

# OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

August 10, 2009 – 7:00 p.m.

## AGENDA

1. **INVOCATION**

The Reverend Myra Mansfield, Chaplain, Oak Ridge Police Department

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPEARANCE OF CITIZENS**

5. **APPROVAL OF AGENDA**

6. **RECOGNITION OF VISITORS**

7. **PROCLAMATIONS AND COURTESY RESOLUTIONS** - None

8. **PUBLIC HEARING**

- a. Rezoning of approximately 45.82 acres of Parcels 10.01 and 10.04, Roane County Tax Map 29, also identified as ED-5, located within Heritage Center north of State Route 58, from FIR, Federal Industry and Research, to IND-2, Industrial District.
- b. Rezoning of Parcel 3.00, Anderson County Tax Map 100B, Group A, also identified as Parcel 279.04, Block 18-CF, a 4.61-acre parcel with frontage on the Oak Ridge Turnpike in front of the Federal Office Building, west of Laboratory Road, from O-2, Office, to UB-2, Unified General Business District; and amendment of the Comprehensive Plan's Land Use Plan from O, Office/Institutional, to B, General Business
- c. Updating of Roane County Flood Insurance Rate Maps to bring the City into compliance with the Federal Emergency Management Agency requirements.

9. **CONSENT AGENDA**

- a. Approval of the Minutes of the July 13, 2009 City Council meeting.
- b. Approval of the Minutes of the July 20, 2009 City Council meeting.
- c. Adoption of a resolution authorizing continued participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,231.00 for the 2009 calendar year.
- d. Adoption of a resolution authorizing the submittal of a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2,000.00 to be used for safety equipment or training related to workers' compensation.
- e. Adoption of a resolution approving a Rights-of-Way Use and Joint Use Pole Agreement between the City and Kentucky Data Link, Inc., Evansville, Indiana, setting forth the responsibilities and other considerations for location of telephonic and other data related transmission facilities within rights-of-way and on the City's power distribution poles.

- f. Confirming the appointment of Council members David N. Mosby, Thomas W. Hayes, and Anne Garcia Garland to serve as the City Council Rules and Procedures Review Committee, with Councilman Mosby to serve as the Chair.
- g. Confirming the appointment of former Mayor David R. Bradshaw and former Councilwoman Louise B. Dunlap to serve on the Board of Directors of the Anderson County Development Corporation for terms of office coextensive with the term of Tom Beehan as Mayor.

**10. SPECIAL REPORTS**

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

Mr. James P. Groton, Chairman, Environmental Quality Advisory Board

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

- d. Other

**11. APPROVAL OF MINUTES**

**12. ORDINANCES**

- a. First Reading of New Ordinances

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

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 3.00, MAP 100B, GROUP A, FROM O-2, OFFICE, TO UB-2, UNIFIED GENERAL BUSINESS; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCEL FROM O, OFFICE/INSTITUTIONAL, TO B, BUSINESS.

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

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

- b. Adoption of Ordinances (Second Reading) - None

### 13. RESOLUTIONS

- a. General Resolutions

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

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

- b. Bids and Contracts

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

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

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

### 14. ELECTIONS

Election of one (1) member to the Board of Commissioners of the Oak Ridge Housing Authority for a five-year term of office commencing on August 18, 2009.

Election of one (1) member to the Personnel Advisory Board for a three-year term of office commencing on September 1, 2009.

Notice of Elections

Two (2) elections are scheduled for the September 14, 2009 City Council meeting to appoint:

- One (1) member to the Board of Electrical Examiners
- Three (3) members to the Environmental Quality Advisory Board

The deadline for filing is 5:00 p.m. on Tuesday, September 1, 2009.

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

**CITY CLERK MEMORANDUM**

09-49

DATE: July 30, 2009

TO: Honorable Mayor and Members of City Council

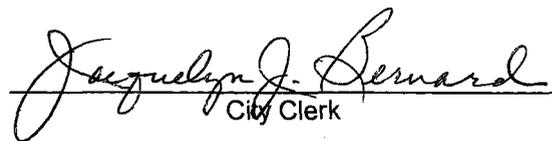
FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PUBLIC HEARING

A public hearing has been scheduled for the August 10, 2009 City Council meeting on the following:

1. Rezoning of approximately 45.82 acres of Parcels 10.01 and 10.04, Roane County Tax Map 29, also identified as ED-5, located within Heritage Center north of State Route 58, from F.I.R., Federal Industry and Research, to IND-2, Industrial District.
2. Rezoning of Parcel 3.00, Anderson County Tax Map 100B, Group A, also identified as Parcel 279.04, Block 18-CF, a 4.61-acre parcel with frontage on the Oak Ridge Turnpike in front of the Federal Office Building, west of Laboratory Road, from O-2, Office, to UB-2, Unified General Business District; and amendment of the Comprehensive Plan's Land Use Plan from O, Office/Institutional, to B, General Business
3. Updating of Roane County Flood Insurance Rate Maps to bring the City into compliance with the Federal Emergency Management Agency requirements.

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

  
City Clerk

**CITY CLERK MEMORANDUM**  
09-50

DATE: July 31, 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 August 10, 2009 City Council meeting.

Approval of Minutes – July 13, 2009 and July 20, 2009

Resolutions

Adoption of a resolution authorizing continued participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,231.00 for the 2009 calendar year.

Adoption of a resolution authorizing the submittal of a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2,000.00 to be used for safety equipment or training related to workers' compensation.

Bids and Contracts

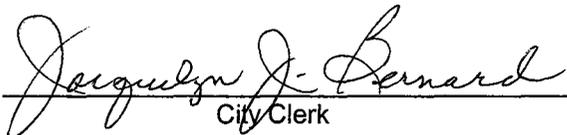
Adoption of a resolution approving a Rights-of-Way Use and Joint Use Pole Agreement between the City and Kentucky Data Link, Inc., Evansville, Indiana, setting forth the responsibilities and other considerations for location of telephonic and other data related transmission facilities within rights-of-way and on the City's power distribution poles.

Elections

Confirming the appointment of Council members David N. Mosby, Thomas W. Hayes, and Anne Garcia Garland to serve as the City Council Rules and Procedures Review Committee, with Councilman Mosby to serve as the Chair.

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

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

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

# MINUTES OF THE OAK RIDGE CITY COUNCIL SPECIAL MEETING

July 13, 2009

A special meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 6:00 p.m. on July 13, 2009 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

## Invocation

The Invocation was given by Councilman David N. Mosby.

## Pledge of Allegiance

Mayor Beehan led the Pledge of Allegiance to the Flag of the United States of America.

## Roll Call

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

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

## Adoption of Resolution

Resolution No. 7-65-09

**A resolution authorizing the City Manager to transmit written communication to the Tennessee Department of Transportation (TDOT) informing TDOT of the City's commitment to roadway project plan changes Options Two and Three associated with the State Route 95 improvement project from State Route 58 to Westover Drive, as outlined in the June 17, 2009 letter from Commissioner Gerald F. Nicely to the City Manager, providing that the City shall be responsible for compensating TDOT for any additional costs above regular bid prices that result from the successful negotiation by the City and TDOT of the supplement plan changes for Option Two after the project is let to bid, and authorizing the City Manager to pay TDOT for the additional costs.**

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

Councilwoman Smith moved that the first paragraph in the resolving portion of the resolution be amended by striking out the words "Options Two and Three" and inserting the words "including redesign of the typical section as outlined under Option Two and other mitigation measures as outlined under Option Three," so that the paragraph will read (changes highlighted):

That the recommendation of the City Manager is approved and the City Manager is hereby authorized to transmit written communication to the Tennessee Department of Transportation (TDOT) informing TDOT of the City's commitment to roadway project plan changes ~~Options Two and Three~~, **including redesign of the typical section as outlined under Option Two and other mitigation measures as outlined under Option Three**, associated with the State Route 95 improvement project from State Route 58 to Westover Drive, as outlined in the June 17, 2009 letter from Commissioner Gerald F. Nicely to the City Manager.

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

A discussion followed in which the City Manager and Mr. Steve Byrd, the City Engineer, responded to the Council's questions and comments about the resolution and its effect. The City Manager also responded to Councilwoman Garcia Garland's suggestion that steps should be taken to ensure that potential buyers of property will be so informed as to not be faced with a situation such as this after they have acquired the property. The City Manager commented on possible problems that might be associated with such measures, specifically mentioning the City's exposure to liability.

Speaking in opposition to the adoption of the resolution were: Ms. Oksana Kravchenko and Mr. Ivan Kravchenko, 205 Sweet Gum Lane.

