

# OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

October 12, 2009 – 7:00 p.m.

## AGENDA

1. **INVOCATION**

The Reverend Jim Bailes, Kern Memorial United Methodist Church

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPEARANCE OF CITIZENS**

5. **APPROVAL OF AGENDA**

6. **RECOGNITION OF VISITORS**

7. **PROCLAMATIONS AND COURTESY RESOLUTIONS**

A proclamation designating November 11, 2009 as "Veterans Day."

8. **PUBLIC HEARING** - None

9. **CONSENT AGENDA**

- a. Approval of the Minutes of the September 14, 2009 City Council meeting.
- b. Adoption of a resolution waiving competitive bids and making award to Motorola, Inc., for the furnishing of materials, equipment and services for the wireless communications system upgrade project in the estimated amount of \$55,000.00 which shall be paid with grant funds.
- c. Adoption of a resolution abandoning and releasing an easement across 142 Fairbanks Road (Oak Ridge Parcel 506, Block 18-CH, Anderson County Tax Map 94-0, Control Map 100B, Parcel 4.00, Group B) as shown on the attached easement document.
- d. Adoption of a resolution reappointing Dr. Pete Craven to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority for a three-year term of office ending on October 9, 2012.

10. **SPECIAL REPORTS**

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

11. **APPROVAL OF MINUTES**

**12. ORDINANCES**

- a. First Reading of New Ordinances – None
- b. Adoption of Ordinances (Second Reading)

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 13.01, TITLED "INTRODUCTION," SUBSECTION (B)(1)(C) 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.

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.

**13. RESOLUTIONS**

- a. General Resolutions

A resolution waiving the residency requirement and granting to Scott Garriott a permit to engage in the retail sale of alcoholic beverages in the City of Oak Ridge at 971 Oak Ridge Turnpike.

A resolution authorizing the issuance of a certificate of compliance for Scott Garriott, City Council finding that all local regulations have been complied with and that he will refrain from any violations hereinabove set forth.

A resolution amending Resolution Number 7-75-77, as amended, and increasing the membership of the Elder Citizens Advisory Board for the City of Oak Ridge from ten (10) members to eleven (11) members with such additional member to be a representative of and nominated by the Coalition of Oak Ridge Retired Employees (CORRE) and confirmed by City Council.

b. Bids and Contracts

A resolution extending the contract between the City of Oak Ridge and the State of Tennessee Local Government Health Insurance Program, Nashville, Tennessee, to provide employee medical insurance for the period January 1, 2010 through December 31, 2010 at an estimated cost of \$3,500,000.00.

14. ELECTIONS

Notice of Elections

Three (3) elections are scheduled for the November 16, 2009 City Council meeting to appoint:

- One (1) member to the Board of Electrical Examiners
- One (1) member to the Youth Advisory Board
- Three (3) members to the Traffic Safety Advisory Board

The deadline for filing is 5:00 p.m. on Tuesday, October 27, 2009.

15. COMMUNICATIONS – None

16. CITY MANAGER'S REPORT

17. CITY ATTORNEY'S REPORT

18. UNFINISHED BUSINESS

19. NEW BUSINESS

20. MISCELLANEOUS

21. UPCOMING MEETINGS/MAJOR ISSUES

22. ADJOURNMENT

**CITY CLERK MEMORANDUM**  
**09-61**

DATE: September 29, 2009  
TO: Honorable Mayor and Members of City Council  
FROM: Jacquelyn J. Bernard, City Clerk  
SUBJECT: PROCLAMATION

Veterans Day

The accompanying proclamation is presented for the Council's consideration at the request of Mr. Ken Valentine of Atomic City Post #199 of the American Legion.

  
City Clerk

Attachments

# PROCLAMATION

WHEREAS, the men and women who served in the Armed Forces of the United States of America have made major contributions toward the preservation of the freedom of this Nation and her people; and

WHEREAS, American men and women, through their service with today's armed forces, continue to demonstrate their unselfish willingness to resist the forces of terrorism, aggression and tyranny; and

WHEREAS, the nation and the free world are eternally grateful for all of these contributions to the advancement of the cause of freedom and world peace with honor; and

WHEREAS, it is fitting that we set aside a special day each year to honor our veterans; and

WHEREAS, the Congress of the United States of America has designated the eleventh day of November of each year as "Veterans Day."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that November 11, 2009 be proclaimed

## VETERANS DAY

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to attend a ceremony sponsored by The American Legion Post 199 honoring our veterans on Wednesday, November 11, 2009, at 5:00 p.m. in the Courtroom of the Municipal Building.

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 14<sup>th</sup> day of October in the year 2009.

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Mayor

**CITY CLERK MEMORANDUM**

09-62

DATE: October 1, 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 October 12, 2009 City Council meeting.

Approval of Minutes – September 14, 2009

Bids and Contracts

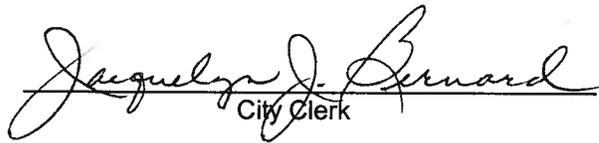
A resolution waiving competitive bids and making award to Motorola, Inc., for the furnishing of materials, equipment and services for the wireless communications system upgrade project in the estimated amount of \$55,000.00 which shall be paid with grant funds.

A resolution abandoning and releasing an easement across 142 Fairbanks Road (Oak Ridge Parcel 506, Block 18-CH, Anderson County Tax Map 94-0, Control Map 100B, Parcel 4.00, Group B) as shown on the attached easement document.

Elections

A resolution reappointing Dr. Pete Craven to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority for a three-year term of office ending on October 9, 2012.

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

  
City Clerk

# MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

September 14, 2009

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on September 14, 2009 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

## INVOCATION

The Invocation was given by The Reverend Danny Bush, Oak Ridge Ministerial Association.

## PLEDGE OF ALLEGIANCE

Mr. Joseph E. Lee, III, 99. E. Pasadena Road, led the Pledge of Allegiance to the Flag of the United States of America.

## ROLL CALL

Upon roll call, the following members of Council were present: Anne Garcia Garland; L. Charles Hensley, D. Jane Miller, David N. Mosby, Ellen D. Smith, and Mayor Thomas L. Beehan. Councilman Thomas W. Hayes was absent.

Also present were Steven W. Jenkins, Deputy City Manager; Kenneth W. Krushenski, City Attorney; and Jacquelyn J. Bernard, City Clerk. The City Manager was out of town.

## APPEARANCE OF CITIZENS

Mr. Andy Marathe, 121 Westlook Circle, encouraged the Council to exercise its power to move forward and "do something" to address the City's serious issues, specifically citing housing, the high tax rate, and the high debt level as such issues, among others. He expressed his view that, except in the area of housing, there has been no real movement in the last three years. He stated, "this is an organic body and with four votes you can do or undo things."

## APPROVAL OF AGENDA

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

Mayor Beehan advised that the staff has recommended amendment of the agenda as follows:

### Under Communications

The addition of a resolution from the Environmental Quality Advisory Board requesting that City Council direct the staff to prepare for the Council's consideration an ordinance that bans open burning, including burning or incineration with an Air Curtain Destructor.

### Under Resolutions

The addition of a resolution extending the Budget and Finance Special Committee until August 31, 2011 under the same terms and conditions as those specified in Resolution Number 11-107-07; and

The addition of a resolution extending the Intergovernmental Relations Special Committee until August 31, 2011 under the same terms and conditions as those specified in Resolution Number 11-108-07.

