated "Floodway" or equivalent according to the map legends, together with the data in the Flood Insurance Study (FIS), Anderson County, Tennessee, and Incorporated Areas, effective May 4, 2009 and the Flood Insurance Study (FIS) for Roane County, Tennessee and Incorporated Areas, effective November 18, 2009, and any subsequent amendments or revisions, shall be used for the purpose of identifying the Floodway.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article IX, titled "Special Districts," Section 9.08, titled "F, Floodway Districts; Fringe Area," Subsection (c) is hereby amended, which new paragraph shall read as follows:

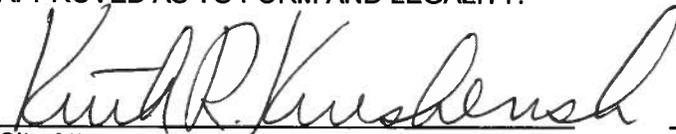
Section 9.08 F, Floodway Districts; Fringe Area

(c) Floodway Fringe Area

The Floodway Fringe Area is those areas lying outside the Floodway Districts, but within the 100 Year Floodplain, as outlined in the Federal Emergency Management Agency Flood Insurance Study (FIS) for Anderson County, Tennessee, and Incorporated Areas, effective May 4, 2009 and the Flood Insurance Study (FIS) for Roane County, Tennessee and Incorporated Areas, effective November 18, 2009, and any subsequent amendments or revisions and as shown on the Federal Emergency Management Agency Flood Maps as referenced above. Although not a separate district, Floodway Fringe Areas are so indicated on the Zoning Map and serve not to restrict development but to advise potential users within said areas of the flood risks and performance criteria referenced in Section 9.07.

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: 8/10/09
First Reading: 8/10/09
Publication Date: 8/17/09
Second Reading: _____
Publication Date: _____
Effective Date: _____

LEGAL DEPARTMENT MEMORANDUM
09-30

DATE: July 27, 2009

TO: James R. O'Connor, City Manager

FROM: Kenneth R. Krushenski, City Attorney
Tammy M. Dunn, Senior Staff Attorney

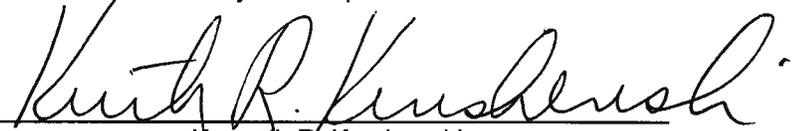
SUBJECT: CITY CODE AMENDMENT – NEW SUBSECTION CITY CODE §15-127(3) RELATING TO FINANCIAL RESPONSIBILITY; COMPLIANCE WITH 2009 PUBLIC CHAPTER 441 (RECENT AMENDMENT TO TENNESSEE CODE ANNOTATED §55-12-139(E))

An item for the agenda is an ordinance to amend City Code §15-127 to create a new subsection (3) related to financial responsibility in order to be in compliance with recently amended Tennessee Code Annotated §55-12-139(e) as a result of 2009 Public Chapter 441.

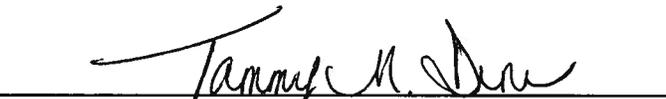
2009 Public Chapter 441 amends Tennessee Code Annotated §55-12-139(e) to prohibit a court from dismissing a violation of the financial responsibility law when the driver did not have financial responsibility at the time of the citation. A copy of the public chapter is attached. This will change the current court practice of dismissing the violation, upon payment of court costs, for drivers who obtain financial responsibility after the fact.

The City Court Judge is aware of the change and is applying the new law to violations occurring on or after July 1, 2009.

Approval of the attached ordinance is recommended and is necessary for compliance with state law.



Kenneth R. Krushenski

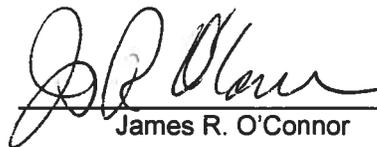


Tammy M. Dunn

Attachment: 2009 Public Chapter 441
Ordinance

City Manager's Comments:

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



James R. O'Connor

7/29/09
Date

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 441
HOUSE BILL NO. 669

By Representatives Hackworth, Hardaway, Moore

Substituted for: Senate Bill No. 597

By Senators Burchett, Jackson

AN ACT to amend Tennessee Code Annotated, Title 55 and Title 56, relative to the financial responsibility of persons who register motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-12-139(e) is amended by designating the existing language as subdivision (1) and by adding the following new subdivision thereto:

(2) A person who did not have financial responsibility that was in effect at the time of being charged with a violation of subsection (c) shall not have that person's violation of subsection (c) dismissed.

SECTION 2. Tennessee Code Annotated, Section 55-12-140(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a) The record of conviction of an offense under § 55-12-139(c) shall be promptly transmitted to the department of safety. For any such conviction occurring after July 1, 2009, upon request by the commissioner of safety, the commissioner of revenue shall not issue a renewal of registration for any vehicle for which evidence of financial responsibility is required under § 55-12-139 until the person who was convicted of violating § 55-12-139(c) furnishes proof of financial responsibility as defined in § 55-12-139(b).

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 9, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," SECTION 15-127, TITLED "COMPLIANCE WITH FINANCIAL RESPONSIBILITY LAW REQUIRED; EVIDENCE OF COMPLIANCE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY ADDING A NEW SUBSECTION (3) FOR COMPLIANCE WITH 2009 PUBLIC CHAPTER 441 BY PROHIBITING A DISMISSAL OF A PERSON'S VIOLATION FOR FINANCIAL RESPONSIBILITY WHEN FINANCIAL RESPONSIBILITY WAS NOT IN EFFECT AT THE TIME OF THE VIOLATION.

WHEREAS, City Code §15-127 mirrors Tennessee Code Annotated §55-12-139 requiring financial responsibility; and

WHEREAS, 2009 Public Chapter 441 amends Tennessee Code Annotated §55-12-139(e) relative to the procedure a court follows with respect to financial responsibility violations; and

WHEREAS, City Code §15-127(2) currently allows a person, on or before the court date, to submit evidence that insurance was in effect at the time of the violation and requires the court to dismiss the violation if it is the person's first offense and permits the court to dismiss the violation if it is second or subsequent offense, all without court costs; and

WHEREAS, it has been the court's practice to also dismiss a violation if the person obtains insurance after the fact, with the dismissal requiring the payment of court costs, because the purpose of the law was to ensure drivers are financially responsible in the event of an accident; and

WHEREAS, 2009 Public Chapter 441 has changed the statute to specify the violation cannot be dismissed when a person did not have financial responsibility in effect at the time of the violation; and

WHEREAS, it is necessary to update the City Code for compliance with this new law.

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

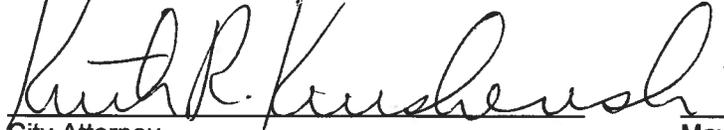
Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," Section 15-127, titled "Compliance with financial responsibility law required; Evidence of compliance," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new subsection (3) which shall read as follows:

Sec. 15-127. Compliance with financial responsibility law required; Evidence of compliance.

- (3) A person who did not have financial responsibility that was in effect at the time of being charged with a violation of this section shall not have that person's violation dismissed.

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

First Reading:	_____	8/10/09
Publication Date:	_____	8/17/09
Second Reading:	_____	
Publication Date:	_____	
Effective Date:	_____	

RESOLUTIONS GENERAL

Personnel Memorandum
09-092

September 1, 2009

TO: James R. O'Connor, City Manager
FROM: Penelope H. Sissom, Personnel Director
THROUGH: Steven W. Jenkins, Deputy City Manager 
SUBJECT: NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM

The attached resolution authorizes the City's participation in the National League of Cities (NLC) Prescription Drug Discount Card Program in collaboration with CVS Caremark.

The NLC Prescription Discount Card program is offered free to member cities, which includes the City. As several members of City Council have heard at various NLC and Tennessee Municipal League meetings, the program is designed to help City residents who have no medical insurance save money on the high cost of prescription medicines. The average savings is twenty per cent (20%) and the discount card can also be used for prescriptions not covered by insurance and for a pet medication obtained at a pharmacy as long as that medication is also a covered human medication. CVS Caremark administers this program for NLC. As of May 31, 2009 the following Tennessee cities are already participating in the program: Athens, Benton, East Ridge, Martin, Memphis and Morristown.

According to the Caremark Web site, the following Oak Ridge pharmacies are eligible to participate in the program: Walgreen Drug Store, Wal-Mart Pharmacy, Riddle Express Pharmacy, Kmart Pharmacy, Kroger Pharmacy, Food City Pharmacy, CVS Pharmacy, Overton's Pharmacy, Oak Ridge Health Care Center and Tennessee Urology Associates. There are also many pharmacies in the surrounding area that are participating and other pharmacies could be added. There are over 59,000 participating pharmacies nationwide.

Current plans call for the program to be implemented in Oak Ridge on or about October 1, 2009. Information about the program and the discount cards will be available at participating pharmacies, at the Oak Ridge Public Library, at the Utility Business Office, at the Recreation Building and at the Scarboro Community Center.

Samples of the poster and the card are attached and these items provide additional information about the program.

Staff recommends adoption of the attached resolution for the City to participate in the NLC Prescription Discount Card program.



Penelope H. Sissom

Attachments

City Manager's Comments:

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


James R. O'Connor
9/3/09
Date



National League of Cities

LOWER THE COST OF YOUR PRESCRIPTIONS!



Start Saving Today with the City of Oak Ridge Prescription Discount Card

The prescription discount card is easy to use and can be used anytime your prescription is not covered by insurance.

The program includes:

- Average savings of 20%
- FREE enrollment
- Coverage for ALL family members
- No limit on how many times you use the card
- No age requirements
- No income requirements
- Easy access, nine out of 10 pharmacies nationwide participate in the program
- Pet medications that are also used to treat a human condition are covered

This program is provided for you by the
City of Oak Ridge
through collaboration with the National League of Cities.

For more information call toll-free 1-888-620-1749 or visit www.caremark.com/nlc.

This is not insurance. Discounts are only available at participating pharmacies. By using this card, participants agree to pay the entire prescription cost less any applicable discount. Savings may vary by drug and pharmacy.

Free Prescription Discount Card

City of Oak Ridge



RxBIN:
RxPCN:
ID:

RxGRP:
ISSUER: (80840)

Brought to you in collaboration with the National League of Cities.



National League of Cities

This is not insurance.

Start saving on prescriptions today!

Easy Access

This prescription discount card is brought to you by your city government in collaboration with the National League of Cities. Nine out of 10 pharmacies nationwide participate in this program, including many in your city. Save an average of 20% off the regular retail price of prescription drugs.

No Restrictions

You and your family may use your discount card anytime your prescription is not covered by insurance. There are no restrictions and no limits on how many times you may use your card.

Extra Savings

As part of this program you will also be eligible for higher discounts on select medications. To get program information, locate a pharmacy, look up a drug price, or access health resources visit www.caremark.com/nlc, or call toll-free **1-888-620-1749**.

Accepted by **all** major pharmacy chains nationwide!



Participant: Call toll-free **1-888-620-1749**. This card is accepted by nine out of 10 pharmacies nationwide.

Participante: Llame sin cargos al **1-888-620-1749**. Esta tarjeta se acepta en nueve de cada diez farmacia participantes en la nación.

Pharmacist: The RxPCN, RxGRP, full participant ID and a 01 person code must be submitted online to process claims for this program. For information, call toll-free **1-800-364-6331**.

To locate the nearest participating pharmacy, please call Customer Care toll-free at **1-888-620-1749** or visit **www.caremark.com/nlc**.

Para obtener más información y para localizar la farmacia participante más cercana, llame a Servicio al Cliente, sin cargos al **1-888-620-1749**, o visite **www.caremark.com/nlc**.

The National League of Cities is the oldest and largest national organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans.

This is not insurance. Discounts are only available at participating pharmacies.

By using this card, you agree to pay the entire prescription cost less any applicable discount.

Savings may vary by drug and by pharmacy. Savings are based on actual 2008 drug purchases for all drug discount card programs administered by Caremark. The program administrator may obtain fees or rebates from manufacturers and/or pharmacies based on your prescription drug purchases. These fees or rebates may be retained by the program administrator or shared with you and/or your pharmacy.

Prescription claims through this program will not be eligible for reimbursement through Medicaid, Medicare or any other government program.