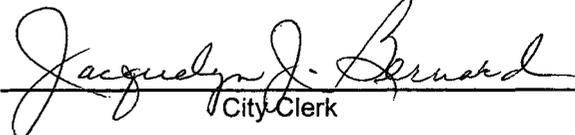
Speaking in support of the adoption of the resolution were: Mr. David Bradshaw, Chair of the Oak Ridge Chamber of Commerce's Political Action Task Force; Mr. Chuck Agle, 101 W. Melbourne Road; Mr. Chuck Hope, Jr., 203 Inglewood Lane; and Mr. Mike Belbeck, President of Methodist Medical Center of Oak Ridge.

Ms. Kit Hoffman Dittner, 216 Sweet Gum Lane, made the point that this resolution represents a compromise that satisfies her needs but not necessarily her neighbors' needs. She was, however, complimentary of the process that led to this change in the project plans and thanked the City Council and staff for their "truthfulness and deep consideration" throughout the process.

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

#### Adjournment

The meeting adjourned at 6:45 p.m.

  
City Clerk

# MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

July 20, 2009

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on July 20, 2009 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

## INVOCATION

The Invocation was given by Dr. R. Boyd Carter, Minister Emeritus, United Church Chapel on the Hill

## PLEDGE OF ALLEGIANCE

Former Mayor Edmund A. Nephew led the Pledge of Allegiance to the Flag of the United States of America.

## ROLL CALL

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

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

## APPEARANCE OF CITIZENS

### Traffic Enforcement Cameras

Mr. T. J. Garland, 120 Outer Drive, asked for information regarding the number and location of traffic enforcement cameras in Oak Ridge and the information was provided by the City Manager.

## APPROVAL OF AGENDA

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

The Mayor reported that as requested at the agenda review work session, the staff prepared a resolution supporting the efforts of the Community Reuse Organization of East Tennessee and its affiliates to locate an airport in Oak Ridge. He asked for a motion to place that resolution on the agenda under General Resolutions and to delete the letter on this same subject from consideration under Communications.

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

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

## RECOGNITION OF VISITORS

Mayor Beehan welcomed all visitors to the meeting.

## PROCLAMATIONS AND COURTESY RESOLUTIONS - None

**PUBLIC HEARING** – None

**CONSENT AGENDA**

Councilman Hayes moved that the Consent Agenda be approved as presented. The motion was seconded by Councilman Hensley and was adopted, thereby:

- Approving the Minutes of the June 22, 2009 City Council meeting;
- Adopting **Resolution No. 7-66-09** extending for an additional one-year term the subrecipient agreement between the City and Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) in the amount of \$2,000 for homeownership counseling services for the period of July 1, 2008 through June 30, 2009, to allow ADFAC the opportunity to utilize the remaining funds in the amount of \$1,000.00;
- Approving the appointment of Council members D. Jane Miller, Ellen D. Smith, and David N. Mosby to serve as the FY 2009 Audit Committee, with Councilwoman Miller to serve as the Chair; Council members David N. Mosby, Thomas W. Hayes, and Anne Garcia Garland to serve as the FY 2010 City Manager Evaluation Committee, with Councilman Mosby to serve as the Chair; and Council members Thomas W. Hayes, L. Charles Hensley, and D. Jane Miller to serve as the FY 2010 City Attorney Evaluation Committee, with Councilman Hayes to serve as the Chair;
- Confirming the appointment of Councilwoman D. Jane Miller to serve as the City's representative on the Anderson County Tourism Council for the Fiscal 2010 term; and
- Confirming the appointment of Mr. Terry C. Domm to serve as the Mayor's designee on the Oak Ridge Municipal Planning Commission, the term to be coextensive with the Mayor's term of office.

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

**SPECIAL REPORTS**

**FY 2009 City Manager Evaluation Committee**

Mayor Beehan, who chairs the Council's FY 2009 City Manager Evaluation Committee, presented the Committee's Report, concluding with its recommendations (1) that the evaluation questionnaire used for evaluation of the City Manager's performance in FY 2008 be used for this evaluation period, (2) that each Council member submit three (3) to five (5) goals/objectives for the City Manager, in priority order, which shall provide the basis for the evaluation of his performance for the following year, and (3) that the following schedule be approved for completion of the evaluation process:

- |               |  |
|---------------|--|
| July 20, 2009 | City Council approval of the evaluation procedure  |
| July 21, 2009 | Distribution of the evaluation packet to City Council, including the evaluation questionnaire, the City Manager's report on his accomplishments during FY 2009, and a form for submission of three (3) to five (5) goals/objectives for use in FY 2010 |

- July 24, 2009                      Deadline for return of the completed evaluation questionnaires and goals/objectives to the City Clerk
- July 28, 2009                      Committee meeting for review of the summary of the evaluation questionnaires prepared by the City Clerk and the goals/objectives submitted by Council members, and to develop the Committee's report and recommendations to City Council
- August 10, 2009                  City Council consideration of the committee's report and recommendations

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

#### Oak Ridge Reservation Local Oversight Committee

Councilwoman Smith, who serves as the Mayor's designated alternate on the Board of Directors of the Oak Ridge Reservation Local Oversight Committee (LOC), reported that on July 23, 2009 the State of Tennessee, the U.S. Department of Energy (DOE), the Tennessee Valley Authority, and the U.S. Fish and Wildlife Service are jointly holding a public meeting at the DOE Information Center in Oak Ridge to present recommendations on *Natural Resource Damage Assessment for Watts Bar Reservoir*. She also reported that the LOC Board will be discussing "waste equity" at its next meeting, meaning equitable distribution of the burden of treating and disposing of DOE rad waste and mixed waste geographically across the DOE complex. She elaborated briefly on this topic and suggested that the Oak Ridge City Council should be considering the adoption of a position in this regard.

#### Oak Ridge Municipal Planning Commission

Councilman Hensley reported briefly on matters that are currently under consideration by the Oak Ridge Municipal Planning Commission, including the site plan for Mr. John Chilton's proposed apartment complex on Edgemoor Road and the Oak Ridge Waterfront preliminary plan.

### **APPROVAL OF MINUTES**

See Consent Agenda.

### **ORDINANCES**

First Reading of New Ordinances – None

Adoption of Ordinances (Second Reading)

Ordinance No. 12-09

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-507, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY-FIVE MILES PER HOUR," SUBSECTION (4) AND SECTION 15-509, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FIFTY-FIVE MILES PER HOUR," SUBSECTION (4), TO LOWER THE SPEED LIMIT ALONG A 1.21-MILE PORTION OF THE OAK RIDGE TURNPIKE (STATE ROUTE 95) FROM FIFTY-FIVE MILES PER HOUR TO FORTY-FIVE MILES PER HOUR.

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, Hayes, Hensley, Miller, Mosby, Smith and Mayor Beehan voting “Aye.”

## **RESOLUTIONS**

### **General Resolutions**

Resolution No. 7-67-09

**A resolution prohibiting any person authorized to carry a handgun under Tennessee Code Annotated §39-17-1351 from possession of any handgun while within a public park, greenway, natural area, or other similar public place that is owned and operated by the City of Oak Ridge or any of its instrumentalities for recreational and public purposes.**

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

The following citizens spoke in opposition to the adoption of this resolution:

Mr. Jimmy Bouchard, 140 W. Arrowwood Road  
Mr. Robert Humphries, 500 Michigan Avenue  
Mr. Steve Mead, 104 Walton Lane  
Mr. Alex Groff, 198 LaSalle Road  
Mr. Mike Crow, 102 S. Tampa Lane  
Mr. Mike Willis, 211 Gum Hollow Road  
Ms. Leslie Mead, 104 Walton Lane  
Mr. Tom Clary, 125 Danbury Drive  
Mr. Chris Deaton, 257 N. Purdue Ave.  
Mr. Jim Horton, 106 Carson Lane  
Mr. Steve Bellefatto, 103 Neville Lane  
Mr. Brad Heun, 106 Macon Lane  
Mr. James Ping, 279 East Drive  
Mr. T. J. Garland, 120 Outer Drive

The following citizens spoke in support of the adoption of this resolution.

Mr. Jim Nelson, 106 Olney Lane  
Mr. Robert Moss, 106 Norton Road  
Ms. Joan Nelson, 106 Olney Lane  
Mr. Joseph Lee, 99 E. Pasadena Road  
Ms. Ruth Young, 125 Marietta Circle

The discussion continued with the City Manager and the City Attorney responding to Council members' inquiries with reference to this resolution and the related state legislation, and with position statements by each Council member. Council members Hayes, Hensley, Mosby, Smith, and Mayor Beehan expressed support for the adoption of the resolution, and Council members Garcia Garland and Miller expressed opposition.