Under Consent Agenda

Remove the appointment of Council members L. Charles Hensley, Ellen D. Smith, and Thomas L. Beehan to serve as the Budget and Finance Special Committee and the appointment of Councilwoman Anne Garcia Garland to serve as a member of the Intergovernmental Relations Committee from the Consent Agenda and place under Elections.

Councilman Mosby moved that the agenda be amended as recommended, seconded by Councilwoman Miller.

Councilwoman Miller moved that the amendment be amended to reflect consideration of the City Manager's Report immediately following Proclamations and Courtesy Resolutions, seconded by Councilman Hensley.

Both amendments were adopted by unanimous voice vote with Council members Garcia Garland, Hensley, Miller, Mosby, Smith and Mayor Beehan voting "Aye." Councilman Hayes was absent.

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

**RECOGNITION OF VISITORS**

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

Mayor Beehan recognized Mr. Douglas McGill, Municipal Marketing Manager for Waste Connections of Tennessee, who presented a certificate of award to Richard and Bonnie Schreiber, 951 West Outer Drive, for being the number one residential recyclers in Oak Ridge. The award was accepted by Mr. Schreiber.

Mr. McGill also presented the City with a plaque for display in the Municipal Building on which the name of the top performer of the year for recycling participation can be inscribed each year.

**PROCLAMATIONS AND COURTESY RESOLUTIONS**

Oak Ridge High School Class of 1969 Weekend

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

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

The proclamation was presented to Rowena Harris Peters, Greg Bell, Bob Brickey, Connie Macklin, Rebecca Charles, and to Councilwoman Miller, all members of the Class of 1969.

Resolution No. 9-86-09

**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.**

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

A copy of the resolution was presented to Ms. Pat Imperato, a member of the City’s Environmental Quality Advisory Board as well as *Keep Anderson County Beautiful*.

Deviating from the order of the agenda:

**CITY MANAGER’S REPORT**

**Senior Center Progress Report**

The Deputy City Manager reviewed the City Manager’s report on this subject, which read as follows:

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.

Following the review of the report, the Mayor recognized Mr. Robert Baker of 125 Sanford Lane who reviewed the history of the Oak Ridge Senior Center and then offered suggestions for improvement of the program at its current location on Emory Valley Road, including (1) a vehicle that would run hourly from the Senior Center to the Scarboro Community Center to enhance programs at both places, (2) make the daily luncheon at the Senior Center available to Scarboro seniors, (3) horseshoe pits, (4) a picnic area, (5) a “putt-putt” golf course, and (6) clean and paint the “big room” at the Senior Center and make it available for dancing, bingo, etc.

On inquiry by Councilman Hensley, the Deputy City Manager clarified that the proposed lease with Anderson County for the current site would not preclude the location of the Senior Center on a different site.

On inquiry by Councilwoman Smith, Mr. Robert Baker said that in his opinion there is adequate space at the current location to accommodate a “putt-putt” golf course.

Mr. Andy Marathe, 121 Westlook Circle, encouraged the Council to work through the plan proposed by the City Manager and then “if you don’t like it, throw it away and make another one.”

Reverting to the order of the agenda:

## **PUBLIC HEARING**

A public hearing was held 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).

Ms. Kathryn Baldwin, the Director of Community Development, briefly reviewed these proposed amendments to the text of the Zoning Ordinance, following which she responded to Council inquiries. There were no citizen comments.

## **CONSENT AGENDA**

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

- Approving the Minutes of the August 10, 2009 City Council meeting;
- Adopting **Resolution No. 9-87-09** authorizing the City to enter into an agreement with the Tennessee Valley Authority (TVA) to amend the *energy right*® agreement to include the In-Home Energy Evaluation Program; and
- Adopting **Resolution No. 9-88-09** 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.

At the request of Councilwoman Smith, Mr. Jack Suggs, Director of the City's Electric Department, reviewed the TVA's *energy right*® program and the City's participation as represented by Resolution No. 9-87-09.

The motion to approve the Consent Agenda was adopted unanimously with Council members Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." Councilman Hayes was absent.

## **SPECIAL REPORTS**

### **City Manager Evaluation Committee**

Mayor Beehan, who chairs the Council's City Manager Evaluation Committee, presented the Committee's report, concluding with its recommendations (1) that the following resolution be adopted and (2) that Ms.

Margaret Norris of the University of Tennessee's Municipal Technical Advisory Service be invited to conduct a workshop to establish goals/objectives for the City Manager for FY 2010 at the earliest possible time.

Resolution No. 9-89-09

**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.**

Councilman Mosby moved that the recommendations of the City Manager Evaluation Committee be approved. The motion was seconded by Councilwoman Smith and the recommendations were discussed at some length, with the Mayor responding to the Council's questions and comments. One citizen offered comments, Mr. Andy Marathe of 121 Westlook Circle, who expressed his view that the City Manager has done an excellent job and charged the Council to provide him with the necessary guidance through the adoption of a strategic plan.

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

#### **APPROVAL OF MINUTES**

See Consent Agenda.

#### **ORDINANCES**

##### 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.

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

Councilwoman Smith moved that the ordinance be amended as follows:

- That a new Section 4 be inserted to read as follows:

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," Subsection (1) (c) is hereby amended by adding the phrase "from this subsection" at the end of the last sentence in this subsection.

- That the previous Sections 4, 5, 6, 7, 8, 9, and 10 be renumbered to Sections 5, 6, 7, 8, 9, 10, and 11 respectively.
- That the new Section 5, relating to Section 13.01 of the Zoning Ordinance, Subsection (b), proposed new Subsection (1)(d) be amended to read as follows:

(b) Actions Subject to Design Review

(1)(d) Any newly-constructed detached building on an existing legal lot of record with existing building(s). If the new building totals 50% or more of the ground floor area 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 only 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 from this subsection.

- That the new Section 7, relating to Section 13.02 of the Zoning Ordinance, Subsection (d), Subsection (3), fourth paragraph, be amended to read as follows:

(c) Architectural Character

(3) Relationship to Streets

Building service areas or loading areas within commercial and office zone districts, and multifamily residential uses (residential with more than four (4) attached housing units) 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.

- That the new Section 8, relating to Section 13.02 of the Zoning Ordinance, Subsection (f), Subsection (2), fourth, fifth, and seventh paragraphs, be amended to read as follows:

(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 for purposes of this paragraph.

(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 for purposes of this paragraph.

(Seventh Paragraph)

In an effort to minimize the visual impact of parking areas in commercial and office zone districts, and multifamily residential uses (residential with more than four (4) attached housing units), 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.

- That new Section 9, relating to Section 13.02 of the Zoning Ordinance, Subsection (g), Subsection (3), Subpart (a), first paragraph, be amended to read as follows:

(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 uses adjoin one (1)- or two (2)-family housing zones, and within Planned Unit Developments with similar disparities.

- That the new Section 10 relating to Section 13.02 of the Zoning Ordinance, Subsection (h), Subsection (2), second paragraph, be amended to read as follows:

(h) Lighting

(2) Site and Parking Area Lighting

In office zone districts and multifamily residential uses (residential with more than four (4) attached housing units), 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.

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

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

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.

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

Adoption of Ordinances (Second Reading)

Ordinance No. 13-09

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF ROANE COUNTY TAX MAP 29, PARCELS 10.01 AND 10.04, FROM FIR, FEDERAL INDUSTRY AND RESEARCH, TO IND-2, INDUSTRIAL.

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

Ordinance No. 14-09

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF 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.

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

Ordinance No. 15-09

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

Ordinance No. 16-09

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.