RESOLUTION

WHEREAS, some citizens of the City of Oak Ridge are among the millions of Americans without adequate medical insurance or with limited prescription drug coverage; and

WHEREAS, the National League of Cities (NLC) is sponsoring a program in collaboration with CVS Caremark to provide some relief to city residents around the country from the high cost of prescription drugs; and

WHEREAS, the City of Oak Ridge is a member city of NLC and the NLC Prescription Discount Card Program is available to member cities at no charge to those cities; and

WHEREAS, CVS Caremark will provide participating cities with prescription discount cards, marketing materials and customer support; and

WHEREAS, the discount cards offer an average savings of twenty percent (20%) off the retail price of most prescription drugs, require no enrollment form or membership fee, have no restrictions based on the resident's age or income level, and may be used by City residents and their families any time their prescriptions are not covered by insurance; and

WHEREAS, the City Manager recommends City of Oak Ridge participation in NLC Prescription Discount Card Program that is done in connection with CVS Caremark.

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 of Oak Ridge is hereby authorized to participate in the NLC Prescription Drug Discount Card Program in connection with CVS Caremark at no direct cost to the City, with said program to be in effect on or about October 1, 2009.

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

This the 14th day of September 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ADMINISTRATIVE SERVICES MEMORANDUM
112-09

DATE: September 2, 2009
TO: James R. O'Connor, City Manager
FROM: Steven W. Jenkins, Deputy City Manager
SUBJECT: **Bond Issuance**

As described in Finance Department memo 08-08 (attached) the City's cash reserves need to be replenished. Historically, the City has used its reserves to fund the construction of capital projects and then reimbursed itself through the issuance of debt. The largest reimbursement will be for completion of the high school. The amount will be approximately \$6,500,000. Cash reserves are depleted in the Electric and Waterworks Fund and an infusion of cash is necessary. In fact, these funds have been utilizing short term funds from the General Fund reserves. In order to replenish the cash reserves and pay for completed projects, along with a few planned projects, the attached bond resolution authorizes the City to issue debt in the amount of \$20,000,000.

Since May of 2008, when the initial bond resolution was approved by City Council, a new program has been developed by the federal Government that is called "Build America Bonds" (BABs). Staff is recommending that this program be used as the vehicle for the City to issue this debt. Again, these funds will be used to replenish cash reserves for projects that are already completed and for capital improvements that are under construction or planned in the very near future. The advantage of the BABs program is that the current interest rate is 60 to 80 basis points below traditional tax exempt bond financing for long term debt. The primary disadvantage for the City is that there is more paperwork associated with the program.

The bonds will be issued with maturities up to 33 years. Build America Bonds permits state and local governments to sell taxable bonds instead of tax-exempt bonds and receive payments from the US Treasury equal to 35% of the interest on the bonds for the life of the debt. Currently, it is projected that the net interest rate, taking into account the direct payment from the Treasury and including issuance costs, will be fixed at or below 4.5%. From an historical perspective, this is an excellent interest rate for longer maturities and makes the use of riskier variable rate debt significantly less attractive. In addition, this rate is in line with the 4.5% rate that was budgeted for the high school. The rate is so attractive that staff is recommending one large bond issue, which is more cost effective, rather than the several smaller issues that are described in memo 08-08.

The principal payment of the new bonds will be wrapped around other debt to maintain level or declining debt payments and allow for future debt to be issued

without severely impacting tax and utility rates. This method of principal payment has been utilized by the City for several years and is part of an overall long term debt strategy. The drawback of wrapping debt is that the City will be paying interest only for several years; however, the City is paying debt principal on other issues at the rate of over \$6,000,000 in 2010.

The total debt for all funds will be over \$170,000,000 at the end of FY 2010. A summary schedule excluding this proposed issue is attached. As Council is aware, staff has projected for some time that the total City debt would be over \$170,000,000 by the end of FY 2010. The single largest project that has been funded by debt is the Oak Ridge high school. The total debt for that project, including capitalized interest, will be over \$67,000,000 or approximately 40% of the City's total debt. This is line with the projections for the high school.

As described above, a significant portion of the funds from this issue will be used for the completion of the Oak Ridge High School project. Examples of other planned or reimbursable projects include street resurfacing, general capital maintenance, the expansion of electric substation 800, the city's portion of costs related to the relocation and upgrade of water, sewer, and electric systems along state route 95, water plant and water tank improvements, equipment replacement funding, various technology updates, and meter reading system improvements. Major planned capital projects are listed in the 2010 budget, as well as, the 2008 to 2015 Capital Improvements Program (CIP) documents. Most funded projects have been or will be approved by City Council resolution. A few projects such as school maintenance, underground electric line replacement, and some small equipment purchases might or might not be directly approved by City Council. However, these capital items have been discussed during the budget process and approved through the normal purchasing process.

Examples of planned projects that are not funded in this issue include; a new senior center, a new pre-school, and \$500,000 for the expansion of Roane State. As the need for funding of these projects becomes necessary, the City will issue additional debt. It is difficult to anticipate the actual timing of this debt at this time.

Recently, because of the City's Aa3/AA bond rating by two rating agencies (Moody's and Standard and Poor's), all City debt has been backed by the full faith and credit of the City, which means that the debt is backed by the City's property tax base without having to pay any additional costs for credit enhancement. If the electric and waterworks funds were rated separately, it is safe to assume that their ratings would be lower than the overall rating of the City. Using the City's superior bond rating provides better interest rates on the borrowings without having to purchase any additional credit enhancement. Even though the tax rate is backing the debt, the water and wastewater rates will provide funding for debt service related to waterworks projects and the electric rates will provide funding for debt service related to electric system improvements.

City staff is proposing using Cumberland Securities, a division of Morgan Keegan as the advisor on this issue and using Bass, Berry & Sims as the legal counsel. The City has used these companies for fixed rate debt issuance in the past and staff has been pleased with their knowledge and support. In addition, they just completed the first BABs issue in the state and have valuable experience in this new program. The total issuance cost for this issue will be approximately 1.25% of the total, which is in line with typical City fixed rate bond issuance costs.

Finally, it is important to note that the City bond rating of Aa3/AA by two rating agencies was a key factor in the City's ability to achieve these attractive rates in this time of financial turmoil. It is vital that the City maintain adequate cash reserves to retain these ratings and guard the City against an unexpected financial event.

Staff recommends approval of the resolution.


Steven W Jenkins

Attachments

City Manager's Comments:

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


James R. O'Connor.

9/3/2009
Date

**FINANCE DEPARTMENT MEMORANDUM
08-08**

DATE: May 6, 2008
TO: James R. O'Connor, City Manager
THROUGH: Steven W. Jenkins, Deputy City Manager 
FROM: Janice E. McGinnis, Finance Director
SUBJECT: Initial Bond Resolution

Attached is the Initial Bond Resolution allowing for the execution of one or more long-term debt instruments not to exceed \$20,000,000 to finance various planned capital improvements. The resolution allows the City the flexibility to issue it's own general obligation bonds and/or to borrow money from the Tennessee Municipal Bond Fund or the TN-LOANS program based on market conditions at the time of issuance. The debt will be issued over the next two or three years as funding is required for major capital projects, primarily to finance the completion of the Oak Ridge High School project and planned electric, water and wastewater projects. Planned utility projects include the expansion of electric substation 800, city's portion of costs related to the relocation and upgrade of water and sewer lines along state route 95, water plant and water tank improvements, equipment replacement, utility billing software, and meter replacement and software in conjunction with an automated meter reading system. Major planned utility capital projects are listed in the 2009 proposed budget, as well as, the 2009 to 2014 Capital Improvements Program (CIP) document.

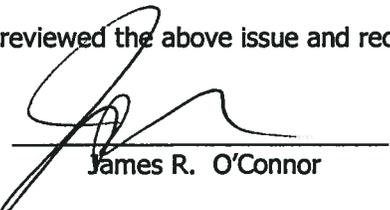
Cash levels are exhausted in the Electric and Waterworks Fund and an infusion of cash is necessary to fund planned capital projects. The Waterworks Fund will provide funding for debt service related to water and wastewater projects and the Electric Fund will provide funding for debt service related to any electric system improvements. To obtain better interest rates on the borrowings, Waterworks Fund debt has historically been legally backed by the City's property taxes, however, payment of the debt service has always and will continue to be provided through water and wastewater rates.

Staff recommends approval of the resolution. The adoption of this initial resolution by City Council does not approve any capital expenditure, it only allows for the funding mechanism to be in place as projects proceed. Each individual capital project will come before City Council for approval prior to execution of the project.


Janice E. 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

INITIAL RESOLUTION AUTHORIZING THE CITY OF OAK RIDGE, TENNESSEE, TO BORROW FUNDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000) THROUGH THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS AND/OR OBTAINING A LOAN FROM A PUBLIC BUILDING AUTHORITY IN TENNESSEE, UNDER ONE OR MORE LOAN AGREEMENTS BETWEEN THE MUNICIPALITY AND THE AUTHORITY

WHEREAS, the City Council of the City of Oak Ridge, Tennessee (the "Municipality") has determined that it is necessary and advisable to borrow funds and incur indebtedness for certain public improvements as more fully set forth herein; and

WHEREAS, pursuant to Section 9-21-205 and Section 12-10-115(a)(2), Tennessee Code Annotated, as amended, prior to issuing bonds and/or obtaining of loans for said purposes, it is necessary to adopt an initial resolution authorizing said bonds and/or loans.

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

For the purpose of providing funds for (i) the construction, renovation, furnishing and equipping of school buildings, without limitation, Oak Ridge High School and other school buildings and related facilities; (ii) the construction of streets, roads, and sidewalks and related infrastructure; (iii) the construction, expansion, renovation, improvement and equipping of improvements to other public buildings and related facilities of the Municipality; (iv) the purchase of equipment and related expenses to be used by all departments of the Municipality, including utility equipment and computer systems; (v) the construction, improvement, extension, renovation, relocation and equipping of water and wastewater treatment plants and systems and electrical supply and distribution systems of the Municipality; (vi) the acquisition of all property, both real and personal, related to any of the foregoing; (vii) the payment of legal, fiscal, administrative, architectural and engineering costs incident to the foregoing; and (viii) the payment of costs incident to the issuance and sale of the bonds and/or the loan agreements, the Municipality is hereby authorized to borrow money and incur indebtedness in an aggregate principal amount of not to exceed \$20,000,000 through the issuance of general obligation bonds and/or by obtaining one or more loans from and entering into one or more loan agreements with a public building authority in Tennessee, or a combination thereof. The indebtedness incurred pursuant to the issuance of the general obligation bonds and/or the issuance of each loan agreement, or combination thereof, shall bear interest at a rate or rates not to exceed the maximum rate permitted by law. That portion of the indebtedness that finances water, wastewater and electric system improvements shall be payable from the revenues from each of such systems and, in the event of a deficiency in such revenues, from *ad valorem* taxes to be levied on all taxable property within the corporate limits of the Municipality, and the remainder of such indebtedness shall be payable from *ad valorem* taxes to be levied on all taxable property within the corporate limits of the Municipality.

BE IT FURTHER RESOLVED that the City Clerk of the Municipality is hereby authorized and directed to cause the foregoing resolution to be published in full in a newspaper having a general circulation in the Municipality for one issue of said paper followed by the following notice:

NOTICE

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition signed by at least ten percent (10%) of the registered voters of the Municipality shall have been filed with the City Clerk of the Municipality protesting the issuance of the general obligation bonds and/or the entering into loans under the loan agreements, such bonds will be issued and/or such loan agreements will be executed and delivered as proposed.

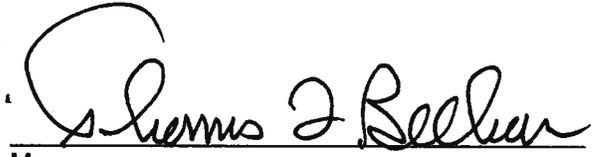
Jacquelyn J. Bernard, City Clerk

BE IT FURTHER RESOLVED that this Resolution shall be in immediate effect from and after its adoption, the public welfare requiring it.

This the 19th day of May 2008.