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

Resolution No. 7-68-09

**A resolution authorizing the submission of a grant application to the Tennessee Department of Transportation for an Operating Assistance Grant to reimburse the City for up to fifty percent (50%) of the net operating expenses of the City's Public Transportation Program and for the purchase of buses, in the estimated amount of \$268,424.00.**

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

Resolution No. 7-69-09

**A resolution urging the U.S. Department of Energy to amend the *Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Operations Office, the Tennessee State Historic Preservation Office, and the Advisory Council on Historic Preservation, Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park (ETTP) (Formerly K-25 Site) on the Oak Ridge Reservation, Roane County, Tennessee* to stipulate the demolition of the entire K-25 structure, and the construction of an interpretive facility at the ETTP site to capture the history of uranium enrichment operations at that location.**

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

Mayor Beehan recognized Mr. Bill Wilcox, Honorary Oak Ridge Historian, who recounted the history of actions taken to arrive at the decision to demolish the K-25 structure and construct a new interpretive facility at the ETTP site. He urged the adoption of this resolution.

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

Resolution No. 7-70-09

**A resolution urging the U. S. Department of Energy, the Tennessee State Historic Preservation Office, and the Advisory Council on Historic Preservation to include support for the Center for Oak Ridge Oral History in the Integrated Facilities Disposition Project Memorandum of Agreement to support local historic preservation and as a means to help mitigate the adverse impacts associated with the proposed Integrated Facilities Disposition Project action.**

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

Resolution No. 7-71-09

**A resolution supporting the efforts of the Community Reuse Organization of East Tennessee (CROET) and its affiliates to bring a general aviation airport to Oak Ridge to be located on property which is either currently owned by CROET or slated to be transferred to CROET from the U.S. Department of Energy, as set forth in a letter dated July 1, 2009 from Lawrence T. Young, President and CEO of the Community Reuse Organization of East Tennessee.**

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

Councilwoman Smith moved that the resolution be amended by substitution of the following resolution in its place:

WHEREAS, on July 1, 2009, Lawrence T. Young, President and CEO of the Community Reuse Organization of East Tennessee (CROET), submitted a letter to the Mayor requesting the City's support for CROET's efforts in bringing an airport to Oak Ridge; and

WHEREAS, the July 1, 2009 letter indicates that CROET and its affiliates, the Heritage Center, LLC, and the Horizon Center, LLC, intends to undertake a formal study of the feasibility of a general aviation airport on property which is either currently owned by CROET or slated to be transferred to CROET from the Department of Energy (DOE); and

WHEREAS, the letter further assures the City that CROET and its affiliates do not intend to request any funding from the City for this project and are only requesting the City's support of this endeavor through cooperation with zoning and permitting matters.

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

That the City Council hereby supports the efforts of the Community Reuse Organization of East Tennessee (CROET) and its affiliates to study the feasibility of bringing a general aviation airport to Oak Ridge to be located on property which is either currently owned by CROET or slated to be transferred to CROET from the U.S. Department of Energy (DOE), as set forth in the attached letter dated July 1, 2009 from Lawrence T. Young, President and CEO of the Community Reuse Organization of East Tennessee.

BE IT FURTHER RESOLVED that City Council has been assured that the support requested from the City is not financial support, as CROET in its letter has indicated it does not intend to request funding from the City.

Councilwoman Smith explained that her proposed substitute resolution focuses on support for a study of the feasibility of bringing an airport to Oak Ridge with the decision as to whether to support the airport itself to be considered after completion of the feasibility study.

The amendment was seconded by Councilwoman Garcia Garland and a brief discussion followed, with the City Manager and Mr. Lawrence T. Young responding to the Council's questions and comments.

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

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

#### Bids and Contracts

Resolution No. 7-72-09

**A resolution awarding a bid in the estimated amount of \$133,415.00 to Stuart C. Irby Company, Johnson City, Tennessee, for the furnishing of underground electric cable.**

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

**ELECTIONS**

**Board of Building and Housing Code Appeals**

Councilwoman Miller moved that Messrs. Michael Brown, Joseph Lee, and Aaron Wells be elected by acclamation to serve on the Board of Building and Housing Code Appeals for three-year terms of office commencing on August 1, 2009. The motion was seconded by Councilman Mosby; however, the vote was not unanimous and the Mayor called for a ballot vote.

Prior to the balloting, a brief discussion occurred regarding the attendance record of Mr. Michael Brown and the explanation of his absences as submitted by him via e-mail on July 17, 2009. Mr. Aaron Wells, who was present in the audience, supported Mr. Brown's reelection.

On first ballot, Messrs. Michael Brown, Joseph Lee, and Aaron Wells were elected. The vote was unanimous with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting for all three candidates.

**Health and Educational Facilities Board**

**Term Ending June 6, 2015**

On first ballot, none of the candidates received the four votes required for election to the Health and Educational Facilities Board. The ballots were cast as follows:

<u>Candidates</u>	<u>Vote by Council Member</u>	<u>Total</u>
William J. Biloski	Beehan/Hayes	2
Louise B. Dunlap	Hensley/Miller/Smith	3
Barbara Gunn	Garcia Garland	1
David L. Mason	Mosby	1

On second ballot, Ms. Louise B. Dunlap was elected to serve on the Health and Educational Facilities Board for the balance of an unexpired term of office ending on June 6, 2015. The ballots were cast as follows:

<u>Candidate</u>	<u>Vote by Council Member</u>	<u>Total</u>
William J. Biloski	Hayes	1
Louise B. Dunlap	Beehan/Hensley/Miller/Mosby/Smith	5
Barbara Gunn	Garcia Garland	1

**Term Ending June 6, 2013**

On first ballot, William J. Biloski was elected to serve on the Health and Educational Facilities Board for the balance of an unexpired term of office ending on June 6, 2013. The ballots were cast as follows:

<u>Candidates</u>	<u>Vote by Council Member</u>	<u>Total</u>
William J. Biloski	Beehan/Hayes/Hensley/Mosby	4
Barbara Gunn	Garcia Garland/Smith	2
David L. Mason	Miller	1

**Term Ending June 6, 2011**

On first ballot, David L. Mason was elected to serve on the Health and Educational Facilities Board for the balance of an unexpired term of office ending on June 6, 2011. The ballots were cast as follows:

<u>Candidates</u>	<u>Vote by Council Member</u>	<u>Total</u>
Barbara Gunn	Garcia Garland/Smith	2
David L. Mason	Beehan/Hayes/Hensley/Miller/Mosby	5

**Oak Ridge Municipal Planning Commission**

Councilwoman Miller moved that Councilman L. Charles Hensley be elected by acclamation to serve as the Oak Ridge City Council representative on the Oak Ridge Municipal Planning Commission for two years or at the expiration of his City Council term of office, whichever occurs first. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith and Mayor Beehan voting "Aye." There were no other candidates.

**Youth Advisory Board**

Councilwoman Miller moved that the following sixteen (16) students be elected by acclamation to serve on the Youth Advisory Board for one-year terms of office commencing on August 1, 2009: Calvin Cummings, Rachael Foust, Alexis King, Magdalene King, Domenic King, Zach Meyers, Kristen Myers, Katie Rosichan, Faith Shire, Mackenzie Stearns, Nathan Stokely, Sarah Stokely, Kristen Summerlin, Rebecca Therrien, Kelsey Warmbrod, and Stephen Wilson. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." There were no other candidates.

**Notice of Elections**

Mayor Beehan announced that three (3) elections are scheduled for the August 10, 2009 City Council meeting to appoint:

- One (1) member to the Board of Electrical Examiners
- One (1) member to the Board of Commissioners of the Oak Ridge Housing Authority
- One (1) member to the Personnel Advisory Board

The deadline for filing is 5:00 p.m. on Tuesday, July 28, 2009.

**COMMUNICATIONS** - None

**CITY MANAGER'S REPORT** - None

**CITY ATTORNEY'S REPORT** - None

**MISCELLANEOUS**

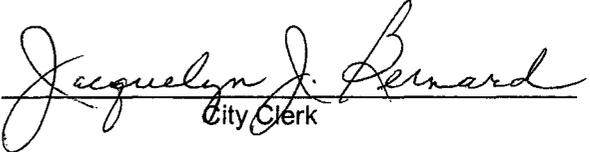
Signs

At the request of Councilman Mosby, the City Manager agreed to work with the Oak Ridge Heritage Preservation Association regarding the installation of additional directional signage for the African American Cemetery located in the Wheat Community.

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

**ADJOURNMENT**

The meeting adjourned at 10:05 p.m.

  
City Clerk

**ELECTRIC DEPARTMENT MEMORANDUM**  
**09-08**

DATE: July 27, 2009

To: James O'Connor, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: MEMBERSHIP AND DUES PAYMENT FOR ETEDA

Attached is a resolution approving membership in the East Tennessee Economic Development Agency (ETEDA) and authorizing payment of membership dues in the amount of \$26,231.00.