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

## **RESOLUTIONS**

### **General Resolutions**

Resolution No. 9-90-09

**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.**

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

Deliberation was brief with Ms. Penelope Sissom, the City's Personnel Director, responding to the Council's questions and comments.

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

Resolution No. 9-91-09

**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.**

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

The resolution was deliberated at length with the Deputy City Manager and Mr. Christopher Bessler of Cumberland Securities/Morgan Keegan, the City's bond consultants, responding to the Council's questions and Comments.

The following citizens offered comments:

Mr. Andy Marathe, 121 Westlook Circle, expressed his view that the problem with debt control has been that the people of Oak Ridge and their representatives, City Council, continue to espouse expenditures without really worrying about where the money is coming from. He asserted that there is a need for a long-term financial plan, emphasizing that this should be a "policy" decision and suggesting that the Council's Budget and Finance Special Committee should be charged with this task.

Mr. Charles Jones, 103 Burgess Lane, expressed concern about this increase in the City's long-term debt and contended that the members of the public and possibly City Council cannot know in detail what the proceeds of this bond issue will be used for, and how it will be repaid, from the information that has been presented as part of the public record. He requested that the Council delay consideration of this bond resolution for one month and that they request the City staff to provide (1) a detailed statement of what the proceeds of this bond issue will be used for, including a list of capital projects, (2) the dollar amounts which have already been spent, (3) the dollar amounts which are committed to be spent in existing contracts, and (4) the dollar amounts which are only planned but not yet spent or committed. It was also his opinion that the staff should provide a statement indicating how much of the debt service cost will come from utility assistance revenues and how much will come from general revenues and an estimate of the effect of these costs on utility rates.

Ms. Pat Fain, 926 W. Outer Drive, expressed objections to a policy that she apparently perceived as the unauthorized use of cash reserves to fund capital projects with the reserves later replenished by the issuance of debt obligations. She charged that this is a dangerous policy that takes away from City Council the power to control expenditures and debt because this power has been "given away" to City staff. She also asserted that there exists no "honestly good" public forum on money and debt in this city so the public cannot really dialogue with City Council in this regard. (Both the Deputy City Manager and the Mayor expressed objections to Ms. Fain's comments.)

Mr. Joseph E. Lee, III, 99 E. Pasadena Road, suggested that the focus should be on actions that would increase the City's revenue stream, specifically sales tax revenues, to pay for the community's "wants," including such items as a new Senior Center, a new School Administration Building, support for Roane State Community College, etc.

Mr. Chuck Agle, 101 W. Melbourne Road, commented on the relationship between the debt service and the City's utility rates.

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

Resolution No. 9-92-09

**A resolution extending the Budget and Finance Special Committee until August 31, 2011 under the same terms and conditions as those specified in Resolution Number 11-107-07.**

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

Resolution No. 9-93-09

**A resolution extending the Intergovernmental Relations Special Committee until August 31, 2011 under the same terms and conditions as those specified in Resolution Number 11-108-07.**

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

Bids and Contracts

Resolution No. 9-94-09

**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.**

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

Resolution No. 9-95-09

**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.**

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, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." Councilman Hayes was absent.

ELECTIONS

Environmental Quality Advisory Board

Councilwoman Smith moved that Messrs. R. Boyd Carter, James P. Groton, Jr., and Joseph G. Wood, Jr., be elected by acclamation to serve on the Environmental Quality Advisory Board for three-year terms of office commencing on September 30, 2009. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." Councilman Hayes was absent. There were no other candidates.

Budget and Finance and Intergovernmental Relations Special Committees

Councilwoman Smith moved that Council members L. Charles Hensley, Ellen D. Smith, and Mayor Thomas L. Beehan be appointed to serve as the Budget and Finance Special Committee until September of 2010, with Councilman Hensley to serve as the Chair; and that Councilwoman Anne Garcia Garland be appointed to serve as a member of the Intergovernmental Relations Special Committee until September of 2010. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." Councilman Hayes was absent.

Notice of Elections

Mayor Beehan announced that two (2) elections are scheduled for the October 12, 2009 City Council meeting to appoint one (1) member to the Board of Electrical Examiners and one (1) member to the Youth Advisory Board

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

### **COMMUNICATIONS**

A resolution from the Environmental Quality Advisory Board (EQAB) requesting that City Council direct the staff to prepare for the Council's consideration an ordinance that bans open burning, including burning or incineration with an Air Curtain Destructor.

Councilman Hensley moved that this communication be received for the record and referred to the staff for review and return of a recommendation as to the next step to be taken. The motion was seconded by Councilwoman Miller but failed to carry by tie vote with Council members Garcia Garland, Mosby, and Smith voting "Nay" and Council members Hensley, Miller, and Mayor Beehan voting "Aye." Councilman Hayes was absent.

Councilwoman Smith moved to accept the Environmental Quality Advisory Board's recommendation to direct staff to prepare for City Council consideration a draft of a proposed ordinance, as described in the EQAB communication, and that EQAB be invited to participate in a work session with City Council to discuss this matter after a draft ordinance has been developed.

The motion was seconded by Councilwoman Garcia Garland but failed to carry by tie vote with Council members Hensley, Miller, and Mayor Beehan voting "Nay" and Council members Garcia Garland, Mosby, and Smith voting "Aye." Councilman Hayes was absent.

Councilman Hensley moved that further consideration of this communication be postponed to the next regular City Council meeting. The motion was seconded by Councilwoman Miller and carried by unanimous voice vote with Council members Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." Councilman Hayes was absent.

The Mayor suggested to the EQAB Chair, Mr. James Groton, that he should meet with the City Manager prior to that time for the purpose of providing any needed additional information.

### **CITY MANAGER'S REPORT**

[This report was considered earlier in the meeting; see Page 3 of these minutes.]

### **CITY ATTORNEY'S REPORT**

#### **Development of 501(c)3 Organization**

The City Attorney reported that the effort to establish a 501(c)3 organization to work with the Elder Citizens Advisory Board is underway. He advised that he will apprise the Council upon its completion.

### **ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

  
City Clerk

**Memorandum to the City Manager**  
**No. 09-06**

**Date:** September 30, 2009  
**To:** James R. O'Connor, City Manager  
**From:** David H. Beams, Chief of Police  
**CC:** Alan R. Massengill, Deputy Chief of Police  
**Re:** Expenditure of Grant Funds to Purchase Materials, Equipment and Services from Motorola, Inc.

---

An item for Council's consideration is a resolution authorizing the City to expend grant funds in the amount of \$55,000 to purchase materials, equipment and services from Motorola, Inc.

In 2007, City Council adopted the City of Oak Ridge 2007 State and Federal Legislative Agenda as an instrument to inform state and federal officials and interested individuals of the City's position on key state and federal issues affecting the Oak Ridge community. This included a funding request in the amount of \$1.5 million for a city-wide wireless communications system upgrade.

In 2008, the City received grant funds in the amount of \$1,124,078.00 for this project through two grants: one from the U.S. Department of Justice Office of Justice Programs in the amount of \$983,783.00 and one from the U.S. Department of Justice Community Oriented Policing Services (COPS) Grants Administration Division Law Enforcement Technology in the amount of \$140,295.00. The grant funds will be used specifically to support a new umbrella communications system that is compliant with the new communications standards established by the federal government.

At this time the City is ready to expend grant funds in the amount of \$55,000.00 to purchase materials, equipment and services from Motorola for this project. Due to the need to maintain compatibility with the existing radio communications systems, competitive bidding requirements will need to be waived requiring unanimous consent of City Council.

Staff recommends approval of the attached resolution.