APPROVED AS TO FORM AND LEGALITY:


City Attorney


Mayor


City Clerk

**CITY OF OAK RIDGE
SUMMARY OF LONG-TERM DEBT
BUDGET 2010**

Issues	Rate Type	Available for Draw	PROJECTED			Maturity Date
			Principal Outstanding 6/30/09	Budget FY 2010 Principal	Budget FY 2010 Interest	
<u>DEBT SERVICE FUND</u>						
GO Bonds 2003 (Refunding)	Fixed	\$ -	\$ 4,096,000	\$ 263,000	\$ 161,160	\$ 424,160 06/01/16
GO Bonds 2001 (Refunding)	Fixed	-	11,725,000	2,075,000	598,625	2,671,625 04/01/15
GO Bonds 1998 (Golf Course)	Fixed	-	5,545,000	275,000	281,675	536,675 06/01/23
GO Bonds 2009 (Refunding)	Fixed	-	17,215,000	-	775,700	775,700 6/01/22
TMBF 1994	Variable	-	568,765	-	25,584	25,584 05/25/23
TMBF 2008 (Part ORHS)	Variable	-	7,752,288	-	348,853	348,853 05/25/27
GO Bonds 2005 (ORHS Debt) B-9-A	Fixed	-	15,000,000	100,000	666,188	766,188 06/01/25
TNLOANS 2006 (ORHS Debt) B-11-A	Fixed	-	5,325,000	-	232,969	232,969 06/01/38
TNLOANS 2004 (ORHS Debt) VII E-1	Fixed Swap	-	21,140,000	-	951,300	951,300 06/01/36
TNLOANS 2006 (ORHS Debt) VI-H-1	Fixed Swap	-	4,675,000	-	210,375	210,375 06/01/29
QZAB Series 2004 (ORHS Debt)	Fixed	-	5,287,020	440,585	2,115	442,700 11/24/20
QZAB Series 2005 (ORHS Debt)	Fixed	-	826,000	68,833	330	69,163 12/28/20
TOTAL DEBT SERVICE FUND		\$ -	\$ 99,155,073	\$ 3,222,418	\$ 4,232,884	\$ 7,455,302
<u>GRANT FUND *Debt Service Funded By CDBG Grant</u>						
TMBF 2002	Variable	\$ -	\$ 623,000	\$ 65,000	\$ 27,795	\$ 92,795 05/25/17
<u>EQUIPMENT REPLACEMENT RENTAL FUND</u>						
GO Bonds 2003 (Refunding)	Fixed	\$ -	\$ 609,000	\$ 157,000	\$ 22,690	\$ 179,690 06/01/13
<u>ELECTRIC FUND</u>						
Revenue Bonds 2003 (Refunding)	Fixed	\$ -	\$ 6,885,000	\$ 930,000	\$ 290,850	\$ 1,220,850 06/01/16
2009 Bonds (Refunding)	Fixed	-	10,070,000	-	448,444	448,444 06/01/25
TMBF 2006	Variable	-	2,689,157	113,424	120,593	234,017 05/25/26
TMBF 2008	Variable	-	1,453,296	-	65,398	65,398 05/25/27
TOTAL ELECTRIC FUND		\$ -	\$ 21,097,453	\$ 1,043,424	\$ 925,285	\$ 1,968,709
<u>WATERWORKS FUND</u>						
<u>Water</u>						
TMBF 1994	Variable	\$ -	\$ 1,033,409	\$ -	\$ 46,503	\$ 46,503 05/25/23
TMBF 2002	Variable	-	2,262,000	128,000	101,317	229,317 05/25/22
TMBF 2006	Variable	-	3,284,758	138,546	147,302	285,848 05/25/26
TMBF 2008	Variable	-	931,139	-	41,901	41,901 05/25/27
GO Bonds 2003 (Refunding)	Fixed	-	1,399,860	180,180	54,170	234,350 06/01/16
TLDA State	Fixed	-	13,957	13,957	-	13,957 02/20/10
TOTAL WATER DEBT		\$ -	\$ 8,925,123	\$ 460,683	\$ 391,193	\$ 851,876
<u>Wastewater</u>						
TMBF 1994	Variable	\$ -	\$ 1,770,328	\$ -	\$ 79,665	\$ 79,665 05/25/23
TMBF 2006	Variable	-	2,087,085	88,030	93,593	181,623 05/25/26
TMBF 2008	Variable	-	863,277	-	38,847	38,847 05/25/27
GO Bonds 2003 (Refunding)	Fixed	-	1,630,140	209,820	63,080	272,900 06/01/16
State Revolving Loan 97	Fixed	-	8,564,943	509,724	340,824	850,548 06/20/22
State Revolving Loan 98	Fixed	-	3,665,246	208,440	144,240	352,680 06/20/23
State Revolving Loan 02	Fixed	2,838,278	4,161,722	132,500	147,217	279,717 N/A
TOTAL WASTEWATER DEBT		\$ 2,838,278	\$ 22,742,739	\$ 1,148,514	\$ 907,466	\$ 2,055,980
TOTAL WATERWORKS FUND		\$ 2,838,278	\$ 31,667,862	\$ 1,609,197	\$ 1,298,659	\$ 2,907,856
<u>EMERGENCY COMM. FUND</u>						
Capital Lease Agreement (Radio System Upgrade)		\$ -	\$ 976,098	\$ 102,292	48,610	150,902 1/1/17
TOTAL CITY DEBT		\$ 2,838,278	\$ 154,128,486	\$ 6,199,331	\$ 6,555,923	\$ 12,755,254

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000) OF THE CITY OF OAK RIDGE, TENNESSEE; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS; ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS.

WHEREAS, pursuant to Sections 9-21-101, et seq., inclusive, Tennessee Code Annotated, as amended, municipalities in Tennessee are authorized through their respective governing bodies to issue and sell bonds of said municipalities to finance public works projects; and

WHEREAS, the City Council of the City of Oak Ridge, Tennessee (the "Municipality") hereby determines that it is necessary and advisable to issue not to exceed \$20,000,000 in aggregate principal amount of general obligation bonds, to be issued in one or more emissions, for the purpose of providing funds for (i) the construction, renovation, furnishing and equipping of school buildings, including, without limitation, Oak Ridge High School and other school buildings and related facilities; (ii) the construction of streets, roads, and sidewalks and related infrastructure; (iii) the construction, expansion, renovation, improvement and equipping of improvements to other public buildings and related facilities of the Municipality; (iv) the purchase of equipment and related expenses to be used by all departments of the Municipality, including utility equipment and computer systems; (v) the construction, improvement, extension, renovation, relocation and equipping of water and wastewater treatment plants and systems and electrical supply and distribution systems of the Municipality; (vi) the acquisition of all property, both real and personal, related to any of the foregoing; (vii) the payment of legal, fiscal, administrative, architectural and engineering costs incident to the foregoing; and (viii) the payment of costs incident to the issuance and sale of the bonds (collectively, the "Projects"); and

WHEREAS, it is the intention of the City Council of the Municipality to adopt this resolution for the purpose of authorizing not to exceed \$20,000,000 in aggregate principal amount of said bonds, providing for the issuance, sale and payment of said bonds, establishing the terms thereof, and the disposition of proceeds therefrom, providing for the levy of a tax under certain conditions for the payment of principal thereof, premium, if any, and interest thereon, and providing for the issuance of said bonds, as either Federally Taxable Build America Bonds (as defined herein) or as Federally Tax-Exempt Bonds (as defined herein), as shall be determined by the Mayor in accordance with the provisions herein; and

WHEREAS, on May 19, 2008, the City Council of the Municipality adopted an Initial Resolution proposing the issuance of not to exceed \$20,000,000 in the aggregate principal amount of general obligation bonds, the proceeds of which shall be used for the Projects hereinabove set forth and payment of the costs of issuance of the bonds authorized herein; and

WHEREAS, the Initial Resolution, together with the notice required by Section 9-21-206, Tennessee Code Annotated, has been published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Oak Ridge, Tennessee, as follows:

Section 1. Authority. The bonds authorized by this resolution are issued pursuant to Sections 9-21-101, et seq., Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Definitions. The following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

(a) "Bonds" means the not to exceed \$20,000,000 General Obligation Bonds, Series 2009 of the Municipality, to be dated the date of issuance, and having such series designation or other designation and other dated date as shall be determined by the Mayor pursuant to Section 7 hereof;

(b) "Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository, or to its nominee as Registered Owner, with the certificate of bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the Municipality or the Registration Agent, constitute the written record that identifies, and records the transfer of, the beneficial "book-entry" interests in those bonds;

(c) "Code" means the Internal Revenue Code of 1986, as amended, and all regulations promulgated thereunder;

(d) "Municipality" means the City of Oak Ridge, Tennessee;

(e) "Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to, DTC;

(f) "Direct Payment Credit" means any refundable direct payment credit received by the Municipality from the United States Treasury pursuant to Section 54AA and Section 6431 of the Code with respect to any emission of Bonds qualifying as Federally Taxable Build America Bonds under Section 54AA(g) of the Code for which the Municipality makes an irrevocable election as set for the herein;

(g) "DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns;

(h) "DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC System;

(i) "Federally Taxable Build America Bonds" means for purposes of this resolution, any emission of Bonds, the interest on which is includable in gross income of the holders thereof for federal income tax purposes and that, when issued, are "qualified bonds" within the meaning of Section 54AA(g)(2) of the Code qualifying to receive Direct Payment Credits;

(j) "Federally Tax-Exempt Bonds" means any emission of Bonds, the interest on which is intended to be excludable from gross income of the holders thereof for federal income tax purposes;

(k) "Financial Advisor" means Morgan Keegan & Company, Inc., Knoxville, Tennessee;

(l) "Governing Body" means the City Council of the Municipality;

(m) "Projects" mean (i) the construction, renovation, furnishing and equipping of school buildings, including, without limitation, Oak Ridge High School and other school buildings and related facilities; (ii) the construction of streets, roads, and sidewalks and related infrastructure; (iii) the

construction, expansion, renovation, improvement and equipping of improvements to other public buildings and related facilities of the Municipality; (iv) the purchase of equipment and related expenses to be used by all departments of the Municipality, including utility equipment and computer systems; (v) the construction, improvement, extension, renovation, relocation and equipping of water and wastewater treatment plants and systems and electrical supply and distribution systems of the Municipality; (vi) the acquisition of all property, both real and personal, related to any of the foregoing; (vii) the payment of legal, fiscal, administrative, architectural and engineering costs incident to the foregoing; and (viii) the payment of costs incident to the issuance and sale of the Bonds; and

(n) "Registration Agent" means the registration and paying agent appointed by the Mayor pursuant to Section 3 hereof, or any successor designated by the Governing Body.

Section 3. Authorization and Terms of the Bonds. (a) For the purpose of providing funds (i) to finance the cost of the Projects and costs incident thereto; (ii) reimburse the appropriate fund of the Municipality for prior expenditures for the foregoing costs, if applicable; and (iii) pay costs incident to the issuance and sale of the Bonds, there is hereby authorized to be issued bonds of the Municipality in the aggregate principal amount of not to exceed \$20,000,000. The Bonds shall be issued in one or more emissions, in fully registered, Book-Entry Form (except as otherwise set forth herein), without coupons, and subject to the adjustments permitted under Section 7, shall be known as "General Obligation Bonds, Series 2009", shall be dated the date of issuance, and shall have such series designation or other designation and other dated date as shall be determined by the Mayor pursuant to Section 7 hereof. Each emission of Bonds shall bear interest at a rate or rates not to exceed the maximum rate permitted by applicable Tennessee law, payable (subject to the adjustments permitted under Section 7) semi-annually on April 1 and October 1 in each year, commencing April 1, 2010. The Bonds shall be issued initially in \$5,000 denominations or integral multiples thereof, as shall be requested by the original purchaser thereof. Subject to the adjustments permitted pursuant to Section 7 hereof and the limitations of such Section 7, each emission of Bonds shall be issued as either Federally Tax-Exempt Bonds or Federally Taxable Build America Bonds and shall mature no later than 35 years after the date of the issuance of each emission of the Bonds.

(b) Subject to the adjustments permitted pursuant to Section 7 hereof, Bonds shall be subject to redemption prior to maturity at the option of the Municipality on October 1, 2019 and thereafter, as a whole or in part at any time at the redemption price of par plus accrued interest to the redemption date. If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be selected by the Governing Body in its discretion. If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

(c) Pursuant to Section 7 hereof, the Mayor is authorized to sell the Bonds, or any maturities thereof, as term bonds ("Term Bonds") with mandatory redemption requirements corresponding to the maturities set forth herein or as determined by the Mayor. In the event any or all the Bonds are sold as Term Bonds, the Municipality shall redeem Term Bonds on redemption dates corresponding to the

maturity dates set forth herein, in aggregate principal amounts equal to the maturity amounts established pursuant to Section 7 hereof for each redemption date, as such maturity amounts may be adjusted pursuant to Section 7 hereof, at a price of par plus accrued interest thereon to the date of redemption. The Term Bonds to be redeemed within a single maturity shall be selected in the manner described in subsection (b) above.

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such mandatory redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

(d) Notice of call for redemption, whether optional or mandatory, shall be given by the Registration Agent on behalf of the Municipality not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant or Beneficial Owner will not affect the validity of such redemption. The Registration Agent shall mail said notices as and when directed by the Municipality pursuant to written instructions from an authorized representative of the Municipality (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates provided herein) given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein.