ETEDA is a regional marketing and business recruitment organization that promotes our 16 county region through a variety of efforts and provides site location information and assistance to companies interested in locating here.

ETEDA is co-located with the State of Tennessee Department of Economic and Community Development and the Tennessee Valley Authority Economic Development Specialist for our area. This provides a nearly seamless experience for industrial prospects and is frequently sighted as a positive model of cooperation and efficiency.

The full range of services offered to industrial clients can be found on the ETEDA.ORG website, but these include providing information such as labor and training statistics, utility service availability and cost of transportation information. ETEDA also provides regional real estate location information, including a complex, well-maintained database of available properties and buildings.

Specific ETEDA programs and accomplishments are detailed in the organization's quarterly newsletter. This newsletter is mailed to you and members of the Council.

The City joined ETEDA through its functioning as a TVA Regional Industrial Development Agency (RIDA). Thus, the funding for the membership is through the Electric Fund and the Electrical Director sits on the ETEDA Board. TVA encourages membership on the Board by reimbursing the City for approximately one half of the membership dues. Therefore, the actual cost of membership will be \$13,173.00.

Measuring accomplishments in an Economic Development Program is always difficult. This is especially true in regional organizations where any success is the result of a variety of players.

That said, it is the opinion of staff that ETEDA has been a real and valuable asset to the City and to our region as a whole. As such we recommend 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

7/29/09  
Date

**RESOLUTION**

WHEREAS, the City of Oak Ridge recognizes the value of the East Tennessee Economic Development Agency (ETEDA), an organization operating in East Tennessee to promote retention and expansion of existing industrial business and the development of new business in the East Tennessee area; and

WHEREAS, the City of Oak Ridge is a member of ETEDA and wishes to continue that membership in an effort to promote economic development in the East Tennessee area in general and Oak Ridge in particular; and

WHEREAS, the membership dues for ETEDA for calendar year 2009 are \$26,231.00; and

WHEREAS, \$13,058.00 of the membership dues will be reimbursed to the City by the Tennessee Valley Authority (TVA) under a separate contract termed the Industrial Development Contract (Contract 01BKY-268931), approved by City Council through Resolution 3-46-01; and

WHEREAS, the City Manager recommends the City's continued participation in ETEDA and payment of the above stated dues.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,231.00 for the 2009 calendar year.

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

\_\_\_\_\_  
Mayor

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

Personnel Memorandum  
09-085

July 27, 2009

TO: James R. O'Connor, City Manager

FROM: Cindi G. Gordon, Personnel/Risk Manager

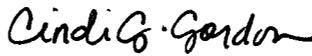
THROUGH: Steven W. Jenkins, Deputy City Manager, Penelope H. Sissom, Personnel Director  

SUBJECT: TML RISK MANAGEMENT POOL MATCHING GRANT PROGRAM

The TML Risk Management Pool is offering the Safety Partners Matching Grant for the fiscal year of 2009-10 to all Pool members for safety equipment purchases or training for employees. The grant will reimburse up to 50% of the cost of the approved item(s) with a maximum reimbursement of \$2000.00 for a city in our Priority Classification.

TML grant monies will be used to purchase two (2) new Trench Shields to be used for shoring in City of Oak Ridge projects. The Trench Shields meet or exceed all Federal OSHA requirements. The accompanying resolution provides for authority to apply for and obtain this grant.

Staff recommends adoption of the attached resolution.

  
Cindi G. Gordon

Attachment

**City Manager's Comments:**

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

  
James R. O'Connor

  
Date

**RESOLUTION**

WHEREAS, grant monies are available through the Tennessee Municipal League Risk Management Pool in FY 2009-10 to be used for safety equipment or training related to workers' compensation; and

WHEREAS, the City meets all of the grant requirements; and

WHEREAS, said grant requires a local match of at least \$2000.00; and

WHEREAS, the City Manager recommends that the City submit a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2000.00 to be used for two (2) Trench Shields required for safe shoring projects in the City of Oak Ridge.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to submit a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2000.00.

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

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to accept said grant on behalf of the City if the application is approved.

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

\_\_\_\_\_  
Mayor

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

**ELECTRIC DEPARTMENT MEMORANDUM**  
**09-07**

DATE: July 27, 2009

To: James R. O'Connor, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: JOINT USE POLE AGREEMENT AND RIGHTS OF WAY USE  
AGREEMENT FOR KENTUCKY DATA LINK

Attached is a resolution approving an agreement for right of way use and setting conditions for power pole rental for Kentucky Data Link.

Kentucky Data Link, a telecommunications company involved in telephonic and other data related transmission for use of rights of way and power poles, has approached the City for permission to install facilities in the City Rights of Way and on the City's power poles.

Under existing laws, access to the rights of way and power poles must be offered on a non-discriminatory basis to communication companies. As such, staff worked to develop right of way use and joint use pole agreement that could be used not only in this particular case, but also for other companies that may request similar accommodation in the future.

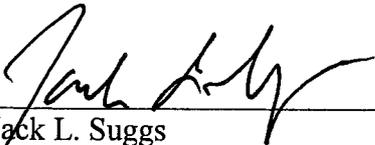
The agreement under consideration combines both of these uses into one document. It generally follows agreements approved in the past, although there have been slight modifications to address problems that arise from time to time.

There are several provisions regarding the use of the right of way aimed at protecting the existing users of the property and the City as a whole. There is also a yearly fee of \$6,576.00 for right of way use that is intended to compensate the City for administering the agreement. Yearly escalation of the fee is tied to the CPI.

Pole rental rates are set at the same rate paid by others under the negotiated TVPPA/ ATT joint use pole agreement. That cost is currently set at \$23.50 per attachment and is also adjusted annually.

As separate documents, we have several separate Joint Use Pole Agreements with agencies ranging from the Department of Energy to the Oak Ridge Schools.

Staff believes that this agreement complies with the request of Kentucky Data Link, meets the requirements of applicable law and protects the interests of the City. As such, we recommend approval of the attached resolution.

  
\_\_\_\_\_  
Jack L. Suggs  
Electrical Director

**City Manager's Comments:**

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

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

  
\_\_\_\_\_  
Date

**RESOLUTION**

WHEREAS, the City of Oak Ridge is the owner of rights-of-way and certain power distribution poles within the city limits; and

WHEREAS, the City has a standard rights-of-way use and joint use pole agreement which sets forth the responsibilities and other considerations for use of the rights-of-way and power distribution poles by third parties; and

WHEREAS, Kentucky Data Link, Inc., a telecommunications company involved in telephonic and other data related transmission, has approached the City for permission to install facilities within rights-of-way and on power distribution poles owned by the City; and

WHEREAS, the City Manager recommends approval of a rights-of-way use and joint use pole agreement with Kentucky Data Link for such use.

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 a Rights-of-Way Use and Joint Use Pole Agreement between the City and Kentucky Data Link, Inc., 3701 Communications Way, Evansville, Indiana 47715, setting forth the responsibilities and other considerations for location of telephonic and other data related transmission facilities within rights-of-way and on the City's power distribution poles is hereby approved.

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

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

**MAYOR'S MEMORANDUM**  
**09-05**

DATE: July 29, 2009

TO: Fellow Members of City Council

FROM: Mayor Tom Beehan

SUBJECT: APPOINTMENT OF RULES AND PROCEDURES REVIEW COMMITTEE

As part of their report to City Council for the Fiscal Year Ended June 30, 2008, the City's Auditors, Pugh & Company, recommended that "the Rules Committee of City Council review the travel policy for the City Manager and City Council to determine if the policy could be improved regarding reimbursement for meals." "Rules Committees" are not in the same category as the "special" committees, such as the City Manager Evaluation Committee, that are appointed on an annual basis. They are appointed as the need arises. The last such committee, called the Rules & Procedures Review Committee, completed its review in February 2008 and its recommended revisions to the Council's Rules and Procedures were adopted at that time. In response to the auditors' recommendation, I have asked Council members Mosby, Garcia Garland and Hayes if they would be willing to serve on a new Rules and Procedures Review Committee and they have agreed to do so. In reviewing the work of the previous committee, it would appear that the only task left undone was a review of the Council's attendance policy for City boards and commissions which they agreed to take on in addition to a review of the Rules and Procedures. I believe there is a continuing need for serious review of this attendance policy and with the Council's approval, I will add that to the new Committee's charge.

I am requesting your confirmation of Councilmen David N. Mosby and Thomas W. Hayes, and Councilwoman Anne Garcia Garland to serve as the City Council Rules and Procedures Review Committee, with Councilman Mosby to serve as the Chair. I further recommend that the Committee's charge be twofold:

1. Review of City Council's Rules and Procedures, with particular attention to the Council's travel policy, with recommended modifications to be submitted to City Council for approval and incorporation into a revised set of Rules and Procedures.
2. Review of City Council's Attendance Policy for City Boards and Commissions with recommended modifications to be presented to those bodies for review prior to submission to City Council for approval and adoption of a revised Attendance Policy.