Respectfully,



David H. Beams, Chief of Police

City Manager's Comments:

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

11/1/09  
Date

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

**RESOLUTION**

WHEREAS, by Resolution 2-13-07, City Council adopted the City of Oak Ridge "2007 State and Federal Legislative Agenda" as an instrument to inform state and federal officials and interested individuals of the City's position on key state and federal issues affecting the Oak Ridge community; and

WHEREAS, the federal legislative agenda included a funding request in the amount of \$1.5 million for a wireless communications system upgrade for the police department to provide coverage in the west end of Oak Ridge; and

WHEREAS, in 2008 the City received grant funds in the amount of \$1,124,078 for this project from the U.S. Department of Justice; and

WHEREAS, the grant funds will be used specifically to support a new umbrella communications system in the west end that is compliant with the new communications standards established by the federal government; and

WHEREAS, the City is ready to expend grant funds in the amount of \$55,000 to purchase materials, equipment and services from Motorola for this project; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Motorola as the sole supplier of compatible radios for the radio communications system.

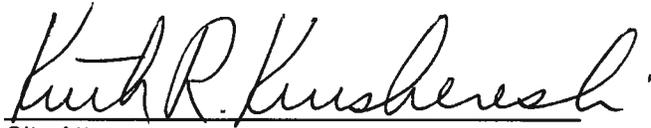
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager to waive competitive bidding is approved and award is hereby made to Motorola, Inc., for the furnishing of materials, equipment and services for the wireless communications system upgrade project, in the estimated amount of \$55,000.00, which shall be paid for through grant funds.

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

This the 12th day of October 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

**ELECTRIC DEPARTMENT MEMORANDUM**  
**09-15**

DATE: September 28, 2009  
To: James R. O'Connor, City Manager  
From: Jack L. Suggs, Electrical Director  
SUBJECT: RELEASE OF EASEMENT

Attached is a resolution releasing an easement granted by American Technologies to the City of Oak Ridge at Oak Ridge Parcel 506, Block 18-CH, described in the easement document as being 142 Fairbanks Road, Oak Ridge, Tennessee.

R&R Enterprises is constructing a new building at 164 Fairbanks Road. An electric power transformer serving the adjacent ATI property somewhat restricts access to the rear of the new building. Staff at the Electric Department worked with R&R in obtaining an easement from ATI, which, along with other documents, permitted the transformer to be relocated to a location more advantageous to the new construction.

Unfortunately, field conditions prevented the work from being executed as planned and the relocation was cancelled. The Electric Department no longer needs the easement and wishes to abandon it, in essence returning the rights of the property to the owner, ATI.

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      11/1/08  
Date

NUMBER \_\_\_\_\_

**RESOLUTION**

WHEREAS, due to the cancellation of a previously planned electric power transformer relocation, the City no longer has a need for an easement given by American Technologies, Inc., for their property located at 142 Fairbanks Road; and

WHEREAS, the City desires to abandon and release this easement as there is no current future need for the easement; and

WHEREAS, the City Manager recommends approval of the abandonment and release.

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 easement across 142 Fairbanks Road (Oak Ridge Parcel 506, Block 18-CH; Anderson County Tax Map 94-O, Control Map 100B, Parcel 4.00, Group B), as shown on the attached easement, is hereby abandoned and released.

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

This the 12th day of October 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

This instrument prepared by:  
Kenneth R. Krushenski, City Attorney  
Municipal Building  
P. O. Box 1  
Oak Ridge, Tennessee

Anderson County Tax Map 94-O  
Control Map 100B  
Parcel 4.00, Group B  
District 2 of Anderson County

**GRANT OF PERMANENT EASEMENT**

THIS INDENTURE, made and entered into this 16<sup>th</sup> day of September, 2009, by and between American Technologies, Inc., a Tennessee corporation with principal office located at 142 Fairbanks Road, Oak Ridge, Tennessee 37830, Grantor, and the City of Oak Ridge, Tennessee, a municipal corporation with a mailing address of P.O. Box 1, Oak Ridge, Tennessee 37831, Grantee.

**WITNESSETH**

WHEREAS, with the signature below, the Grantor acknowledges itself to be the owner of certain land located at 142 Fairbanks Avenue (Oak Ridge: Parcel 506, Block 18-CH; Anderson County: Tax Map 94-O, Control Map 100-B, Parcel 4.00, Group B) located within the City of Oak Ridge, Anderson County, Tennessee; and

WHEREAS, the Grantor desires to grant unto the Grantee a permanent and perpetual easement over, across, under and through certain portions of said property said easement as more particularly described on Exhibit A and for the purposes outlined herein.

NOW, THEREFORE, that for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, receipt whereof is hereby acknowledged, and other considerations deemed valuable in law, the Grantor does hereby bargain, grant, sell, transfer, assign and convey unto the Grantee, its representatives, agents, contractors, and subcontractors, a permanent and perpetual easement over, across, under, upon and through a portion of said property, said easement being more particularly described on Exhibit A attached hereto and incorporated by reference and made as part of this instrument as if fully written herein, for the following purposes:

**BK/PG: 1510/1115-1119  
09010120**

5 PGS : AL - EASEMENT	
NETTA BATCH: 63178	
09/18/2009 - 01:40 PM	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	27.00

STATE OF TENNESSEE, ANDERSON COUNTY  
**TIM SHELTON**  
REGISTER OF DEEDS

The perpetual right of ingress and egress at any time and from time to time over Grantor's property to or from said easement for the purpose of installing, erecting, constructing, maintaining, improving, reconstructing, repairing, rebuilding, inspecting, operating, patrolling and removing buried electric line with all necessary appurtenances including but not limited to a ground mounted transformer and junction boxes in, on, over and across said easement, together with the right to clear the easement and keep the same clear of brush, trees, buildings and fire hazards; the perpetual right to destroy or otherwise dispose of such tress and brush; the perpetual right to remove, destroy or otherwise dispose of any trees located beyond the limits of said easement which in falling could come within five (5) feet of any electrical structure, or trees whose root systems interfere with the power system; the perpetual right to relocate the utilities in the same relative position; the perpetual right to prevent possible interference with the operation of the utilities and to remove a potential hazard thereto; and the perpetual right to prevent the construction with the easement of any building, structure or other obstructions which may endanger or interfere with the efficiency, safety and convenient operation of the utilities and it appurtenances.

**(For Legal Description please see attached Exhibit A)**

For prior deed reference see Deed Book 1123 at Page 658, as recorded in the Register of Deeds Office of Anderson County, Tennessee.

TO HAVE AND TO HOLD said right and easement to the Grantee, its successors and assigns forever.

The Grantor covenants that the Grantor is the lawful owner of the land hereinabove described, that the Grantor has the lawful right to convey and grant these easements, that said property is free of all encumbrances, and that the Grantor will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

The Grantor agrees that the payment of the purchase price above stated is accepted by the Grantor as full compensation for all damage caused to the property of the undersigned by its construction forces or by the construction forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transformer.

The Grantor, for itself, heirs, personal representatives, successors and assigns, covenant with the Grantee that no building or fire hazards will be erected or maintained within the limits of the easement and agree that this shall be a real covenant which shall attach to and run with the land affected by the easement rights and shall be binding upon everyone who may hereafter come into ownership of said land, whether by purchase, gift, devise, descent or succession.

Wherever the context requires, the plural number as used herein shall be read as singular.

IN WITNESS WHEREOF, the Grantor has executed this instrument as of the day and year first above written. Said easement shall be effective upon execution by the Grantor herein.

APPROVED AS TO FORM AND LEGALITY:

Kurt R. Kuscherski  
City Attorney

GRANTOR – AMERICAN TECHNOLOGIES, INC.