(e) The Governing Body hereby authorizes and directs the Mayor to appoint the Registration Agent for the Bonds and hereby authorizes the Registration Agent so appointed to maintain Bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance or upon transfer, to effect transfers of the Bonds, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the Municipality at least annually a certificate of destruction with respect to Bonds canceled and destroyed, and to furnish the Municipality at

least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds. The Mayor is hereby authorized to execute and the City Clerk is hereby authorized to attest such written agreement between the Municipality and the Registration Agent as they shall deem necessary and proper with respect to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

(f) The Bonds shall be payable, both principal and interest, in lawful money of the United States of America at the main office of the Registration Agent. The Registration Agent shall make all interest payments with respect to the Bonds by check or draft on each interest payment date directly to the registered owners as shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by depositing said payment in the United States mail, postage prepaid, addressed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the Municipality in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registration Agent as the same shall become due and payable. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each. In the event the Bonds are no longer registered in the name of DTC, or a successor Depository, if requested by the Owner of at least \$1,000,000 in aggregate principal amount of the Bonds, payment of interest on such Bonds shall be paid by wire transfer to a bank within the continental United States or deposited to a designated account if such account is maintained with the Registration Agent and written notice of any such election and designated account is given to the Registration Agent prior to the record date.

(g) Any interest on any Bond that is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by the Municipality to the persons in whose names the Bonds are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the Municipality shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment, and at the same time the Municipality shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which Date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered owners. The Registration Agent shall promptly notify the Municipality of such Special Record Date and, in the name and at the expense of the Municipality, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner at the address thereof as it appears in the Bond registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Bonds shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the Municipality to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on the Bonds when due.

(h) The Bonds are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Bond or the Bond to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the publication of notice calling such Bond for redemption has been made, nor to transfer or exchange any Bond during the period following the receipt of instructions from the Municipality to call such Bond for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bond, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. The Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in any authorized denomination or denominations.

(i) The Bonds shall be executed in such manner as may be prescribed by applicable law, in the name, and on behalf, of the Municipality with the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk or her designee.

(j) Except as otherwise provided in this resolution, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity shall be issued to DTC and immobilized in its custody. A Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are hereinafter referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. **SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS, THE REGISTRATION AGENT SHALL TREAT CEDE & CO., AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRATION AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS RESOLUTION.**

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registration Agent directly to DTC or

its nominee, Cede & Co. as provided in the Letter of Representation relating to the Bonds from the Municipality and the Registration Agent to DTC (the "Letter of Representation"). DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. The Municipality and the Registration Agent shall not be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds, or (2) to the extent permitted by DTC's policies, the Municipality determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Bonds would adversely affect their interests or the interests of the Beneficial Owners of the Bonds, then the Municipality shall discontinue the Book-Entry System with DTC or, upon request of such original purchaser, deliver the Bonds to the original purchaser in the form of fully registered Bonds, as the case may be. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner. If the purchaser(s) certifies that it intends to hold the Bonds for its own account and has no present intent to reoffer the Bonds, then the Municipality may issue the Bonds fully registered certificated Bonds in lieu of using DTC.

THE MUNICIPALITY AND THE REGISTRATION AGENT SHALL NOT HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY DTC PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS, (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC, OR ITS NOMINEE, CEDE & CO., AS OWNER.

(k) The Registration Agent is hereby authorized to take such action as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC (or any of its designees identified to the Registration Agent) by overnight delivery, courier service, telegram, telecopy or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the owners of the Bonds, provided, however, that the Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this section.

(l) The Registration Agent is hereby authorized to authenticate and deliver the Bonds to the original purchaser, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The Bonds shall not be valid for any purpose unless authenticated by the Registration Agent by the manual signature of an officer thereof on the certificate set forth herein on the Bond form.

(m) In case any Bond shall become mutilated, or be lost, stolen, or destroyed, the Municipality, in its discretion, shall issue, and the Registration Agent, upon written direction from the

Municipality, shall authenticate and deliver, a new Bond of like tenor, amount, maturity and date, in exchange and substitution for, and upon the cancellation of, the mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond, or if any such Bond shall have matured or shall be about to mature, instead of issuing a substituted Bond the Municipality may pay or authorize payment of such Bond without surrender thereof. In every case the applicant shall furnish evidence satisfactory to the Municipality and the Registration Agent of the destruction, theft or loss of such Bond, and indemnity satisfactory to the Municipality and the Registration Agent; and the Municipality may charge the applicant for the issue of such new Bond an amount sufficient to reimburse the Municipality for the expense incurred by it in the issue thereof.

Section 4. Source of Payment. That a portion of the indebtedness represented by Bonds that finances water, wastewater and electric system improvements shall be payable from the revenues of the water, wastewater and electric systems of the Municipality, respectively, and, in the event of a deficiency in such revenues, from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. The remainder of the indebtedness represented by the Bonds shall be payable from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. For the prompt payment of principal of, premium, if any, and interest on the Bonds, the full faith and credit of the Municipality are hereby irrevocably pledged. With respect to any bond that are issued as "Federally Taxable Build America Bonds" the Bonds are additionally payable from, but not secured by Direct Payment Credits received in respect of such emission of Bonds.

Section 5. Form of Bonds. The Bonds shall be in substantially the following form, the omissions to be appropriately completed when the Bonds are prepared and delivered:

(Form of Face of Bond)

REGISTERED Number _____	UNITED STATES OF AMERICA STATE OF TENNESSEE CITY OF OAK RIDGE, TENNESSEE COUNTY OF ANDERSON GENERAL OBLIGATION BOND, SERIES 2009 [Federally Taxable Build America Bonds –Direct Payment]	REGISTERED \$ _____	
Interest Rate:	Maturity Date:	Date of Bond:	CUSIP No.:
Registered Owner:	CEDE & CO.		
Principal Amount:			

FOR VALUE RECEIVED, the City of Oak Ridge, Tennessee (the "Municipality") hereby promises to pay to the registered owner hereof, hereinabove named, or registered assigns, in the manner hereinafter provided, the principal amount hereinabove set forth on the maturity date hereinabove set forth (or upon earlier redemption as set forth herein), and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on said principal amount at the annual rate of interest hereinabove set forth from the date hereof until said maturity date or redemption date, said interest being payable on [April 1, 2010], and semi-annually thereafter on the first day of [April] and [October] in each year until this Bond matures or is redeemed. The principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the principal corporate trust office of _____, _____, _____, as registration agent and paying agent (the

"Registration Agent"). The Registration Agent shall make all interest payments with respect to this Bond on each interest payment date directly to the registered owner hereof shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by check or draft mailed to such owner at such owner's address shown on said Bond registration records, without, except for final payment, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the Municipality to the extent of the payments so made. Any such interest not so punctually paid or duly provided for on any interest payment date shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on the date (the "Special Record Date") for payment of such defaulted interest to be fixed by the Registration Agent, notice of which shall be given to the owners of the Bonds of the issue of which this Bond is one not less than ten (10) days prior to such Special Record Date. Payment of principal of [and premium, if any, on] this Bond shall be made when due upon presentation and surrender of this Bond to the Registration Agent.

Except as otherwise provided herein or in the Resolution, as hereinafter defined, this Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds of the series of which this Bond is one. One Bond for each maturity of the Bonds shall be issued to DTC and immobilized in its custody. A book-entry system shall be employed, evidencing ownership of the Bonds in \$5,000 denominations, or multiples thereof, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants, as defined in the Resolution, pursuant to rules and procedures established by DTC. So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the Municipality and the Registration Agent shall treat Cede & Co., as the only owner of the Bonds for all purposes under the Resolution, including receipt of all principal and maturity amounts of, premium, if any, and interest on the Bonds, receipt of notices, voting and requesting or taking or not taking, or consenting to, certain actions hereunder. Payments of principal, maturity amounts, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid directly to DTC or its nominee, Cede & Co. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners, as defined in the Resolution. Neither the Municipality nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants. In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) the Municipality determines that the continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect its interests or the interests of the Beneficial Owners of the Bonds, the Municipality may discontinue the book-entry system with DTC. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner. Neither the Municipality nor the Registration Agent shall have any responsibility or obligations to any DTC Participant or any Beneficial Owner with respect to (i) the Bonds; (ii) the accuracy of any records maintained by DTC or any DTC Participant; (iii) the payment by DTC or any DTC Participant of any amount due to any Beneficial Owner in respect of the principal or maturity amounts of and interest on the Bonds; (iv) the delivery or timeliness of delivery by DTC or any DTC Participant of any notice due to any Beneficial Owner that is required or permitted under the terms of the Resolution to be given to Beneficial Owners, (v) the selection of Beneficial Owners to receive payments in the event of any partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC, or its nominee, Cede & Co., as owner.

[Bonds shall be subject to redemption prior to maturity at the option of the Municipality on October 1, 2019 and thereafter, as a whole or in part at any time at the redemption price of par plus accrued interest to the redemption date.]

If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be designated by the City Council of the Municipality, in its discretion. If less than all the principal amount of the Bonds of a maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the amount of the interest of each DTC Participant in the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

[Subject to the credit hereinafter provided, the Municipality shall redeem Bonds maturing _____ on the redemption dates set forth below opposite the maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth below opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. DTC, as securities depository for the series of Bonds of which this Bond is one, or such Person as shall then be serving as the securities depository for the Bonds, shall determine the interest of each Participant in the Bonds to be redeemed using its procedures generally in use at that time. If DTC, or another securities depository is no longer serving as securities depository for the Bonds, the Bonds to be redeemed within a maturity shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall select. The dates of redemption and principal amount of Bonds to be redeemed on said dates are as follows:

<u>Final Maturity</u>	<u>Redemption Date</u>	<u>Principal Amount of Bonds Redeemed</u>
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***Final Maturity**

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision

shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.]

Notice of call for redemption[, whether optional or mandatory,] shall be given by the Registration Agent not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant will not affect the validity of such redemption. From and after any redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth in the Resolution, as hereafter defined.

This Bond is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds of authorized denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bond shall be overdue. Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in authorized denomination or denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the notice calling such Bond for redemption has been made, nor during a period following the receipt of instructions from the Municipality to call such Bond for redemption.

This Bond is one of a total authorized issue aggregating \$_____ and issued by the Municipality for the purpose of providing funds for (i) the construction, renovation, furnishing and equipping of school buildings, including, without limitation, Oak Ridge High School and other school buildings and related facilities; (ii) the construction of streets, roads, and sidewalks and related infrastructure; (iii) the construction, expansion, renovation, improvement and equipping of improvements to other public buildings and related facilities of the Municipality; (iv) the purchase of equipment and related expenses to be used by all departments of the Municipality, including utility equipment and computer systems; (v) the construction, improvement, extension, renovation, relocation and equipping of water and wastewater treatment plants and systems and electrical supply and distribution systems of the Municipality; (vi) the acquisition of all property, both real and personal, related to any of the foregoing; (vii) the payment of legal, fiscal, administrative, architectural and engineering costs incident to the foregoing; and (viii) the payment of costs incident to the issuance and sale of the bonds of which this

Bond is one, pursuant to Sections 9-21-101 et seq., Tennessee Code Annotated, as amended, and pursuant to a resolution duly adopted by the City Council of the Municipality on the _____ day of _____, 2009 (the "Resolution").

That a portion of the indebtedness represented by Bonds that finances water, wastewater and electric system improvements shall be payable from the revenues of the water, wastewater and electric systems of the Municipality, respectively, and, in the event of a deficiency in such revenues, from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. The remainder of the indebtedness represented by the Bonds shall be payable from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. For the prompt payment of principal of, premium, if any, and interest on the Bonds, the full faith and credit of the Municipality are irrevocably pledged. [The Bonds are additionally payable from, but not secured by refundable credits received by the Municipality with respect to the Bonds from the United States Treasury pursuant to Section 54AA and Section 6431 of the Internal Revenue Code of 1986, as amended.] For a more complete statement of the general covenants and provisions pursuant to which this Bond is issued, reference is hereby made to the Resolution.

This Bond and the income therefrom are exempt from all present state, county and municipal taxes in Tennessee except (a) inheritance, transfer and estate taxes, [(b) Tennessee excise taxes on interest on the Bond during the period the Bond is held or beneficially owned by any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee,] and (c) Tennessee franchise taxes by reason of the inclusion of the book value of the Bond in the Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the Municipality, does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by its Mayor with his manual or facsimile signature and attested by its City Clerk with her manual or facsimile signature as of the date hereinabove set forth.

CITY OF OAK RIDGE

By: _____
Mayor

ATTESTED:

City Clerk

Transferable and payable at the principal corporate trust office of: _____
_____, _____

Date of Registration: _____

This Bond is one of the issue of Bonds issued pursuant to the Resolution hereinabove described.

Registration Agent

By: _____
Authorized Officer

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto _____, whose address is _____ (Please insert Federal Identification or Social Security Number of Assignee _____), the within Bond of the City of Oak Ridge, Tennessee, and does hereby irrevocably constitute and appoint _____, attorney, to transfer the said Bond on the records kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent.