Your confirmation of this committee and approval of its charge will be appreciated.

I believe the review of the travel policy for the City Manager, which was also recommended by the auditors, should be undertaken by the City Manager Evaluation Committee that is currently active and will be returning its recommendations to City Council at the September meeting. As Chair of that committee, I will ensure that this review is added to its charge.



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Mayor

**MAYOR'S MEMORANDUM**  
**09-06**

DATE: July 30, 2009

TO: Fellow Members of City Council

FROM: Mayor Tom Beehan

SUBJECT: APPOINTMENTS TO THE ANDERSON COUNTY DEVELOPMENT CORPORATION  
BOARD OF DIRECTORS

The Charter of the Anderson County Development Corporation (ACDC) provides that the Mayor of Oak Ridge is a designated member of the Board of Directors and that an additional two of the directors shall be appointed by the Mayor, subject to the approval of City Council. On July 16, 2007, the Council approved my appointment of Stephen Buckley, a Vice President of Bechtel Jacobs Company, and John McKittrick, the President of the ORNL Federal Credit Union. Unfortunately, both of these gentlemen have moved out of Anderson County and are no longer eligible to serve on this board. With your concurrence, I would like to appoint former Mayor David Bradshaw and former Councilwoman Louise B. Dunlap to take their places on this Board.

The City of Oak Ridge is well-represented on the ACDC. In addition to the three seats on the Board of Directors, the Mayor is empowered to appoint two members to the Corporation's Operating Committee. Those members must be (1) an executive of Anderson County's commercial banking and financial institution community and (2) have industrial and/or commercial development experience. The current Oak Ridge members of the Operating Committee are Richard Chinn of R&R Properties and Tom Tuck, President of TN Bank. They were appointed by Mayor David Bradshaw for four-year terms of office that ended on June 30, 2009. Both are well respected members of this board and I have asked them to serve an additional four-year term. Their appointments are not subject to City Council approval, but I wanted to keep you apprised of Oak Ridge's representation on this board.

Your confirmation of David Bradshaw and Lou Dunlap to serve as City of Oak Ridge representatives on the Board of Directors of The Anderson County Development Corporation will be appreciated. In accordance with the ACDC charter, their terms of office will be coextensive with my term as Mayor.



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Mayor

**Bernard, Jacquelyn**

**From:** Smith, Ellen D. [smithed@ornl.gov]  
**Sent:** Wednesday, July 29, 2009 12:26 PM  
**To:** Bernard, Jacquelyn; JAMES.P.GROTON.JR@saic.com  
**Cc:** O'Connor, James; Senecal, Athanasia  
**Subject:** RE: EQAB Comments on Scope of TVA's Integrated Resource Plan EIS

Jackie:

TVA's deadline for comments on this matter is August 15, so it would be unreasonable to delay comments until mid-September.

TVA is not soliciting comments on opinions or positions on TVA policy, but rather is asking for comments on what issues and resource options it should evaluate in its programmatic analysis of the future energy portfolio for the Tennessee Valley and other aspects of future TVA resource management. Since this is closely related to the subject matter that EQAB has been evaluating in connection with the sustainability initiative they are working on, it is reasonable to expect that EQAB might have some specific suggestions about topics that TVA should explore in this analysis. I expect that any comments that EQAB might want to make would be technical/informational in nature, not matters of policy.

In view of the timing problem and the expected technical/informational nature of the comments, I suggested to Jimmy that EQAB should request a slot on the August City Council agenda to report on the comments the board wants to make (based on the board's actions at its August 7 meeting) and request permission for EQAB to submit those comments to TVA as comments from EQAB. Accordingly, he submitted a request by e-mail (addressed to the city manager and yourself) on July 16th.

-- Ellen Smith

---

**From:** Bernard, Jacquelyn [mailto:JBernard@cortn.org]  
**Sent:** Wednesday, July 29, 2009 10:42 AM  
**To:** JAMES.P.GROTON.JR@saic.com  
**Cc:** O'Connor, James; Smith, Ellen D.  
**Subject:** EQAB Comments on Scope of TVA's Integrated Resource Plan EIS

The City Manager referred your message to me for response. The agenda for the August 10<sup>th</sup> meeting is being put together right now and will be distributed no later than Friday morning (7/31/09). Your message indicates that EQAB will not even meet to discuss this subject until August 7<sup>th</sup>. This suggests that neither the public nor the Council will have an opportunity to review these comments prior to the Council meeting at which they will be called upon to make a decision.

Is the deadline for submission of these comments to TVA such that we could delay your report to the September 14<sup>th</sup> City Council meeting? If not, and EQAB feels the need to go forward, would you send a letter to me, addressed to City Council, explaining that and advising that you plan to present comments for their approval at the August 10<sup>th</sup> meeting. This letter can go into the agenda packet and will at least serve as a notice to both the Council and the public. It will also serve as a "place holder" and avoid the need for the Council to formally amend the agenda to allow your report to be heard.

I realize that it would be difficult for you to deliver a letter to my office at this late hour so please feel free to e-mail it to me at [jbernard@cortn.org](mailto:jbernard@cortn.org). Please let me know if I can be of any further assistance in this regard.

Jacquelyn J. Bernard, City Clerk  
 CITY OF OAK RIDGE, TENNESSEE

This E-mail contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for use of the Individual (s) named above. If you are not the intended recipient of this E-mail, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this E-mail is strictly prohibited. If you have received this E-mail in error, please immediately notify us at (please provide contact number) or notify us by E-mail at [helpdesk@cortn.org](mailto:helpdesk@cortn.org).

7/29/2009

**Bernard, Jacquelyn**

---

**From:** Groton, James P. Jr. [JAMES.P.GROTON.JR@saic.com]  
**Sent:** Thursday, July 16, 2009 4:52 PM  
**To:** O'Connor, James  
**Cc:** Bernard, Jacquelyn; Smith, Ellen; robot@ultimax.com; patfain@juno.com  
**Subject:** FW: Call TVA Today!

Mr. O'Connor,

I wanted to let you know that EQAB proposes to submit comments about the scope of TVA's Integrated Resource Plan EIS. EQAB would like Council to give approval to submit those comments at the August 10 Council meeting. Therefore, we would like a spot on the agenda for the purpose of presenting the proposed comments, which will be discussed at EQAB's August 7 meeting.

Ellen

RECEIVED

August 4, 2009

2009 AUG -5 AM 8:26

Dear Honorable Mayor  
And Members of the Oak Ridge City Council

OFFICE OF THE CITY CLERK

The Elder Citizens Advisory Board met on Monday, August 3, 2009. Vice President Kerry Trammell moved the city council:

- . Draw up a binding contract between the City, County and the Advisory Board on building a new Senior Center at the present Emory Valley site.
- . Make provisions for the Senior Center to stay at the present Emory Valley site for the next five years at which time the City will build a new one level Senior Center after leveling the present location.
- . Work with the City to help start a 501c3 non-profit organization, for fundraising and donations.
- . Direct the City to work with the Advisory Board and community on design of a new Senior Center.

After a thirty minute debate on the motion and whether the government can be trusted , Chair McCoy called the question. The motion carried 8 to 2 in favor of the motion.

Voting for the motion were:

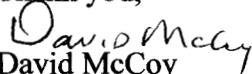
Kerry Trammell  
Lynee Burchell  
David McCoy  
Dr. James Gillespie  
Dewie Bilbrey  
Minnie Thompson  
Liz Batchler  
William Pryor

Voting against the motion were:

Charles Jones  
Margaret Gottshall

Oak Ridge consists of 20.1 percent of citizens are over 65 years of age. We all feel when we raised our hand to take to oath, we pledged to do our best for our seniors, thus the vote.

Thank you,

  
David McCoy  
ECAB Chairman

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM**  
**09-37**

DATE: July 24, 2009

TO: James O'Connor, City Manager

THROUGH: Kathryn Baldwin, Community Development Director *KCB*

FROM: Kahla Gentry, Senior Planner

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

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

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

*Kahla Gentry*  
\_\_\_\_\_

**City Manager's Comments:**

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

*[Signature]*  
\_\_\_\_\_ James O'Connor

*7/29/09*  
\_\_\_\_\_ Date

## Staff Review of Rezoning Request

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

Date: July 6, 2009

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

### **Request Rezoning**

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

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

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

**Existing Land Use:** Vacant

### **Adjacent Land Uses & Zoning:**

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

**Previous Rezoning Requests:** None

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

### **Applicable Policies:**

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

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

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

**3. Applicable Regulations:**

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

**Analysis:**

The following criteria were used to evaluate the rezoning request.