Yen Innes for ATI  
Signature

**ACKNOWLEDGMENT**

STATE OF TENNESSEE     )  
  )ss.  
ANDERSON COUNTY        )

Before me, the undersigned; a Notary Public of the state and county aforesaid, personally appeared Yen Innes with whom I am personally acquainted, and who, upon oath, acknowledged himself/herself to be Secretary of the within named corporation, and that s/he as such American Technologies Inc. being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as Secretary of American Technologies

Witness my hand and official seal this 16<sup>th</sup> day of September, A.D. 2009.

Rachel P. Broyles  
Notary Public

My Commission Expires: 03/25/2013



My Commission Expires Mar 25, 2013

EASEMENT DESCRIPTION

American Technologies, Inc., a Tennessee Corporation, with principal office located at 142 Fairbanks Road, Oak Ridge, TN 37830 in Anderson County, Tennessee.

TO

Oak Ridge Electric Department, with principal office located at 100 Woodbury Lane, Oak Ridge, TN 37830 in Anderson County, Tennessee.

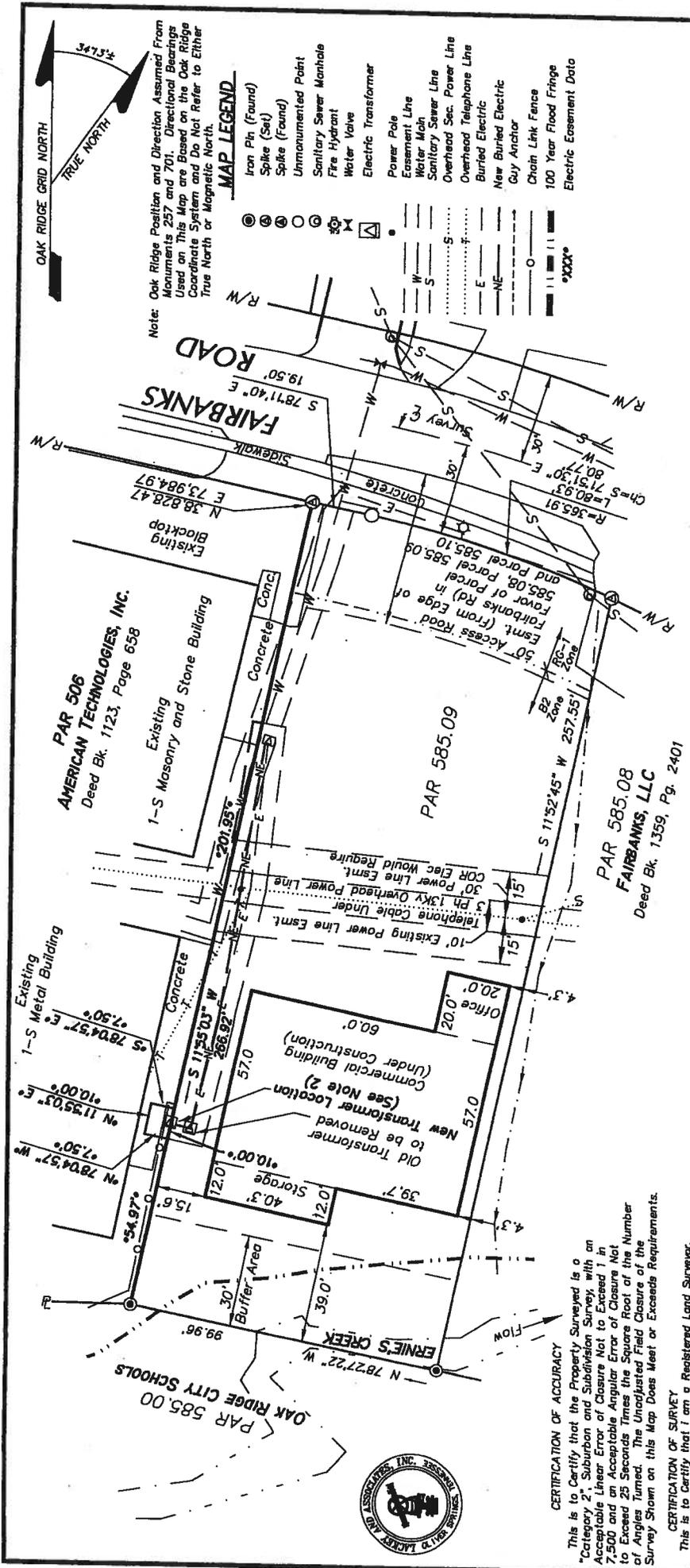
Easement for the construction, operation and maintenance of a buried electric line with appurtenances including ground mounted transformer and junction boxes located within Parcel 506 in Oak Ridge Block 18CH being more fully described by metes and bounds as follows:

Commencing on a spike (set) at a common corner of Parcel 506 in Block 18CH with Parcel 585.09 in Block 18CH in the southerly line of Fairbanks Road located by reference at 30 feet from the survey center line of Fairbanks and said commencement being further defined as located at Oak Ridge Grid Position North = 38,828.47 and East = 73,984.97; Then traverse, along the line of Parcel 506 in Block 18CH with Parcel 586.09 in Block 18CH, South 11deg 55min 03sec West 201.95 feet to an unmonumented point being the point of beginning of the described easement; Thence, from said beginning, continue along the line of Parcel 506 in Block 18CH with Parcel 585.06 in Block 18CH, South 11deg 55min 03sec West 10.00 feet to an unmonumented point; Thence, with lines interior to Parcel 506 in Block 18CH as follows: 1.) North 78deg 04min 57sec West 7.50 feet to an unmonumented point; 2.) North 11deg 55min 03sec East 10.00 feet to an unmonumented point; 3.) South 78deg 04min 57sec East 7.50 feet to the point of beginning of described easement and being easement only.

Easement is located within Parcel 506 as shown on Oak Ridge Block Map 18CH and within Parcel 4, Group "B" on Anderson County Tax Map 94-O, Control Map 100-B.

Easement is located within the same property as acquired by American Technologies, Inc. under a Warranty Deed recorded in Record Book 1123 at Page 658 in the Office of the Register of Deeds for Anderson County, Tennessee.





SURVEY FOR:

# OAK RIDGE ELECTRIC DEPARTMENT

PARCEL 506 IN BLOCK 18CH  
WITHIN THE CORPORATE LIMITS OF OAK RIDGE  
SECOND CIVIL DISTRICT ~ ANDERSON COUNTY, TENNESSEE

SCALE: 1 INCH = 40 FEET  
DATE: SEPTEMBER 8, 2009

SURVEY BY:  
LACKEY AND ASSOCIATES, INC.  
214 MAIN STREET  
OLIVER SPRINGS, TN 37840  
PHONE: (865) 435-7663  
DRAWING NO. 09-713-R1



### GENERAL NOTES

- Parcel 506 in Block 18CH is Owned by American Technologies, Inc. Under a Warranty Deed Recorded in Deed Book 1123 at Page 658 in the Office of the Register of Deeds, Anderson County, Tennessee. Parcel 506 in Block 18CH is Parcel 4, Group 'B' on Anderson County Tax Map 94-0, Control Map 100-B.
- American Technologies Fence to be Relocated to More Than 3' Beyond New Transformer Location or a Gate in Fence That Would Allow Greater Than 3' of Clearance Around Transformer as Installed.

Revision 1: September 10, 2009; Electrical Comments.