Section 6. Levy of Tax. The Municipality, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the Municipality, in addition to all other taxes authorized by law, sufficient to pay principal of, premium, if any, and interest on the Bonds when due, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay principal and interest coming due on the Bonds in said year. Principal and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the Municipality and reimbursement therefor shall be made out of the taxes hereby provided to be levied when the same shall have been collected. The tax herein provided may be reduced to the extent of any appropriations from Direct Payment Credits and from any other funds, taxes and revenues of the Municipality to the payment of debt service on the Bonds.

Section 7. Sale of Bonds. (a) The Bonds shall be offered for public sale, as required by law, in one or more emissions, at a price of not less than ninety-eight percent (98%) of par, plus accrued interest, as a whole or in part from time to time as shall be determined by the Mayor, in consultation with the Financial Advisor, provided that no emission of Federally Taxable Build America Bonds may be sold at a premium in excess of that permitted by Section 54AA(d)(2)(C) of the Code. The Bonds, or any emission thereof, shall be sold at public sale by physical delivery of bids or by electronic bidding means of an Internet bidding service as shall be determined by the Mayor, in consultation with the Financial Advisor.

(b) If the Bonds are sold in more than one emission, the Mayor is authorized to cause to be sold in each emission an aggregate principal amount of Bonds less than that shown in Section 3 hereof for each emission, and to make corresponding adjustments to the maturity schedule of each emission designated in Section 3 hereof, so long as the total aggregate principal amount of all emissions issued does not exceed the total aggregate of Bonds authorized to be issued herein.

(c) The Mayor is further authorized with respect to each emission of Bonds to:

(1) make an irrevocable election in accordance with subsection (d) below directing that any emission of Bonds be issued as Federally Taxable Build America Bonds pursuant to Section 54AA(g)(2) of the Code or directing that any emission of Bonds be issued as Federally Tax-Exempt Bonds;

(2) change the dated date to a date other than the date of issuance;

(3) specify the series designation or change the designation of the Bonds other than "General Obligation Bonds";

(4) change the first interest payment date to a date other than April 1, 2010, provided that such date is not later than twelve months from the dated date of such emission of Bonds;

(5) adjust the principal and interest payment dates and determine maturity or mandatory redemption amounts of the Bonds or any emission thereof, provided that (A) the total principal amount of all emissions of the Bonds does not exceed the total amount of Bonds authorized herein, (B) the final maturity date of each emission shall be not later than the end of the fiscal year following the thirty-fifth fiscal year of its emission, and (3) the expected average life of all emissions of the Bonds in the aggregate shall not exceed 32 years;

(6) adjust or remove the optional redemption provisions, provided that the premium amount to be paid does not exceed two percent (2%) of the principal amount thereof;

(7) sell the Bonds, or any emission thereof, or any maturities thereof as Term Bonds with mandatory redemption requirements as determined by the Mayor, as he shall deem most advantageous to the Municipality; and

(8) cause all or a portion of the Bonds to be insured by a bond insurance policy issued by a nationally recognized bond insurance company to achieve the purposes set forth herein and to serve the best interests of the Municipality and to enter into agreements with such insurance company to the extent not inconsistent with this Resolution.

(d) Each emission of Bonds shall be offered for sale as either Federally Tax-Exempt Bonds or as Federally Taxable Build America Bonds as determined by the Mayor, in consultation with the Financial Advisor, by taking into account which type of Bond will result in the lowest cost to the Municipality with respect to such emission of Bonds taking into consideration the Direct Payment Credit projected to be received if such emission of Bonds is issued as Federally Taxable Build America Bonds and such other factors affecting the cost of the Municipality, including redemption provisions relating to each such emission. Each sale may allow bidders to bid as either Federally Tax-Exempt Bonds or Federally Taxable Build America Bonds or both. The Mayor will cause to be filed with the transcript of proceedings for any emission of Federally Taxable Build America Bonds, a report of the Financial Adviser as to the factors taken into account by the Financial Advisor in recommending that any emission be issued as Federally Taxable Build America Bonds. If issued as Federally Taxable Build America

Bonds, the Mayor is directed to make the irrevocable election required under Section 54AA(g)(2) to qualify such emission of Bonds for Direct Payment Credits on each interest payment date. The Mayor, or the City Manager or Accounts & Budget Director, as shall be designated by the Mayor, is further authorized to submit Form 8038-CP prior to each interest payment date for the purpose of receiving the Direct Payment Credit with respect to each interest payment date, or take such other actions required for receipt of the Direct Payment Credit required by the Internal Revenue Service of the United States Treasury. The Mayor shall further designate and direct the deposit of the Direct Payment Credit with either the Registration Agent for the payment of the interest on the Federally Taxable Build America Bonds or with the Finance Director for deposit to the Municipality's debt service fund. All decisions by the Mayor made pursuant to this subsection shall be binding on the Municipality, and no further action of the Governing Body with respect thereto shall be required.

(e) The Mayor is authorized to sell the Bonds, or any emission thereof, simultaneously with any other bonds or notes authorized by resolution or resolutions of the Governing Body. The Mayor is further authorized to sell the Bonds, or any emission thereof, as a single issue of bonds with any other bonds with substantially similar terms authorized by resolution or resolutions of the Governing Body, in one or more emissions or series as she shall deem to be advantageous to the Municipality and in doing so, the Mayor is authorized to change the designation of the Bonds to a designation other than "General Obligation Bonds"; provided, however, that the total aggregate principal amount of combined bonds to be sold does not exceed the total aggregate principal amount of Bonds authorized by this resolution or bonds authorized by any other resolution or resolutions adopted by the Governing Body.

(f) The Mayor is authorized to award the Bonds, or any emission thereof, in each case to the bidder whose bid results in the lowest true interest cost to the Municipality taking into account Direct Payment Credits, provided the rate or rates on the Bonds does not exceed the maximum rate permitted by applicable Tennessee law. The award of the Bonds by the Mayor to the lowest bidder shall be binding on the Municipality, and no further action of the Governing Body with respect thereto shall be required. The form of the Bond set forth in Section 5 hereof, shall be conformed to reflect any changes made pursuant to this Section 7 hereof.

(g) The Mayor and City Clerk, or either of them, are authorized to cause the Bonds, in book-entry form (except as otherwise permitted herein), to be authenticated and delivered by the Registration Agent to the successful bidder and to execute, publish, and deliver all certificates and documents, including an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Bonds. The Mayor and City Clerk are hereby authorized to enter into a contract with the Financial Advisor for financial advisory services in connection with the sale of the Bonds.

Section 8. Disposition of Bond Proceeds. The proceeds of the sale of the Bonds shall be disbursed as follows:

(a) all accrued interest, if any, shall be deposited to the appropriate fund of the Municipality to be used to pay interest on the Bonds on the first interest payment date following delivery of the Bonds; and

(b) the remainder of the proceeds of the sale of the Bonds shall be deposited with a financial institution regulated by the Federal Deposit Insurance Corporation or similar federal agency in a special fund known as the 2009 Public Improvement Construction Fund, or such other designation as shall be determined by the Mayor, (the "Construction Fund") to be kept separate and apart from all other funds of the Municipality. The Municipality shall disburse funds in the Construction Fund to pay costs of issuance of the Bonds, including necessary legal, accounting and fiscal expenses, printing, engraving, advertising

and similar expenses, administrative and clerical costs, Registration Agent fees, bond insurance premiums, if any, and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Bonds. The remaining funds in the Construction Fund shall be disbursed solely to pay the costs of the Projects. Money in the Construction Fund shall be secured in the manner prescribed by applicable statutes relative to the securing of public or trust funds, if any, or, in the absence of such a statute, by a pledge of readily marketable securities having at all times a market value of not less than the amount in said Construction Fund. Money in the Construction Fund shall be expended only for the purposes authorized by this resolution. Moneys in the Construction Fund shall be invested at the direction of the Finance Director in such investments as shall be permitted by applicable law. Earnings from such investments shall be, at the discretion of the Finance Director, (i) deposited in the Construction Fund to the extent needed for the Projects or (ii) transferred to the Municipality's debt service fund. After completion of the Projects, any funds remaining in the Construction Fund, including earnings from such investments, shall be deposited to the Municipality's debt service fund, to the extent permitted by applicable law, subject to any modification by the Governing Body.

Section 9. Official Statement. The Mayor and the Finance Director, or either of them, working with the Financial Advisor are hereby authorized and directed to provide for the preparation and distribution, which may include electronic distribution, of a Preliminary Official Statement describing the Bonds. After bids have been received and the Bonds have been awarded, the Mayor and the Finance Director, or either of them, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The Mayor and the Finance Director, or either of them, shall arrange for the delivery to the successful bidder on the Bonds of a reasonable number of copies of the Official Statement within seven business days after the Bonds have been awarded for delivery, by the successful bidder on the Bonds, to each potential investor requesting a copy of the Official Statement and to each person to whom such bidder and members of his bidding group initially sell the Bonds.

The Mayor and the Finance Director, or either of them, are authorized, on behalf of the Municipality, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the Municipality except for the omission in the Preliminary Official Statement of such pricing and other information.

Notwithstanding the foregoing, no Official Statement is required to be prepared if the Bonds are purchased by a purchaser that certifies that such purchaser intends to hold the Bonds for its own account and has no present intention to reoffer the Bonds.

Section 10. Tax Matters. The Municipality recognizes that the purchasers and owners of any Federally Tax-Exempt Bonds will have accepted them on, and paid therefor a price that reflects the understanding that interest thereon is excludable from gross income for purposes of federal income taxation under laws in force on the date of delivery of the Bonds. In this connection, the Municipality agrees that it shall take no action which may cause the interest on any Federally Tax-Exempt Bonds to be included in gross income for federal income taxation. It is the reasonable expectation of the Governing Body of the Municipality that the proceeds of the Bonds will not be used in a manner which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, and to this end the said proceeds of the Bonds and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The Governing Body further covenants and

represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Bonds to the United States government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Federally Tax-Exempt Bonds from becoming taxable. The Mayor and City Clerk, or either of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bonds as either Federally Tax-Exempt Bonds or as Federally Taxable Build America Bonds as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the Municipality.

Section 11. Discharge and Satisfaction of Bonds. If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in any one or more of the following ways:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registration Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Defeasance Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay interest thereon when due until the maturity or redemption date (provided, if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);

(c) By delivering such Bonds to the Registration Agent, for cancellation by it;

and if the Municipality shall also pay or cause to be paid all other sums payable hereunder by the Municipality with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Escrow Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the Municipality to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Defeasance Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Defeasance Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Defeasance Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and interest on said Bonds; provided that any cash received from such principal or interest payments on such Defeasance Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the Municipality as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Defeasance Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the Municipality, as received by the Registration Agent. For the purposes of this Section, Defeasance Obligations shall mean direct obligations of, or

obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under Tennessee law for the purposes described in this Section, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

Section 12. Continuing Disclosure. The Municipality hereby covenants and agrees that it will provide annual financial information and material event notices if and as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The Mayor is authorized to execute at the closing of the sale of the Bonds, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the Municipality to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the Municipality to comply with their undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

Section 13. Reasonably Expected Economic Life. The "reasonably expected economic life" of the Project within the meaning of Sections 9-21-101 et seq., Tennessee Code Annotated, is greater than the term of the Bonds.

Section 14. Qualified Tax-Exempt Obligations. The Governing Body hereby authorizes the Mayor to designate any Federally Tax-Exempt Bonds, or any emission thereof, as "qualified tax-exempt obligations", to the extent the Bonds, or any emission thereof, may be so designated, within the meaning of and pursuant to Section 265 of the Internal Revenue Code of 1986, as amended.

Section 15. Resolution a Contract. The provisions of this resolution shall constitute a contract between the Municipality and the registered owners of the Bonds, and after the issuance of the Bonds, no change, variation or alteration of any kind in the provisions of this resolution shall be made in any manner until such time as the Bonds and interest due thereon shall have been paid in full.

Section 16. Separability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 17. Repeal of Conflicting Resolutions and Effective Date. All other resolutions and orders, or parts thereof in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

This the 14th day of September 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**RESOLUTIONS
BIDS AND
CONTRACTS**

FINANCE DEPARTMENT MEMORANDUM
09-06

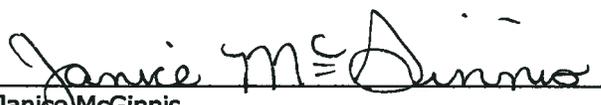
DATE: September 1, 2009
TO: James R. O'Connor, City Manager
THROUGH: Steven W. Jenkins, Deputy City Manager
FROM: Janice E. McGinnis, Finance Director 
SUBJECT: Electric Rate Adjustment

Attached is a resolution authorizing a contract amendment between the City of Oak Ridge and the Tennessee Valley Authority (TVA) to establish new rates for the City's electric system effective with the October 2009 utility billings. TVA is increasing the price for wholesale power to its distributors, which includes the City of Oak Ridge, by an average of 8% effective with the power invoice billing for the month of October 2009.