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

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

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

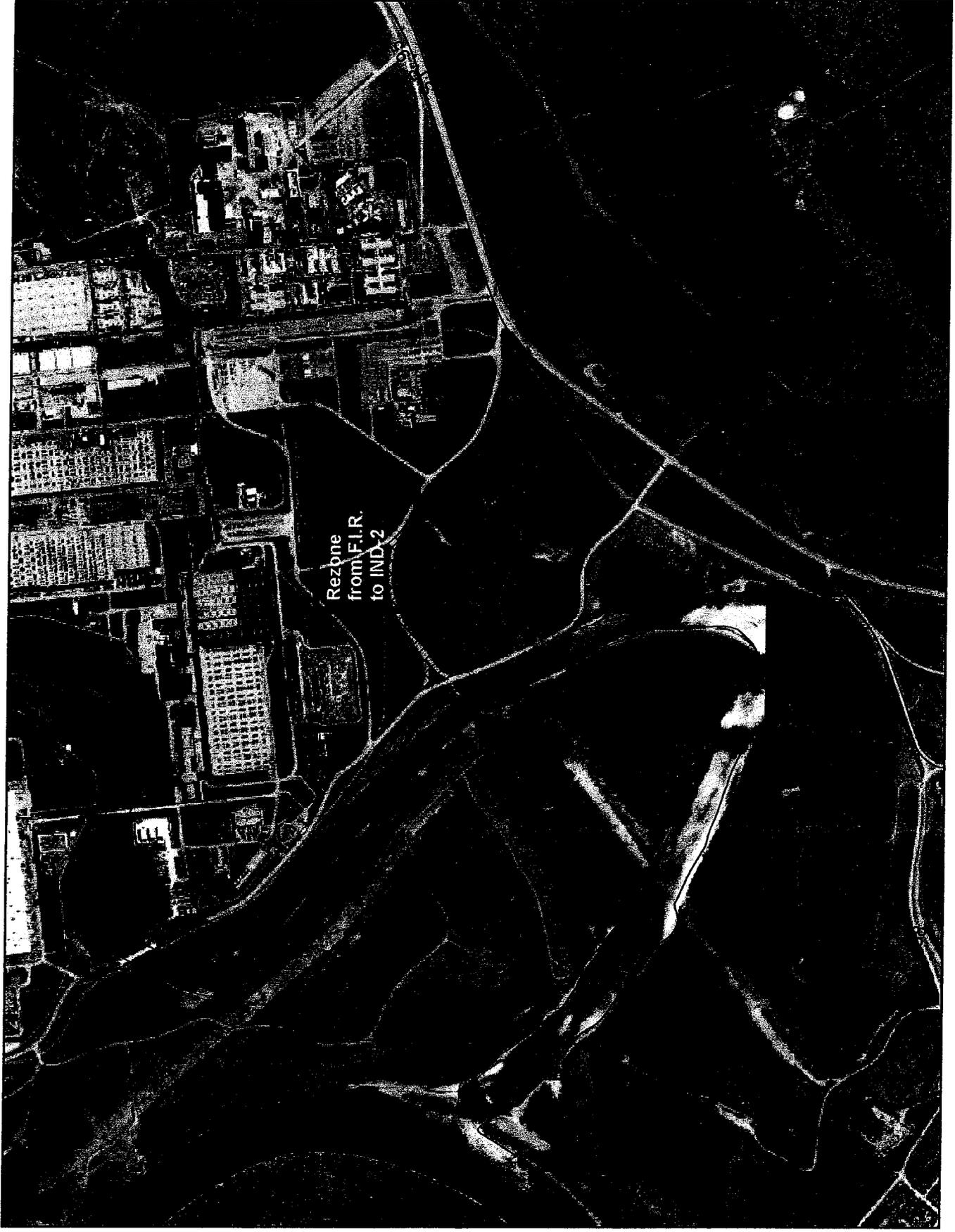
**Notification of Property Owners Within 200':** July 9, 2009

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

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

# Heritage Center/ED-5 Location Map

1 inch equals 1,000 feet



TITLE

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

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

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

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

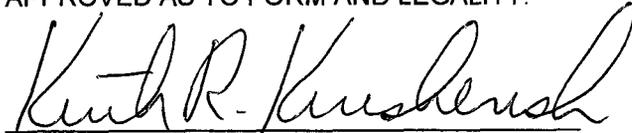
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised as shown on the attached map and further described as follows:

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

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

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

\_\_\_\_\_  
Mayor

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

Public Hearing: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

09-36

DATE: July 24, 2009

TO: James O'Connor, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

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

An item for the City Council agenda is a request to rezone a 4.6 acre undeveloped parcel, located between Laboratory Road and Administration Road, with frontage on the Oak Ridge Turnpike, from O-2, Office to UB-2, Unified General Business. The parcel is further described as being in front of the D.O.E. administration building and across the Oak Ridge Turnpike from Jackson Plaza. The applicant has stated that although there are no development plans at this time, the UB-2 zone is seen as more appropriate for the subject property because of the location on the Turnpike and near the hospital and other retail/commercial uses. At their regular meeting on July 23, 2009, the Oak Ridge Municipal Planning Commission passed a motion recommending rezoning from O-2 to UB-2 by a vote of 8-1. Ms. Shelton, who voted against the rezoning, felt that some of the uses permitted in the UB-2 zoning district are inappropriate at this location. If the rezoning is approved, a minor amendment of the Land Use Plan is necessary changing the designation from O, Office/Institutional to B, General Business.

The subject property is undeveloped. Abutting the subject parcel on the east is a medical building, on the south is the federal office building and on the west is a 4.66 acre undeveloped parcel. The abutting property is zoned O-2, Office. Across the Turnpike from the subject property is Jackson Plaza and a strip commercial center zoned B-2 and UB-2. The area is generally commercial in nature without residential development in close proximity to the property proposed for rezoning. The office zoning districts and the business zoning districts all allow closely related commercial uses. Although the adjoining property is zoned O-2, staff feels that expanding the uses available to the property by rezoning increases the potential for development, and the office and retail uses allowable in the UB-2 zoning district are compatible with the existing development within the area. Staff recommends approval of the Land Use Plan amendment from O to B and the requested rezoning from O-2, Office to UB-2, Unified General Business.

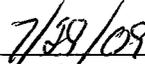
  
\_\_\_\_\_

**City Manager's Comments:**

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

  
\_\_\_\_\_

James O'Connor

  
Date

## STAFF REVIEW OF REZONING REQUEST

**Location & Approximate Area:** Parcel 279.04, Block 18-CF, a 4.61 acre parcel with frontage on the Oak Ridge Turnpike (north), located in front of the Federal Building property. Anderson County Tax Map 100B, Group A, Parcel 3.00

Owner: Weathersbee Properties, LLC

Date: July 6, 2009

**Request Rezoning:**

From: 0-2, Office

To: UB-2, Unified General Business

**Site Characteristics:**

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

**Existing Land Use: Undeveloped**

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

**Adjacent Land Uses & Zoning:**

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

**Previous Rezoning Requests:**

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

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

**2. Conformity with 1988 Comprehensive Plan:**

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

b. **Applicable Policies:**

**Economic Development:**

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

**Land Use:**

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

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

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

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

**Quality of Life:**

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

**3. Applicable Regulations:**

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

**Maximum Height:** 35 Feet

**Maximum Usable Floor Area to Lot Area Ratio:** 80%

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

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

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

**Analysis:**

The following criteria were used to evaluate the rezoning request.

- 1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**  
The UB-2, Unified General Business district will require an amendment to the Land Use Plan from O, Office/Institutional to B, General Business.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**  
The most recent nearby development includes a medical clinic and a McDonald's restaurant. Under current regulations a medical clinic is allowable in both O-2 and UB-2, however a stand alone restaurant is no longer allowable within the O-2 district. If built today the McDonald's restaurant would require UB-2 or B-2 zoning.
- 3) **Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?** Yes, the property is within a commercial area with frontage on the Oak Ridge Turnpike. There is no nearby residential development.
- 4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**  
The rezoning will result in one parcel having different zoning than the adjacent parcels, however the following factors should be considered in deciding upon the appropriateness of the requested zoning. The office zoning districts and the business zoning districts all allow closely related commercial uses. The property is within a commercial area without nearby residential uses. Although the adjacent properties are not zoned UB-2, General Business, property located nearby on the north side of the Oak Ridge Turnpike is zoned UB-2 and B-2. There is B-2 and UB-2 zoning both east and west of the subject property on the Oak Ridge Turnpike.

5) **Are public facilities and services adequate to accommodate the proposed zoning district?**

Public utilities and road capacity are adequate.