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

**CERTIFICATION OF SURVEY**  
This is to Certify that I am a Registered Land Surveyor, duly Licensed to Practice Surveying in the State of Tennessee and that I have Made this Survey and Prepared this Map From a Field Survey and that Both are True and Correct to the Best of My Knowledge and Belief.



**MAYOR'S MEMORANDUM**  
**09-08**

DATE: October 1, 2009

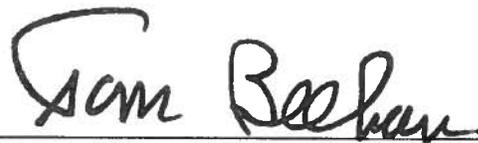
TO: Fellow Members of City Council

FROM: Mayor David R. Bradshaw

SUBJECT: APPOINTMENT OF RAILROAD AUTHORITY DIRECTOR

The attached resolution will reappoint Dr. Pete Craven, 113 Wiltshire Drive, to serve as the Mayor's designee on the Board of Directors of the Oak Ridge Heritage Railroad Authority. The Board of Directors of the Railroad Authority contains two directors, as required by The Tennessee Code. The Code provides that one Director shall be the Mayor or his designee and an additional Director-at-Large shall be selected by City Council. Mr. Gordon Fee currently serves as the Director-at-Large, having been appointed by City Council on August 20, 2007 for a three-year term of office.

Because I do not have the time to give this board the attention it deserves and I have every confidence in Dr. Craven's ability to do so, I am recommending your approval of his reappointment to serve as my designee.



---

Mayor

Attachment

NUMBER \_\_\_\_\_

**RESOLUTION**

WHEREAS, by Resolution No. 9-117-06, City Council appointed Dr. Pete Craven to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority for a three-year term of office ending on October 9, 2009; and

WHEREAS, Dr. Craven has agreed to serve another term of office upon said Board and the Mayor recommends that he be so appointed to serve another term of three years, which term shall expire on October 9, 2012.

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

That the recommendation of the Mayor is approved and Dr. Pete Craven is hereby appointed to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority for a three-year term of office ending on October 9, 2012.

BE IT FURTHER RESOLVED that Dr. Craven's service as a member of said Board of Directors shall begin upon the expiration of his previous term of office, provided that he shall take the oath of office prescribed for all officers or employees of the City in Article I, Section 10, of the Charter of the City of Oak Ridge, Tennessee.

This the 12<sup>th</sup> day of October 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

**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)(C) 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," Subsection (1)(c) is hereby amended by adding the phrase "from this subsection" at the end of the last sentence in this subsection.

Section 5. 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). If the new building totals 50% or more of the ground floor area 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 only 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 from this subsection.

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 (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 7. 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 and office zone districts, and multifamily residential uses (residential with more than four (4) attached housing units) 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 8. 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 for purposes of this paragraph.

*(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 for purposes of this paragraph.

*(Seventh Paragraph)*

In an effort to minimize the visual impact of parking areas in commercial and office zone districts, and multifamily residential uses (residential with more than four (4) attached housing units), 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 9. 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 uses adjoin one (1)- or two (2)-family housing zones, and within Planned Unit Developments with similar disparities.

Section 10. 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 zone districts and multifamily residential uses (residential with more than four (4) attached housing units), 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 11. 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: 9/14/09  
First Reading: 9/14/09  
Publication Date: 9/21/09  
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:

*Kurt R. Kushnush*  
City Attorney

\_\_\_\_\_  
Mayor

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

Public Hearing: 9/14/09  
First Reading: 9/14/09  
Publication Date: 9/21/09  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**LEGAL MEMORANDUM**  
**09-40**

DATE: September 30, 2009

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: RETAIL LIQUOR STORE APPLICATION FOR PERMIT AND  
CERTIFICATE OF COMPLIANCE

The accompanying resolutions authorize the granting of a permit for the retail sale of alcoholic beverages and the issuance of a certificate of compliance to Scott Garriott, Oak Ridge Package Store, 971 Oak Ridge Turnpike. Joseph and Margaret Cacciatore are the former owners and have held the Retailer's Permit at this location since 1985.

Pertinent information concerning Mr. Garriott's application has been distributed to the Council. A notice was published on September 24, 2009 in The Oak Ridger advising that consideration of the issuance of a Certificate of Compliance would be considered at the October 12, 2009 Council meeting. Staff has advised the applicant to be in attendance at the meeting to answer any questions Council may have.

  
\_\_\_\_\_  
Kenneth R. Krushenski

Attachments

**City Manager's Comments:**

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

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

  
\_\_\_\_\_  
Date

NUMBER \_\_\_\_\_

**RESOLUTION**

WHEREAS, Title 8, Chapter 4, of the Oak Ridge Code of Ordinances requires a permit to be issued before anyone may engage in the retail sale of alcoholic beverages, and

WHEREAS, Scott Garriott has made proper application for such a permit, and

WHEREAS, said applicant meets all the necessary conditions and requirements of the laws of the City of Oak Ridge and the State of Tennessee, and

WHEREAS, the City Council is authorized to waive the residency requirement for an applicant who possesses sufficient contacts with the City which would permit Council to verify the good moral character of that nonresident applicant.

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

That Scott Garriott is hereby granted a permit to engage in the retail sale of alcoholic beverages in the City of Oak Ridge at 971 Oak Ridge Turnpike and that the Mayor is authorized to sign said permit on behalf of the City of Oak Ridge.

BE IT FURTHER RESOLVED that Council does hereby waive the residency requirement for Scott Garriott.

This the 12th day of October 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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



**CITY CLERK MEMORANDUM**  
**09-60**

DATE: September 28, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: INCREASING THE MEMBERSHIP OF THE ELDER CITIZENS ADVISORY BOARD

The accompanying resolution will increase the membership of the Elder Citizens Advisory Board from ten (10) to eleven (11) members with the new member being a representative of the Coalition of Oak Ridge Retired Employees (CORRE). A letter from the President of this organization, Mr. Wilbur D. Shults, is attached. As you will note, according to Mr. Shults, CORRE represents approximately 12,000 retirees and surviving spouses, with about 2,462 of these residing in Oak Ridge. Also attached is a letter from Mr. David McCoy, Chairman of the Elder Citizens Advisory Board, supporting Mr. Shults' request for a designated seat on this Board. Both Mr. Shults and Mr. McCoy will be present at the October 12<sup>th</sup> City Council meeting.

The membership of the Elder Citizens Advisory Board has fluctuated between 9 and 11 members down through the years as new senior organizations were created and older organizations were disbanded. A membership history is attached. Currently, the Board comprises three (3) at-large seats and seven (7) seats reserved for organizational representatives, including one each from the local chapter of the AARP, Anderson County Council on Aging, National Association of Retired Federal Employees, Oak Ridge Retired Teachers Association, Senior Citizens Club, The 43 Club, and Anderson County Adult Safety Coalition and Elderwatch.

With the adoption of the attached resolution, Mr. Shults will submit the name of his organization's nominee for the new seat and he/she will be presented for the Council's consideration of appointment at the November 16<sup>th</sup> meeting.

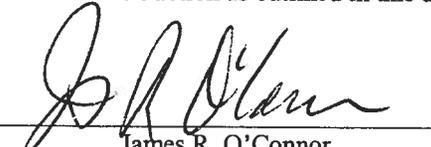
Adoption of the resolution is recommended.