Beginning in October 2006, wholesale and retail electric rates began changing quarterly for a Fuel Cost Adjustment (FCA). Beginning in October 2009, the FCA, and therefore wholesale and retail electric rates, will be subject to change on a monthly basis. The FCA for October 2009 decreased by 11%, which results in an overall decline in electric rates for the month of October 2009 from current rates.

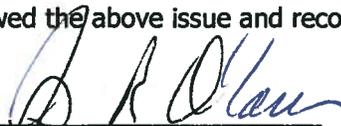
Attached is a summary of the electric rate schedule prepared by TVA for the City's electric customers by billing classification. There are no changes to the minimum bills for residential and commercial electric customers. The monthly electric bill for the average residential household that uses 1055 kWh will decrease by \$1.93. The monthly electric bill for the average small commercial customer that uses 1800 kWh will decrease by \$1.64. These reductions may be in effect for a short time only as the FCA is subject to change hereafter on a monthly basis.

Staff recommends approval of the attached resolution.


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

CITY OF OAK RIDGE ELECTRIC RATES
EFFECTIVE WITH THE OCTOBER 2009 ELECTRIC BILLINGS

<u>Standard Service</u>			Current Rates	Effective Oct-09 Rates	Rate Change
Residential	RS	Base Charge	\$ 7.70	\$ 7.70	\$ -
		All kWh	0.08996	0.08813	(0.00183)
GSA Part 1	GSA1	Base Charge	\$ 17.93	\$ 17.93	\$ -
		All kWh	0.09911	0.09820	(0.00091)
GSA Part 2 General Service < 1,000 kW	GSA2	Base Charge	\$ 58.00	\$ 58.00	\$ -
		1st 15,000 kWh	0.10294	0.10203	(0.00091)
		Additional kWh	0.05579	0.05201	(0.00378)
		kW, 51-1,000	\$ 13.65	\$ 14.58	\$ 0.93
GSA Part 3 General Service 1,000 to 5,000 kW	GSA3	Base Charge	\$ 158.19	\$ 158.19	\$ -
		All kWh	0.05739	0.05361	(0.00378)
		kW, 0 - 1,000	\$ 13.05	\$ 14.03	\$ 0.98
		kW, 1,001 - 5,000	\$ 15.59	\$ 16.75	\$ 1.16
MSB Part 1 Manufacturing < 5,000 kW	MSB1	Base Charge	\$ 1,500.00	\$ 1,500.00	\$ -
		First 620 HUD	0.03770	0.03302	(0.00468)
		Additional HUD	0.03175	0.02654	(0.00521)
		All kW	\$ 12.26	\$ 13.27	\$ 1.01
MSB Part 2 Manufacturing 5,000 to 15,000 kW	MSB2	Base Charge	\$ 1,500.00	\$ 1,500.00	\$ -
		First 620 HUD	0.03607	0.03125	(0.00482)
		Additional HUD	0.03045	0.02512	(0.00533)
		All kW	\$ 11.63	\$ 12.59	\$ 0.96
OL	Lighting	All kWh	0.06064	0.05673	\$ (0.00391)

RESOLUTION

WHEREAS, the City of Oak Ridge and the Tennessee Valley Authority (TVA) have heretofore entered into a contract under which electric power and energy is supplied by TVA at wholesale to the City for resale; and

WHEREAS, this contract as amended, establishes schedules of rates that may be charged to customers and governs the use to which the City may apply revenues realized; and

WHEREAS, the Tennessee Valley Authority is increasing its wholesale electricity rates to the City of Oak Ridge effective with the October 2009 electric billings; and

WHEREAS, a rate increase is necessary in order to recover the wholesale rate increase from TVA and to assure the financial integrity of the Electric Fund; and

WHEREAS the City Manager recommends that the City increase current electric rates.

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

That the recommendation of the City Manager is hereby approved and the contract between the City of Oak Ridge and the Tennessee Valley Authority for electric power is amended to adopt the new electric rate schedule as developed by the Tennessee Valley Authority, a summary of which is attached hereto, effective with October 2009 electric billings.

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

This the 14th day of September 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
09-12

Date: August 31, 2009
To: James R. O'Connor, City Manager
From: Jack L. Suggs, Electrical Director
SUBJECT: ADOPTION OF NEW RATE CLASS

Attached is a resolution approving an agreement between the City of Oak Ridge and the Tennessee Valley Authority that establishes the Time Differentiated Hours Use of Demand (TD-HUD) rate for qualifying customers.

One of our largest customers has made use of interruptible power rates from TVA for a number of years under a program called VPI. This TVA program is expiring on September 30 and this customer, along with all others, must transition to a new product.

At the current time, the only option for the company is to go to firm power. This will result in a significant negative financial impact related to their load characteristics.

TVA has a pilot program, TD-HUD, which better fits the needs of this particular customer by offering lower electric rates during the periods that they normally use power. The savings could be quite significant.

According to TVA, implementation of the program is revenue neutral to the City.

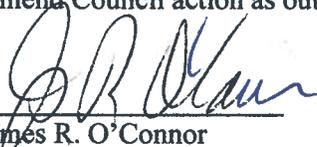
Adoption of the attached resolution will allow the City to offer this program to all qualifying customers. Staff recommends approval of the attached resolution.



Jack L. Suggs
Electrical Director

City Manager's Comments:

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



James R. O'Connor

9/3/09
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, TVA has developed a new rate program, called the Time Differentiated Hours Use of Demand (TD-HUD) Program, designed to provide a monetary incentive to large customers who are able to alter their energy use to avoid high energy demands during TVA peak periods; and

WHEREAS, the City desires to offer this program to its customers; and

WHEREAS, offering this program requires an amendment to the Power Contract between the City and TVA, and TVA has prepared an agreement (TV-54097A, Supp. No. 72) to amend and supplement the Power Contract to include this program; and

WHEREAS, the City Manager recommends approval 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 enter an agreement (TV-54097A, Supp. No. 72) with the Tennessee Valley Authority to amend the Power Contract to include the Time Differentiated Hours Use of Demand (TD-HUD) Program.

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

This the 14th day of September 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ELECTIONS

**ENVIRONMENTAL
QUALITY ADVISORY
BOARD**

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: R. Boyd Carter

BOARD OR COMMISSION: Environmental Quality Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 1/12/09

Number of Terms Served No full term

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 5

Number of Absences 1

Date Prepared 8/26/09

Attachment: Resume

R. Boyd Carter
118 Wendover Circle
Oak Ridge, TN 37830
Phone: 865-481-0162 Fax: 865-483-5562
e-mail: Rboydrbc@aol.com

RECEIVED
2008 SEP 17 PM 3: 30
OFFICE OF THE CITY CLERK

RESUME

General Information

Date of Birth: June 15, 1940
Place of Birth: St. Louis, Missouri
Full Name: Richard Boyd Carter

Professional Experience

Minister October 1984 thru May 2008
The United Church, the Chapel on the Hill 85 Kentucky Avenue, Oak Ridge, TN 37830

Marriage and Family Counselor
Private Practice 1979 to May 2008

Adjunct Professor 1994-1996
Graduate Program, the School of Theology Drew University

Interim Senior Minister 1983 to 1984
Plymouth Congregational Church Wichita, Kansas

Senior Minister 1979 to 1983
First Congregational Church Terre Haute, Indiana

Senior Minister 1976 to 1979
Plymouth Congregational Church Racine, Wisconsin

Associate Minister 1973 to 1976
Mayflower Congregational Church Grand Rapids, Michigan

Various appointments with the United Methodist Church

Educational Experience

Post Graduate 1990 to 1996
The Family Center Bethesda, Maryland
Area of study: Family Systems/Leadership and the Local Congregation
(This program ended in 1996 with the sudden death of the leader, Dr. Edwin H. Friedman)

D. Min. 1991
Drew University, School of Theology Madison, New Jersey
Area of study: Family System—The Congregation as Family

Educational Experience (cont'd)

<i>M. Div.</i> Eden Theological Seminary	1967 Webster Groves, Missouri
<i>B. A.</i> McKendree College	1963 Lebanon, Illinois
Collinsville High School Collinsville, Illinois	1958

Activities Outside the Church

Various Ministerial Groups
Rotary Clubs
Chamber of Commerce (various committees)
President, Oak Ridge Community Foundation
Board of Directors of S.A.F.T. (Symposium for the Advance of Family Therapy)
Knoxville, Tennessee
Consultant to troubled local churches and to Denominational Hierarchies
Board of Directors, Anderson County Good Will

Professional Relationships

American Counseling Association
Diplomat, American Psychotherapy Association
Licensed Marriage and Family Counselor, State of Tennessee

Family Information

Spouse: Susan Carter, MSSW, LCSW, DCSW
Specialization: Licensed Clinical Social Worker in Private Practice

Children: Amy, married, one child, Seattle, Washington
Betsy, married, one child, Boulder, Colorado
Richard, married, two children and five step-children, Fishers, Indiana

Health: Susan and Boyd—Excellent Health

Hobbies

Boating, cooking, reading, and jazz collection

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: James P. Groton

BOARD OR COMMISSION: Environmental Quality Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 9/06/94

Number of Terms Served 5

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 28

Number of Absences 4

Date Prepared 8/26/09

Attachment: Resume

August 31, 2009

RECEIVED

2009 SEP -1 PM 1:30

OFFICE OF THE CITY CLERK

Mayor Thomas Beehan and
Members of City Council
City of Oak Ridge
P. O. Box 1
Oak Ridge, TN 37831-0001

Honorable Mayor and Members of City Council:

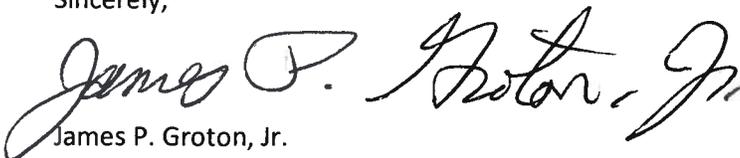
I am writing you to request that you elect me to serve a sixth term on the Oak Ridge Environmental Quality Advisory Board (EQAB). I have been a member of EQAB for the past 15 years. I am currently serving as Chair of EQAB. I have served on EQAB in various ways including serving as Vice-Chair, Recording Secretary, chair of various committees, and a participant in many projects sponsored by EQAB and the City. Most recently we have worked at Council's direction to develop a draft Sustainability Policy to help the City deal with future energy and environmental demands.

With the continuing changes resulting from the reorganization in the DOE's activities on the Oak Ridge Reservation, the city of Oak Ridge will face many new problems and environmental issues in the coming years. EQAB provides an important service to the city as an advisor on environmental matters. I believe that the importance of EQAB's activities will continue to grow in relevance as we face the many changes in environmental issues in the next several years. I believe it is possible to have economic growth without sacrificing environmental quality. I also believe that this growth will require careful environmental management and EQAB can help the City to achieve this balance.

I have worked in Oak Ridge for more than 20 years (since July 1989) and I have been a resident of Oak Ridge for almost 20 years (since November 1989). I have owned a home here for more than 13 years. I am committed to living in Oak Ridge and I am deeply concerned about issues that affect our local environment and our quality of life. I have dedicated my professional and private life to the protection of the environment and sharing my love and respect of nature with others.

I am proud to serve on EQAB and I believe that I would continue to make a useful contribution to this community through service on EQAB. I request that you elect me to serve another term on EQAB. Thank you for your consideration.

Sincerely,



James P. Groton, Jr.
87 Outer Drive
Oak Ridge, TN 37830
483-5799 (home), 805-9908 (mobile), 481-8732 (work)
groton87@comcast.net

JAMES P. GROTON, JR.

I am an experienced and committed environmental professional with 30 years experience in natural resource management and environmental impact assessment. I am dedicated to continued learning about environmental science and ecology and applying my knowledge and skills to maintain a high degree of environmental quality in the world in which we live. My principal professional interests are wetlands science, forest ecology, botany, soil science, and environmental restoration. This knowledge and experience allows me to help my clients and friends on a day-to-day basis.

Professional Experience:

1989-Present: Environmental Scientist, Science Applications International Corporation, Oak Ridge, Tennessee. *Principal duties:* technical leadership on wetlands issues including wetland delineation, wetland mitigation, wetland assessments, rare plant surveys, invasive species management, and other wetlands regulatory compliance matters for U.S. Department of Energy, U.S. Department of Defense, Tennessee Department of Transportation, Tennessee Valley Authority, and commercial clients in Tennessee and 15 other states; 4.5 years on East Fork Poplar Creek Remedial Investigation/Feasibility Study, a project in which I dealt first-hand with the difficulties of resolving many conflicting environmental issues; environmental impact analysis for more than 50 Environmental Impact Statements or Environmental Assessments.

1989: Naturalist, Ijams Nature Center, Knoxville, Tennessee. Assisted with woody plant and soil surveys at Ijams; developed and presented environmental education programs for children, teenagers, and adults.