6) **Would the requested rezoning have environmental impacts?**

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

**Conclusion & Planning Staff Recommendation:**

Favoring the Request:

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

No adjacent residences to be impacted;

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

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

Opposing the Request:

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

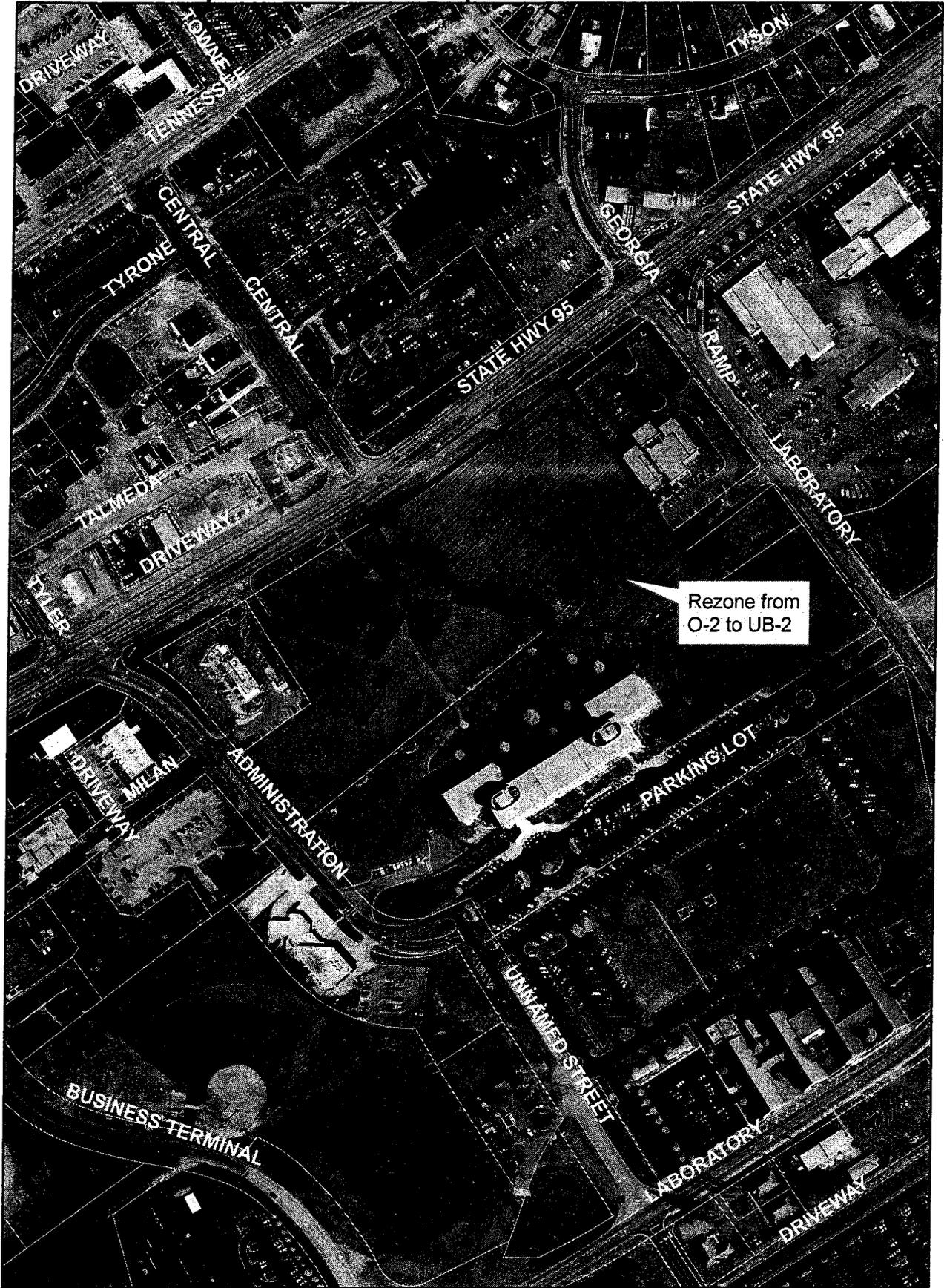
An additional 4-acre retail site will tend to weaken the viability of other retail sites.