  
City Clerk

Attachments

**City Manager's Comments:**

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

  
James R. O'Connor

11/1/09  
Date

**Coalition of Oak Ridge Retired Employees (CORRE)**

P. O. Box 4266

RECEIVED

Oak Ridge, Tennessee 37831-4266

2009 SEP -8 PM 1:10

September 8, 2009

OFFICE OF THE CITY CLERK

The Honorable Mayor  
and All Council Members  
City of Oak Ridge  
P. O. Box 1  
Oak Ridge, Tennessee 37830

Dear Mayor and Council Members:

**Representative on Elder Citizens Advisory Board (ECAB)**

We respectfully request that you allow CORRE to have a representative on the ECAB, as is the case with other organizations representing elder citizens (AARP, Oak Ridge Retired Teachers, and others).

CORRE represents approximately 12,000 retirees and surviving spouses, with about 2,462 of these residing in Oak Ridge. We have a diverse membership. Our Board has met at the Senior Center for the 10 years since we organized, and we have very much appreciated the hospitality that has been shown to us there.

We sincerely hope that City Council will approve this request. I will be happy to come to a Council meeting and answer any questions you may have.

Sincerely,



Wilbur D. Shults, President

CC: David McCoy

---

**Working for Fair and Equitable Retirement Benefits for Former Employees of  
K-25, Y-12, and ORNL, and Grandfathered Employees of Bechtel Jacobs and Wackenhut**

RECEIVED

# **Elder Citizens Advisory Board**

AM 9:45

OFFICE OF THE CITY CLERK

October 1, 2009

Honorable Mayor and Members of Oak Ridge City Council

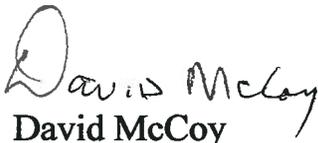
Good morning.

This is a request asking Council to add a seat to ECAB allowing CORRE to become a member of our board.

Working with CORRE president W. D. "Dub" Shults, their board has nominated Mary Helen Rose to sit with ECAB to represent CORRE.

We believe this will enhance our board and hope we can attract more senior groups to become members of ECAB.

Sincerely,



David McCoy

Chairman

Elder Citizens Advisory Board

## **ELDER CITIZENS ADVISORY BOARD HISTORY**

<b><u>COUNCIL ACTION</u></b>	<b><u>CATALYST</u></b>	<b><u>EFFECT</u></b>
Resolution No. 7-75-77	Opening of the Senior Center	Created an Elder Citizens Advisory Board (ECAB) composed of nine members, three at-large and one each from the American Association of Retired Persons (AARP), the 40 Plus Club, the Association of Retired Federal Employees, the Retired Teachers Association, the Senior Citizens Club, and the Anderson County Council on Aging.
Resolution No. 5-56-80	Request of Union Carbide Retirees	Increased the membership from nine to ten members, with the additional member to be a representative of the Union Carbide Retirees Association.
Resolution No. 3-21-81	Request of Senior Recreation Club	Increased the membership from 10 to 11 members, with the additional member to be a representative of the Senior Recreation Club.
Resolution No. 11-124-83	Disbandment of the Senior Recreation Club	Deleted the provision that one member be a representative of the Senior Recreation Club and retained the seat as an at-large position.
Resolution No. 4-47-86	Disbandment of the 40 Plus Club	Deleted the provision that one member be a representative of the 40 Plus Club and decreased the membership from 11 to 10 members.
Resolution No. 6-89-86	Request of the Elderberries	Increased the membership from 10 to 11 members, with the additional member to be a representative of the Elderberries Club.
Resolution No. 10-188-86	Failure to attract at-large candidates	Decreased the membership from 11 to 10 members with the reduction being from the at-large membership.
Resolution No. 7-107-93	Request of ECAB	Increased the membership from 10 to 11 members, with the additional member to be a representative of The 43 Club.
Resolution No. 12-206-96	Disbandment of the Elderberries	Decreased the membership from 11 to 10 members.
Resolution No. 5-69-04	Disbandment of the Union Carbide/Martin Marietta Retirees Association	Decreased the membership from 10 to 9 members.
Resolution No. 2-11-06	Request of Anderson County Adult Safety Coalition and Elderwatch	Increased the membership from 9 to 10 members, with the additional member to be a representative of the Anderson County Adult Safety Coalition and Elderwatch

**Current composition: Three (3) at-large seats and seven (7) seats reserved for organizational representatives, including one each from AARP, Anderson County Council on Aging, National Association of Retired Federal Employees, Oak Ridge Retired Teachers Association, Senior Citizens Club, The 43 Club, and Anderson County Adult Safety Coalition and Elderwatch.**

**RESOLUTION**

WHEREAS, with the adoption of Resolution Number 7-75-77 on July 18, 1977, City Council created the Elder Citizens Advisory Board whose function is to advise and assist the Council in the continual development and reassessment of the program of elder citizen activities and services; and

WHEREAS, Resolution Number 7-75-77 provided that the Elder Citizens Advisory Board (the Board) would consist of nine (9) members and that six (6) of those members would be representatives of various organizations for the elderly and three (3) would be appointed entirely at the discretion of the Council from the community at large; and

WHEREAS, said resolution has been amended from time to time as new senior organizations were created and older organizations were disbanded, and the Elder Citizens Advisory Board currently consists of ten (10) members with seven (7) being representatives of organizations for the elderly and three (3) being from the community at large; and

WHEREAS, an organization called the *Coalition of Oak Ridge Retired Employees (CORRE)* has requested that the Board be increased from ten (10) to eleven (11) members with the new member being a representative of CORRE; and

WHEREAS, the CORRE was created to work for fair and equitable retirement benefits for former employees of K-25, Y-12, and ORNL, and grandfathered employees of Bechtel Jacobs and Wackenhut, and it represents approximately 12,000 retirees and surviving spouses, with about 2,462 of these residing in Oak Ridge; and

WHEREAS, a representative of the Coalition of Oak Ridge Retired Employees would be a valuable addition to the City's Elder Citizens Advisory Board.

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

That Resolution Number 7-75-77, as amended, is further amended by increasing the membership of the Elder Citizens Advisory Board for the City of Oak Ridge from ten (10) members to eleven (11) members with such additional member to be a representative of and nominated by the Coalition of Oak Ridge Retired Employees (CORRE) and confirmed by City Council.

BE IT FURTHER RESOLVED that the first representative of the CORRE shall serve until June 30, 2012, and thereafter said representative shall be appointed for a three-year term of office commencing on July 1.

BE IT FURTHER RESOLVED that this additional seat on the Elder Citizens Advisory Board shall in all other respects be subject to the provisions of Resolution Number 7-75-77 as amended.

This the 12<sup>th</sup> day of October 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

Personnel Memorandum  
09-106

September 29, 2009

TO: James R. O'Connor, City Manager  
FROM: Penelope H. Sissom, Personnel Director  
THROUGH: Steven W. Jenkins, Deputy City Manager  
SUBJECT: MEDICAL INSURANCE RENEWAL



The attached resolution extends the contract with the State of Tennessee Local Government Health Insurance Program to purchase employee medical insurance for calendar year 2010.

The State program offers each regular employee working at least thirty hours per week a choice of four insurance plans: (1) a Preferred Provider Organization plan (PPO) administered by Blue Cross Blue Shield, (2) a Point of Service plan (POS) administered by Cigna HealthCare, (3) a Health Maintenance Organization plan (HMO) administered by United Healthcare and (4) a PPO Limited (PPO-L) administered by Blue Cross Blue Shield.

The State Insurance Program is slightly increasing the medical insurance rates that apply to the City for calendar year 2010. We had previously been advised that the 2010 rate increase would be about five or six percent (5% - 6%). However, the final increase is only three percent (3%) for the PPO, POS and HMO plans and the PPO-L plan premium is not increasing at all. As you may remember, for CY 2008 the increase was 12% and for CY 2009 the increase was 4%. The effect of the CY 2010 premium increase will mean an average increase of only approximately \$1.00 per pay period for employees with single coverage and approximately \$5.27 per pay period for those employees with family coverage.