1982-1989: Research Assistant, Department of Forestry, Wildlife, and Fisheries, The University of Tennessee, Knoxville, Tennessee. Data Collection, statistical analysis, data interpretation, research methodology, and classroom/laboratory teaching.

1983: Lecturer in Forestry, The University of the South, Department of Forestry and Geology, Sewanee, Tennessee. Developed and taught two undergraduate classes in forestry and soil science (new courses to the university's curriculum).

Education:

The University of Tennessee: M.S., Forestry, 1988

The University of the South: B.S., Natural Resources, 1979

Publications and Presentations: Author or co-author of more than 10 published papers, conference presentations, and technical reports on wetlands science, environmental restoration, and forest ecology.

Principal Community Activities: 1) EQAB, member since 1994, (served as Chairman, Vice-Chairman, and Recording Secretary); 2) Tennessee Citizens for Wilderness Planning, Board member since 1992, President 1998-2002, 2006-present; 3) University of Tennessee Arboretum Society, Board member 1994-1998); 4) American Red Cross, Appalachian Chapter, Instructor in Community First Aid & Safety; 5) Greenways Oak Ridge: participant in task force to establish greenways in Oak Ridge and continue to support greenways development activities since 1992; 6) Assistant Coach, Division 5 Girls team, American Youth Soccer Organization 1996-1997; 7) Member of Community Reuse Organization of East Tennessee 1999-2005.

Home Address: 87 Outer Drive, Oak Ridge, Tennessee, 37830; (865) 483-5799

Work Address: 151 Lafayette Dr., Oak Ridge, Tennessee, 37830; (865) 481-8732

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Joseph G. Wood, Jr.

BOARD OR COMMISSION: Environmental Quality Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 6/16/08

Number of Terms Served No full term

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 11

Number of Absences 4

Date Prepared 8/26/09

Attachment: Resume

RECEIVED
2009 AUG 12 AM 9: 12
OFFICE OF THE CITY CLERK

100 Brockton Lane
Oak Ridge, Tennessee 37830
August 12, 2009

The Honorable Mayor and Members of City Council
City of Oak Ridge, Tennessee
P.O. Box 1
Oak Ridge, Tennessee 37831-0001

SUBJECT: Reelection to the Environmental Quality Advisory Board

Please accept my enclosed updated resume as an indication of my desire to continue in my service to the City as an active member of the Environmental Quality Advisory Board (EQAB) after my term of office expires on September 29, 2009. I have enjoyed the time I have served on the board and I would appreciate having the opportunity to see several of the initiatives the Board is currently working come to fruition.

Thank you for the opportunity to be considered for an additional term on EQAB. Should you need any additional information, please feel free to contact me via cell phone at 865-387-2655 or my personnel email address (gatorwoodpile@comcast.net).

Sincerely,



Joseph G. Wood, Jr., CHMM, PE

JOSEPH G. WOOD, JR., CHMM, PE
Deputy Director, Security and Protective Services Group



Education

MS/Environmental Engineering (Health Physics)/University of Florida/1986
BS/Environmental Engineering/University of Florida/1984

Professional Registrations/Training

Professional Engineer/
Tennessee/#103675/2002
Certified Hazardous Materials Manager -
Master Level/#7428/1996

Clearances

U.S. Department of Defense "TOP SECRET"
(inactive)
U.S. Department of Energy "Q" (inactive)

Citizenship

U.S. Citizen / Active Passport

Professional Associations

Health Physics Society – Plenary Member
Certified Hazardous Materials Managers
FBI InfraGard Member – Knoxville Chapter

Years of Experience

Tetra Tech	5
Others	17
Total	23

Present/Previous Employers

Tetra Tech, Inc.; May 2004-present
Science Applications International Corporation;
1998-2004
Bechtel National, Inc.; 1991-1998
U.S. Environmental Protection Agency;
1987-1991
Alabama Power Company; 1986-1987

Joe Wood has over 23 years of environmental engineering and project management experience including: performance of vulnerability and anti-terrorism and force protection (AT/FP) assessments of federal- and county-owned and/or controlled critical infrastructure and military installations; emergency response training, coordination, and participation; hazardous and radioactive waste site environmental investigations and feasibility studies; and remediation and verification of sites contaminated with hazardous and radioactive wastes. He also has extensive experience in environmental project management, subcontract development and management, and business development.

Currently, Mr. Wood serves as the Deputy Director and Program Manager of Tetra Tech's Security and Protective Services Group (SPSG) and is responsible for the technical management and oversight of projects and tasks performed by SPSG employees. He is also the lead for Homeland Security activities in the Tetra Tech Oak Ridge Operations Center and is trained in the Sandia National Laboratory Risk Assessment Methodologies for Dams (RAM-D), Water Systems (RAM-W), Communities (RAM-C), and Chemical Facilities (RAM-CF). Mr. Wood is also trained in the CARVER and MSHARPP adversary target evaluation methodologies.

Mr. Wood has functioned as the Quality Assurance Officer (QAO) on numerous characterization, remediation, and security-related projects and has conducted numerous quality control reviews of project deliverables to determine compliance with standards, codes, contract requirements and regulations applicable to the projects, and resolved issues with program and project managers and clients regarding quality issues for delivery orders.

While in the employ of the U.S. Environmental Protection Agency (USEPA), Office of Radiation Programs, he served as Emergency Response Team Leader and the lead project engineer for numerous Superfund site investigations involving radioactive material. In this dual role, Mr. Wood evaluated remediation alternatives and innovative technologies, as well as developed emergency response procedures, provided training to numerous USEPA regions, participated in Federal Radiation Management Assessment Center (FRMAC) radiation emergency exercises, and maintained the state of readiness of radiological emergency response equipment and staff.



Project Experience

TETRA TECH, INC., OAK RIDGE, TENNESSEE

Currently serves as the Deputy Director and Senior Program Manager for Tetra Tech's SPSG. Has performed numerous threat, vulnerability, and risk assessments and developed Strategic Risk Management and Trade Resumption and Resiliency Plans and recommended integrated security solutions for numerous US Coast Guard Sectors and ports stakeholders, as well as owners of publicly- and privately-owned critical infrastructure (e.g., county-level security operations centers, private hospitals, ports, water treatment plants, power generation infrastructure, food distributions centers, etc.).

Primary author for numerous Proposed Plans, Decision Documents, Land Use Control Management Plans, Post-Remedial Action Reports, and real property transfer documentation for several Department of Defense guaranteed fixed-price remediation (GFPR) projects (e.g., Fort Pickett Military Reservation near Blackstone, Virginia, Camp Bonneville, etc.).

Performs pathway and exposure assessment (using the RESRAD Residual Radioactivity Model for Windows, Version 6.22 developed by Argonne National Laboratory) to determine the appropriateness of residual radioactive contamination remaining in site soils after a time critical removal actions at former Army Ammunition Plants undergoing remediation.

Threat Assessment Team Lead – Boston University National Emerging and Infectious Diseases Laboratory (NEIDL)
The threat assessment (TA) is being developed by the Tetra Tech TA Team to address concerns associated with the internal and external breaches of security as identified by the National Institutes of Health (NIH) Blue Ribbon Panel (BRP) to guide its response to judicial requests as well as comments and

concerns voiced by the local community regarding security considerations at the NEIDL at Boston University. Specifically, the TA's primary objective is to identify and evaluate credible bounding scenarios that involve the internal or external breach of the security systems (personnel, policy, procedure, etc.) that could result in a release or exposure due to malevolent actions such as a disgruntled or deranged lab worker spreading an agent in the community, or terrorist actions against high consequence critical assets at the facility.

Project Manager – US Coast Guard, Sector Delaware Bay, Strategic Risk Management Plan (SRMP)
This Port-Wide Strategic Risk Management Plan (SRMP) was developed to build upon and compliment the Area Maritime Security Plan (AMSP) and the Area Contingency Plan (ACP) for United States Coast Guard (USCG) Sector Delaware Bay (Sector). The SRMP was designed to be a comprehensive strategy identifying risks, gaps, vulnerabilities, and mitigation measures aimed at enhancing maritime domain awareness and addressing the greater continuum of security and preparedness for the Sector for the next five years. The development of the SRMP was coordinated with the Area Maritime Security Committee (AMSC) and defined a desired future end state for the Sector, as well as Sector-wide risk reduction measures and a forward-looking risk management approach to accomplish this goal.

While the development of the SRMP was primarily intended to address security-related incidents [and identify mitigation strategies to obtain future Port Security Grant Program (PSGP) funding], it also included a thorough assessment of emergency response and emergency management capabilities which would be available to respond to any disaster, regardless of its cause or initiating event (i.e., man-made or natural disaster). The assessment process included interviews with emergency



response, public health, and emergency management officials representing three states and numerous counties and municipalities.

The SRMP also include the objective of increasing resilience in operations that supported port functions and trade resumption activities, and reduce potential economic loss. This analysis included the use of three impact analyses: 1) a System of System Analysis (SoSA) of infrastructure that supports port operations; 2) economic modeling of port impacts in terms of employment, industrial output, and regional economic impacts; and 3) the identification of mitigation proposals intended to add resiliency to systems and minimize economic losses.

Strategic Risk Management Team Leader – USCG Sectors - Functioned in this capacity to establish a forward-looking risk management approach for the non-federal components within the navigable waters and contiguous land areas within several U.S. Coast Guard Sectors. Projects have identified gaps in security, capabilities, capacities, competences and partnerships across the security continuum of awareness, prevention, protection, response and recovery and provided a five-year investment scheme to reduce the associated vulnerabilities. The projects also defined a desired future end state for risk reduction measures (i.e., priority mitigations) consistent with the objectives of the National Infrastructure Protection Plan.

Senior Security Risk Analyst - Department of Homeland Defense National Bio and Agro Defense Facility (NBAF) Led the threat and risk assessment (TRA) for the proposed Department of Homeland Security (DHS) project being developed to carry out basic and applied research, diagnostics, and develop countermeasures for foreign animal and zoonotic diseases. The goal of this TRA was to identify and evaluate the potential security risks (i.e., threats, vulnerabilities, and consequences) of the five candidate sites in order to aid DHS decision makers in the site selection process.

This TRA summarized the site-specific intelligence data pertaining to crime statistics; regional, national, and international intelligence related to a wide variety of threats; and data related to site-specific adversary's presence and capabilities for each of the candidate sites. The threats were analyzed and the resulting data was used to estimate overall risks to the critical assets associated with the proposed NBAF. Target analysis was performed using the CARVER methodology, and the probability of a successful attack being executed against a given target was estimated. Once threat and target data were integrated, they were applied to the baseline security system for NBAF as envisioned in the NBAF Feasibility Study and augmented with security attributes currently operational at the Plum Island Animal Disease Center.

Exercise Controller, New Mexico Office of Emergency Management (OEM): As a contractor to the New Mexico OEM, provided support during the design, implementation, and evaluation of a full scale Urban Search and Rescue (USAR) exercise involving local, state, Federal, and nongovernmental partners. The multi-day exercise tested New Mexico's overall emergency preparedness and identified specific areas for improvement for preserving life and successfully implementing the search and rescue capability. The exercise was also designed to test the integration of local resources possessed by Las Cruces/Dofia Ana County and the OEM's ability to manage and track the incident from their perspective at the New Mexico Emergency Operation Center (NMEOC).

Design QC Manager. Developed the Quality Control Plan (QCP) to establish and maintain an effective quality control system (QCS) for the design-build construction of a primary border barrier fence along the United States/Mexico border at and around Port of Entry, Santa Teresa, New Mexico (designated as the J1/J3 Project) and a primary border barrier fence along the United States/Mexico



border east of Deming Station (designated as the I-A1 Project). The QCP was developed to govern all construction design and construction operations, both onsite and offsite, and was linked to the milestone schedule for the sequence of design and construction activities. Mr. Wood also served as DQC Manager for these projects and ensured assignment of appropriate quality assurance (QA)/QC staff for all phases of the design process. In addition, Mr. Wood was responsible for implementing the program and ensuring that management and quality controls were effectively applied in all phases of work. Duties, responsibilities, and authorities included providing and maintaining an effective QCS in accordance with the approved QCP, and reviewing and managing all design submittals in compliance with contract requirements and the QCP.

Project Manager – Georgia Tech D&D.

Prepared a preliminary scope and price definition, as well as a milestone schedule for execution of the characterization, decontamination and decommissioning (D&D), and demolition of the Neely Nuclear Research Center (NNRC) located in the downtown campus of Georgia Institute of Technology in Atlanta, Georgia, using a parametric cost estimating technique approach.

Project Manager - Miami-Dade Security, Survivability, Interoperability Master Plan.

Was the project manager and primary author for the development of a Security, Survivability, Interoperability Master Plan (SSIMP) for Miami-Dade County (County) General Services Administration in order to establish the goals, policies, and recommendations to ensure that as future capital improvement projects are planned, designed, and implemented, they incorporate a consistence set of security, survivability and interoperability goals and principles. The SSIMP is anticipated to provide the overall plan for the management and development of the County's controlled property.

Project Manager, Port of Miami (POM) Vulnerability Assessments.

Served as the Tetra Tech project manager to update the Port's Facility Security Assessment, and conduct a rigorous threat and risk assessment (TRA) of all facilities bounded within the confines of the POM. This task involved updating the current Marine Transportation Safety Act Facility Security Assessment in compliance with 33 CFR 105 for submission to U.S. Coast Guard. The task included an evaluation of 5.4 miles of shoreline and a total controlled space of over 500 acres.

Project Manager - Miami-Dade Vulnerability Assessments.

The Tetra Tech, Inc. and A Secure America, Inc. (ASA) Team applied the Vulnerability Assessment module of the Homeland Security – Community Assessment Model (HLS-CAM) to characterize the security vulnerabilities at over 100 facilities in Miami and Dade County Florida. These facilities have been identified as elements of critical infrastructure by the Miami-Dade County Office of Emergency Management. The types of facilities evaluated included schools, centers of government, hospitals, emergency operations centers, electric power generation stations, water and wastewater treatment plants, sports and entertainment venues, and major food distribution centers.

Team Lead – Air Force Real Property Inventory.

The project scope required Tetra Tech, Inc. to provide data collection to satisfy the Office of the Secretary of Defense (OSD) FY06 & FY07 Real Property Inventory Requirements (RPIR) at ten Air Force Materiel Command (AFMC) installations, Mesa Testing Range, and four Air Force Plants.



SCIENCE APPLICATIONS INTERNATIONAL CORPORATION; OAK RIDGE, TENNESSEE

Served as the Project Manager and Technical Lead for Homeland Security Infrastructure Vulnerability and AT/FP Assessments at numerous federal facilities (e.g., U.S. Bureau of Reclamation Dams, Air Force Material Command Bases, Naval Air Stations, etc.) and municipal facilities (e.g., water treatment plants, intake structures, and well fields, distribution networks, etc.). Responsibilities included development of program level procedures, project scope, work plans, and subcontracts for team augmentation. Instrumental in the adaptation and refinement of existing assessment methodologies and techniques to suit unique and dynamic client demands. Trained and led numerous multidiscipline field teams during the conduct of the assessments and the production of final reports for submittal to the appropriate clients and regulators (e.g., the USEPA, etc.). Prepared and conducted briefing to communicate assessment findings and recommendations to several base commanders at naval bases.

Risk Assessment Team Lead – RAM-D and RAM-W Assessments – Obtained training and began lead risk assessment teams conducting detailed threat and risk analysis of numerous dams and critical water systems throughout the United States immediately after the attacks of September 11, 2001.

Project Manager – FUSRAP PRP Investigation. Lead investigator and technical consultant for USACE St. Louis District Potentially Responsible Party investigations of radioactively contaminated Formerly Utilized Site Remedial Action Program (FUSRAP) waste sites in the greater St. Louis area. Scope of this task included investigation of historic records and characterization data, developing recommendations for additional characterization activities, evaluation of processes for the identification of potential waste streams that could be attributed to

specific operations, and producing a final report appropriate for litigation.

Project Manager for S-332B Study Area Project. Responsible for several large environmental projects including the U.S. Army Corps of Engineers' (USACE) S-332B Study Area Project in the Florida Everglades as part of the subsurface investigation and preliminary design for a new storm water treatment and infiltration basin. Responsibilities included generating the project work plans, developing subcontract scope of services, coordinating all field activities for the installation and monitoring of 42 groundwater monitoring wells, and managing a multidiscipline team for the production of the summary report of the investigation.

Project Manager USACE PMPs. Responsible for the development of Project Management Plans (PMPs) for USACE Headquarters' Homeland Defense Project; the Philippi, West Virginia and Belington, West Virginia Flood Damage Control Projects; and The Mill Creek, Ohio General Reevaluation Report. Responsibilities included facilitating work sessions for the USACE Program and Project Managers, Project Delivery Teams (PDT), resource managers, and stakeholders to refine the scope of major characterization and construction projects; developing detailed project schedules; and development of detailed task descriptions within the USACE Work Breakdown Structure. Coordinated the completion of final PMPs as living documents for use by the PDTs to manage projects (ranging from \$20 million to \$200 million) through their completion.

Also, supported work in a broad range of projects involving radiological, regulatory, and remedial engineering evaluations within the Comprehensive Environmental Response, Compensation, and Liability Act; Nuclear Regulatory Commission; and Resource Conservation and Recovery Act regulatory framework for the U.S. Department of



Defense, U.S. Department of Energy (DOE), and commercial customers. For example, supported the planned infrastructure decontamination and demolition (D&D) of Building C-410 at the Paducah Gaseous Diffusion Plant, where work included leading the Site Evaluation Project to characterize and document pre-D&D facility conditions.

BECHTEL NATIONAL, INC.;
OAK RIDGE, TENNESSEE

Due Diligence Assessment Team Member responsible for researching operational and contaminant history, developing briefing packages for program manager, and performing facility walk downs of Environmental Restoration Facilities at DOE's Y-12 National Security Complex in Oak Ridge, Tennessee to evaluate baseline conditions prior to the facilities being remediated.

Area Manager/Project Manager responsible for technical and operational management and oversight of all remediation activities at the St. Louis Downtown Site (Mallinckrodt Chemical Plant) in FUSRAP, located in downtown St. Louis. Functioned as the primary contact with the client, regulators, stakeholders and St. Louis Oversight Committee members for issues associated with the on-going D&D of radioactively contaminated buildings and the remediation of subsurface soils at the site. Attended public meeting with the DOE site manager to brief the public on the status of remedial actions at the St. Louis sites and answer stakeholder questions.

Environmental Technology Project Engineer responsible for overseeing all environmental engineering and environmental science activities on FUSRAP, including former uranium process building D&D, characterization of chemically and radioactively contaminated hazardous waste sites, environmental surveillance, hazardous waste treatment, and verification and documentation of all remedial actions. Served

as the technical liaison between Bechtel FUSRAP Program Management and DOE and its contractors for evaluation and implementation of cost-effective innovative remediation technologies. Responsible for the management of analytical services and environmental support services subcontracts. Designated as FUSRAP Radiological Expert for responding to client requests specific to health physics and environmental radioactivity. Provided guidance, training, and oversight, through a matrix organization, to FUSRAP Environmental Technology Team Leads performing the type of work as described below.

As Environmental Technology Team Lead, led a group of six engineers and scientists performing activities associated with the characterization, operation, remediation, and environmental monitoring of eleven FUSRAP sites in four states. Functioned as lead environmental engineer during the decontamination and decommissioning of four former uranium process buildings. Responsibilities included supervising engineers that prepared field sampling and monitoring plans, collected and evaluated environmental data, and prepared specifications for fieldwork. Also, managed approximately \$2 million of analytical and environmental support subcontract work. Interfaced directly with federal and state regulators for the implementation of characterization plans as well as remedial alternatives.

Lead engineer on numerous characterization and remediation tasks including post remedial action reports, remedial investigation reports, hazard assessments, and work directing documents at three FUSRAP National Priorities Listed (NPL) Superfund sites in New Jersey and two sites pending inclusion on the NPL in Massachusetts and Connecticut. Performed numerous field characterizations and radiological surveys of radioactively contaminated buildings and equipment.



**U.S. ENVIRONMENTAL PROTECTION
AGENCY, NATIONAL AIR AND RADIATION
ENVIRONMENTAL LABORATORY (NAREL);
MONTGOMERY, ALABAMA**

Responsible for conducting remedial investigations and treatability studies, and evaluating remedial alternatives for radioactively contaminated NPL Superfund sites. During this time, also served in dual roles as the USEPA Emergency Response Team Leader and as the NAREL Radiation Safety Officer. In the former role, assumed leadership roles during emergencies involving radioactive material, developed emergency response procedures, provided training, participated in FRMAC radiation emergency exercises, and maintained state of readiness of radiological emergency response equipment and staff. In the latter role, responsibilities included the development and implementation of the laboratory radiation safety program, training employees on basic radiation safety, and interfacing with state and federal regulators.

**ALABAMA POWER COMPANY;
DOTHAN, ALABAMA**

As Radiation (Health Physics) Engineer, provided health physics guidance and review to various disciplines including Health Physics, Waste and Decontamination, Operations, and Chemistry at the Farley Nuclear Plant in order to insure worker and general public exposure to ionizing radiation resulting from plant operations was maintained as low as reasonably achievable (ALARA). Tasks included revision of the plant health physics manual, design and configuration of shielding, and incorporation of the ALARA principles into plant modification designs.

Other Relevant Experience

Guest Lecturer - Periodically teaches several modules (e.g., Radiation Principles, Hazardous Waste Operations and Emergency Response, Environmental Assessments, etc.) of the East Tennessee Chapter of the Certified

Hazardous Materials Managers' Certification Review Course.

Adjunct Professor – Taught College Physics at Auburn University at Montgomery, Alabama at the request of the Dean.

City of Oak Ridge, Tennessee – Appointed by the City Council to serve on the Environmental Quality Advisory Board (June 2008 – Present)

Personal and professional references and additional personal information are available upon request.

**NOTICE
OF
ELECTIONS**

CITY CLERK MEMORANDUM
09-58

DATE: September 2, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: ELECTIONS – October 12, 2009

The following elections are scheduled for the October 12, 2009 City Council meeting:

Board of Electrical Examiners

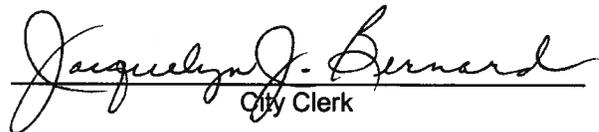
There is one (1) vacancy on the Board of Electrical Examiners due to a member's removal from office. There are no special qualifications for this seat and the unexpired term will end on March 10, 2011. As of this date, there are no candidates.

Youth Advisory Board

There is one (1) vacancy on the Youth Advisory Board due to the resignation of one of the recent appointees. The applicants for this seat are required to be students in the eighth through twelfth grades, although preference must be given to 9th graders because the Board currently has no 9th grade members. Applicants are subject to screening by the Youth Advisory Board Screening Panel. This unexpired term of office will end on July 31, 2010 and as of this date, there are no candidates.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Tuesday, September 29, 2009.


City Clerk

CITY MANAGER'S REPORT

CITY COUNCIL MEMORANDUM
09-28

DATE: September 2, 2009

TO: Honorable Mayor and Members of City Council

FROM: James R. O'Connor, City Manager

SUBJECT: CITY MANAGER'S REPORT

I. Senior Center Progress Report

Council Action Recommended: Information Only

At Councilman Tom Hayes' suggestion, City Staff has investigated school-owned property at the corner of Robertsville Road and Providence Road as a potential future location for the Senior Center. The parcel is long, narrow and forms the western edge of the Oak Ridge High School track. The parcel has limited building space, major elevation changes, and a historical marker on the portion located near the Oak Ridge Turnpike. Due to these obstacles, City Staff has determined the parcel to not be a feasible building site for the future Senior Center.

City Staff has discussed a proposed plan for a future Senior Center at the Daniel Arthur Rehabilitation Center (DARC) with Anderson County. City Staff is currently in negotiations with Anderson County to develop a five-year lease agreement, with the County deeding the property to the City at the end of the lease term for municipal purposes at a cost of \$1.00. The proposed plan is to demolish the existing buildings and construct a new Senior Center on this site. City Staff has discussed this proposed plan with Montessori School and Emory Valley Center, who are current tenants of DARC, and the tenants are supportive of the idea.

Once negotiations are complete with Anderson County, the lease agreement will be brought to City Council for consideration.



James R. O'Connor

**UPCOMING
MEETINGS
MAJOR ISSUES**

CITY COUNCIL MEMORANDUM
09-29

DATE: September 2, 2009

TO: Honorable Mayor and Members of City Council

FROM: James R. O'Connor, City Manager

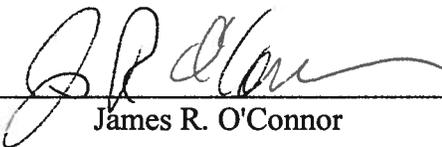
SUBJECT: UPCOMING MEETINGS/MAJOR ISSUES

Monday, September 28, 2009, 6:30 p.m. – Work Session, Multipurpose Room, Central Services Complex

Monday, October 5, 2009, 6:30 p.m. – Agenda Review Session, Multipurpose Room, Central Services Complex

Monday, October 12, 2009, 7:00 p.m. – Regular Meeting

- Second Reading – Zoning Ordinance Text Amendments and Sign Regulation Amendments
- City Council Meeting Schedule
- Waterfront Development Plan
- Orchard Lane Elevated Water Tank Replacement
- Sewer Cleaning Machine and Hydraulic Excavator


James R. O'Connor