The State will send information to employees who will need to make a decision during the Annual Enrollment Transfer Period between October 15 and November 16, 2009 relative to which of the four plans they select for their medical coverage during CY 2010.

For many years the City paid the full premium for single medical insurance coverage on employees, a portion of the additional cost for family coverage and the entire premium for family coverage if both spouses worked for the City. However, in consideration of the City's financial situation, the FY 2004 Budget included, as a property tax savings, a policy change in cost allocation that required all employees to pay a portion of the medical insurance premium. Resolution Number 5-44-03, adopted by the City Council at its May 5, 2003 meeting, provided that effective June 22, 2003:

1. the City pays 85% of the highest cost plan for employees choosing single coverage with the employee paying the remaining cost;
2. the City pays 70% of the highest cost plan for employees choosing family coverage with the employee paying the remaining cost; and
3. each spouse of the dual family (both spouses work for the City) pays the applicable single coverage employee rate for the specific plan selected for the dual family coverage.

Because of this policy, those employees selecting either of the PPO-L plans for CY2010 will have no payroll deduction. Staff is advocating that this cost-sharing policy continue as indicated above for calendar year 2010 and fiscal year 2011.

In addition, Resolution Number 6-52-08, adopted by the City Council at its June 16, 2008 meeting, provided that effective with the July 2008 premiums, the City contributes 50% of the medical insurance cost for its retirees and their families until the retiree becomes eligible for Medicare, or has been retired for seven years, whichever comes first.

The charts below reflect the recent history of medical insurance premium changes and the impact these increases have had on employees.

**Total Premiums**

Level of Coverage	CY2007 Monthly	CY2008 Monthly	CY2009 Monthly	CY2010 Monthly	Annual
HMO Single	\$457.50	\$512.40	\$532.90	\$548.89	\$ 6,586.68
HMO Family	1,142.28	1,279.35	1,330.52	1,370.44	16,445.28
POS Single	444.31	497.63	517.54	533.07	6,396.84
POS Family	1,109.32	1,242.44	1,292.14	1,330.90	15,970.80
PPO Single	462.36	517.84	538.55	554.71	6,656.52
PPO Family	1,154.48	1,293.02	1,344.74	1,385.08	16,620.96
PPO LIMITED Single	312.02	349.46	349.46	349.46	4,193.52
PPO LIMITED Family	779.09	872.58	872.58	872.58	10,470.96

**Employee Cost**

Level of Coverage	Per Biweekly Pay Period				Annual
	CY2007	CY2008	CY2009	CY2010	
HMO Single	\$29.76	\$33.34	\$34.68	\$35.72	\$ 928.72
HMO Family	154.22	172.73	179.63	185.02	4,810.52
HMO Dual Family	59.52	66.68	69.36	71.44	1,857.44
POS Single	23.68	26.53	27.59	28.42	738.92
POS Family	139.02	155.69	161.92	166.77	4,336.02
POS Dual Family	47.36	53.06	55.18	56.84	1,477.84
PPO Single	32.01	35.85	37.28	38.40	998.40
PPO Family	159.85	179.04	186.19	191.78	4,986.28
PPO Dual Family	64.02	71.70	74.56	76.80	1,996.80
PPO-L Single	-0-	-0-	-0-	-0-	-0-
PPO-L Family	-0-	-0-	-0-	-0-	-0-
PPO-L Dual Family	-0-	-0-	-0-	-0-	-0-

The City has already been notified that there may be significant benefit changes in the future such as preventative care at no cost to the member, differential in coinsurance and deductible amounts, a broader premium structure, enhanced wellness care management programs, etc. These changes may also include such changes as the \$50.00 per month surcharge for smokers and the possibility of a surcharge for obesity. A lot of the work toward new health options on the State plan is currently in a hold status pending the outcome of the Obama and Congressional health reform plans.

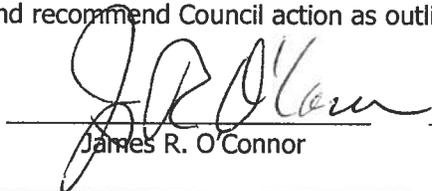
Sufficient funds are included in the FY2010 Budget for the three percent (3%) increase. Therefore, Staff recommends adoption of the attached resolution.

  
Penelope H. Sissom

Attachment

**City Manager's Comments:**

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

  
James R. O'Connor

11/1/09  
Date

**RESOLUTION**

WHEREAS, it is appropriate for the City to ensure that its employees have affordable medical insurance coverage for themselves and their families; and

WHEREAS, it is appropriate for the City to provide medical insurance coverage for its employees that is comparable to that provided by similar cities and employers; and

WHEREAS, it is appropriate for the City to ensure that those who have retired from City employment after having served the City have medical insurance coverage for themselves and their families; and

WHEREAS, it is appropriate for the City to provide for a medical reimbursement account for those employees who elect not to have medical insurance through the City; and

WHEREAS, the State of Tennessee offers to local government employees and retirees a self-insured medical insurance plan and contracts for the administration of said plan; and

WHEREAS, by Resolution 9-148-98, City Council approved a contract with the State of Tennessee for the purchase of employee medical insurance; and

WHEREAS, the City of Oak Ridge has the option to extend said contract for the period of January 1, 2010 through December 31, 2010, at an estimated cost of \$3,500,000.00; and

WHEREAS, the City Manager recommends extension of said contract.

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 contract between the City of Oak Ridge and the State of Tennessee Local Government Health Insurance Program, Nashville, Tennessee, to provide employee medical insurance is hereby extended for the period January 1, 2010 through December 31, 2010 at an estimated cost of \$3,500,000.00.

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

This the 12th day of October 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

**CITY CLERK MEMORANDUM**  
09-63

DATE: October 1, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: ELECTIONS – November 16, 2009

The following elections are scheduled for the November 16, 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 9<sup>th</sup> graders because the Board currently has no 9<sup>th</sup> 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.

Traffic Safety Advisory Board

On November 29, 2009, three (3) seats on the Traffic Safety Advisory Board will become vacant due to normal expirations of term. The incumbents are Jana F. Humphrey, Harry R. Livesey, and William P. Smith. Letters have been sent to all three but we have yet to hear from them as to whether they desire to serve again. No special qualifications are required for these seats and the term of office is three years.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Tuesday, October 27, 2009.

  
City Clerk

**CITY COUNCIL MEMORANDUM**  
**09-33**

DATE: October 1, 2009

TO: Honorable Mayor and Members of City Council

FROM: James R. O'Connor, City Manager

SUBJECT: UPCOMING MEETINGS/MAJOR ISSUES

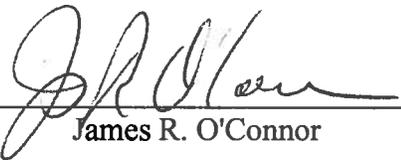
Monday, November 2, 2009, 6:30 p.m. – Agenda Review Session, Multipurpose Room, Central Services Complex

Tuesday, November 3, 2009, 6:00-8:00 p.m. - Council's Night Out, A/B Rooms, Civic Center

Tuesday, November 10, 2009- Saturday, November 14, 2009 – NLC Congress of Cities & Exposition, San Antonio, Texas

Monday, November 16, 2009, 7:00 p.m. – Regular Meeting

- Orchard Lane Elevated Water Tank Replacement
- Sewer Cleaning Machine and Hydraulic Excavator
- Vehicles

  
James R. O'Connor