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

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

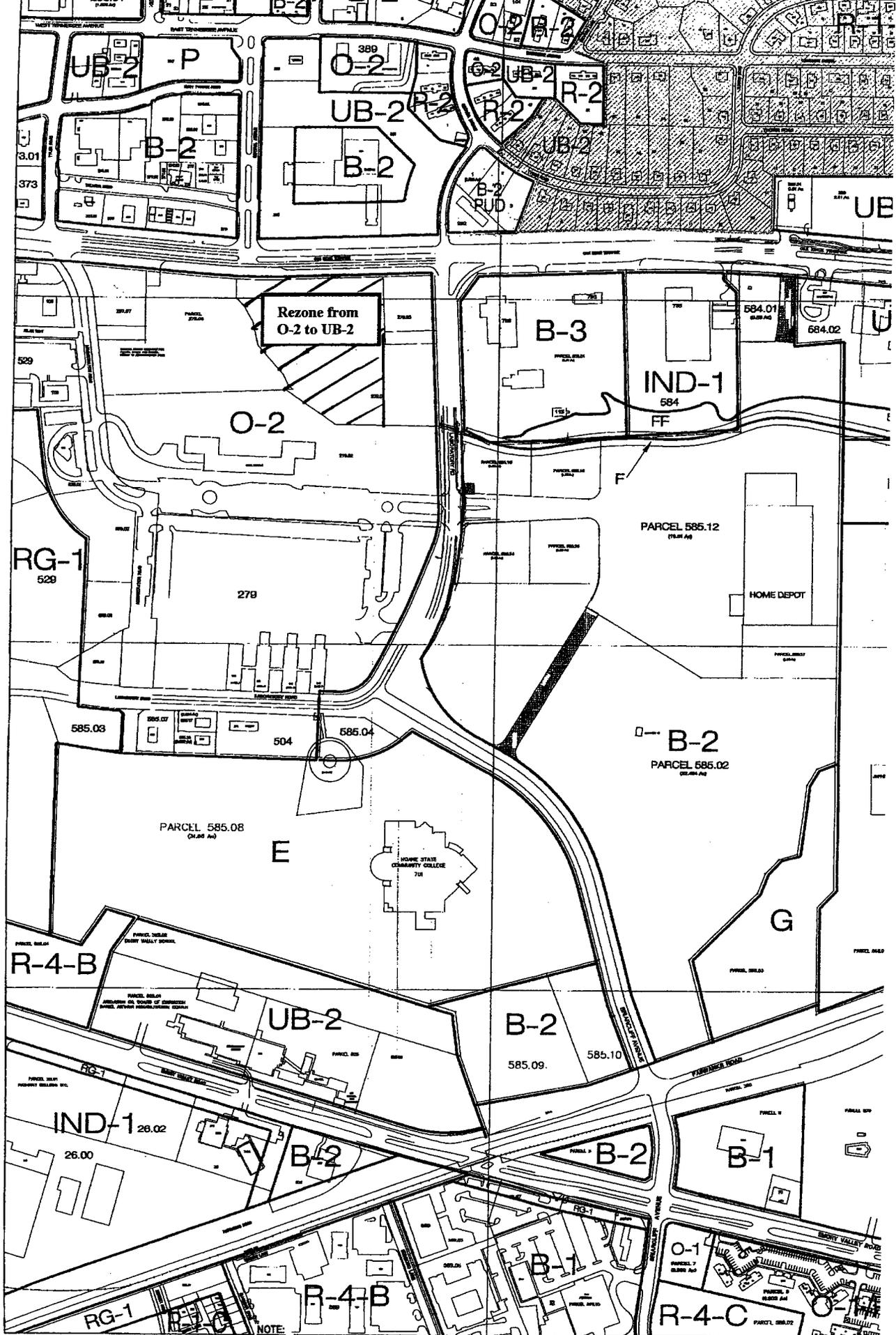
# Location Map

## Map 100B Group A Parcel 3.00

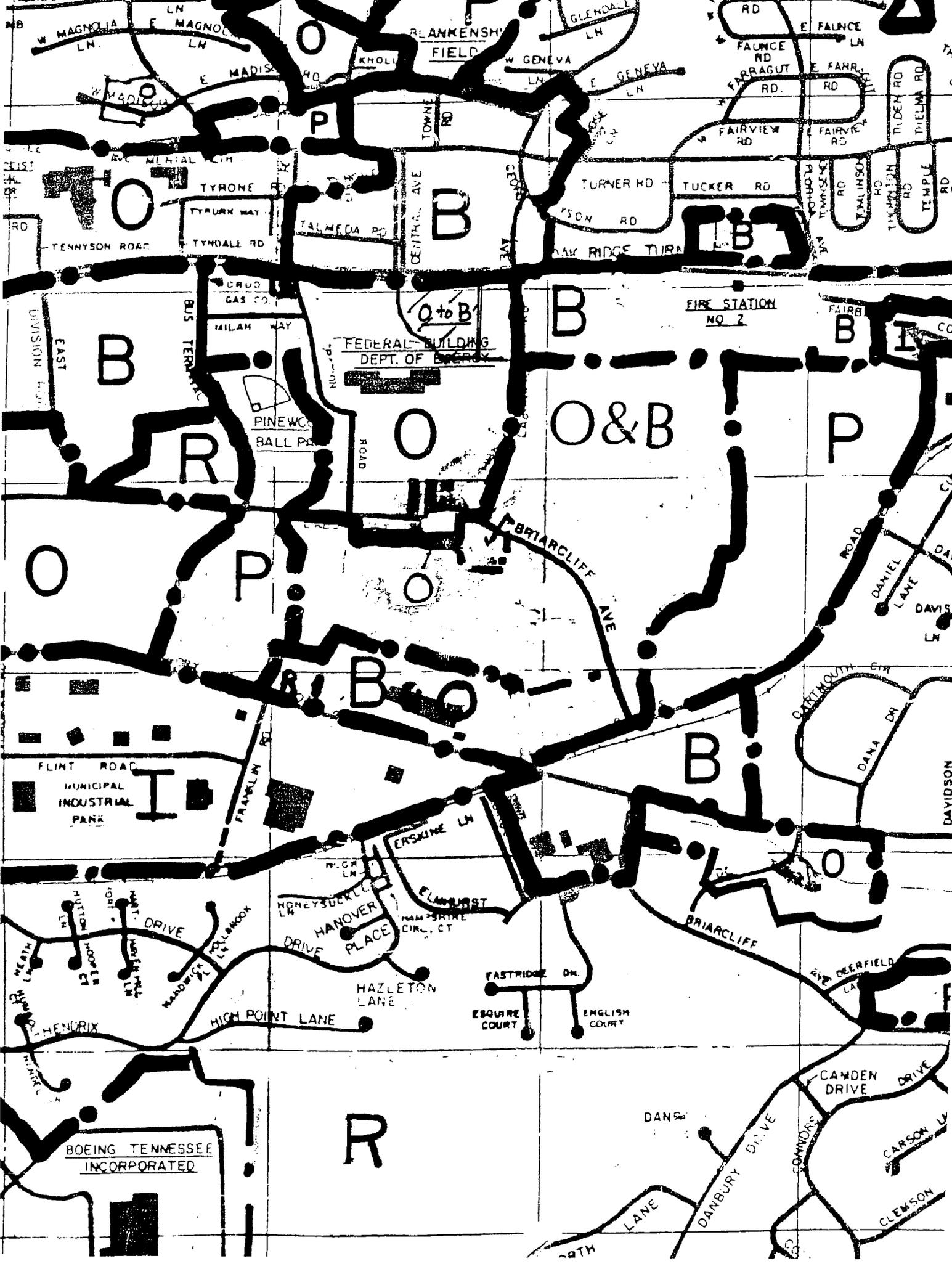


1 inch equals 300 feet





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



W MAGNOLIA LN  
E MAGNOLIA LN

BLANKENSHIRE FIELD

GLENDALE LN

E FAUNCE LN  
FAUNCE RD  
FARRAGUT RD  
E FAIRVIEW RD

E MADISON RD  
W MADISON LN

KHOLM

W GENEVA LN  
E GENEVA LN

AVENUE MENTAL HOSPITAL

TYRONE RD

TOWNE RD  
CENTRAL AVE

TURNER RD

TUCKER RD

FAIRVIEW RD

TILDEN RD  
THELMA RD

TYRONE WAY  
TENNYSOON ROAD

TYRONE WAY

TALMERA RD

B

PERSON RD

FAIRVIEW RD

FAIRVIEW RD

TILDEN RD  
THELMA RD

GRUD GAS CO.  
MILAM WAY

O to B

FEDERAL BUILDING  
DEPT. OF ENERGY

FIRE STATION  
NO 2

FAIRB

B

B

B

EAST DIVISION ST  
B  
R

PINEWOOD BALL PARK

O

O&B

P

O  
P

B  
O

BRIARCLIFF AVE

DANIEL LANE  
DAVIS LN

FLINT ROAD  
MUNICIPAL INDUSTRIAL PARK

I

FRANKLIN RD

ERSKINE LN

B

DARTMOUTH CEM  
DANA DR  
DAVIDSON

HUTTON HOOPER CT  
DRIVE  
HADDON

HONEYBUCKLE LN  
HANOVER PLACE

ELMURST

BRIARCLIFF

HAZLETON LANE  
HIGH POINT LANE

HAZLETON LANE

FASTRIDGE DR  
ESQUIRE COURT  
ENGLISH COURT

DEERFIELD LANE

BOEING TENNESSEE INCORPORATED

R

DANBURY

CAMDEN DRIVE

DRIVE

LANE

DANBURY DRIVE

CONYERS

CARSON LN

CLEMSON

**TITLE**

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 3.00, MAP 100B, GROUP A, FROM O-2, OFFICE TO UB-2, UNIFIED GENERAL BUSINESS; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCEL FROM O, OFFICE/INSTITUTIONAL TO B, BUSINESS.

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

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

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

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

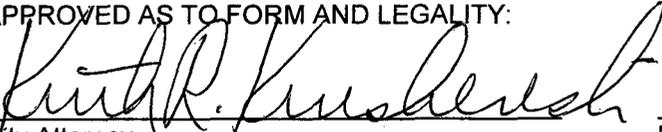
<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 3.00, Map 100B, Group A (approx. 4.60 acres)	Oak Ridge Turnpike west of Laboratory Road (Parcel is in front of the Federal Building)	O-2, Office District	UB-2, Unified General Business

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

Section 3. The rezoning requires a minor amendment to the Comprehensive Plan's Land Use Plan, and said Plan is hereby amended by changing the designation of Parcel 3.00, Map 100B, Group A, from O, Office/Institutional to B, Business.

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

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

- Public Hearing: \_\_\_\_\_
- First Reading: \_\_\_\_\_
- Publication Date: \_\_\_\_\_
- Second Reading: \_\_\_\_\_
- Publication Date: \_\_\_\_\_
- Effective Date: \_\_\_\_\_

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM**  
**09-35**

DATE: July 24, 2009

TO: James O'Connor, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

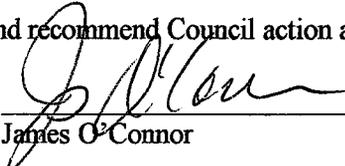
SUBJECT: **FEMA FLOODPLAIN MANAGEMENT ORDINANCE UPDATE**

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

Kahla Gentry

**City Manager's Comments:**

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

  
James O'Connor

7/29/09  
Date

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

Section 9.07 Floodplain Regulations

(f) General Provisions

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

Section 9.08 F, Floodway Districts; Fringe Area

(b) Floodway District Designation

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

(c) Floodway Fringe Area

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

TITLE

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

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

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

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

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

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article IX, titled "Special Districts," Section 9.07, titled "Floodplain Regulations," Subsection (f)(2) is hereby amended, which new subsection shall read as follows:

Section 9.07    Floodplain Regulations

(f)        General Provisions

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

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

Section 9.08 F, Floodway Districts; Fringe Area

(b) Floodway District Designation

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

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

Section 9.08 F, Floodway Districts; Fringe Area

(c) Floodway Fringe Area

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

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

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

\_\_\_\_\_  
Mayor

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

Public Hearing: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**LEGAL DEPARTMENT MEMORANDUM**  
**09-30**

DATE: July 27, 2009

TO: James R. O'Connor, City Manager

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

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

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

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

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

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

  
Kenneth R. Krushenski

  
Tammy M. Dunn

Attachment: 2009 Public Chapter 441  
Ordinance

**City Manager's Comments:**

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

  
James R. O'Connor

7/29/09  
Date

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 441

HOUSE BILL NO. 669

**By Representatives Hackworth, Hardaway, Moore**

Substituted for: Senate Bill No. 597

**By Senators Burchett, Jackson**

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

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

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

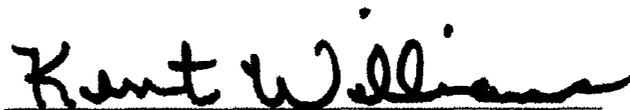
(2) A person who did not have financial responsibility that was in effect at the time of being charged with a violation of subsection (c) shall not have that person's violation of subsection (c) dismissed.

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

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

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

**PASSED: June 9, 2009**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR

TITLE

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**PUBLIC WORKS MEMORANDUM**  
**09-30**

**DATE:** July 29, 2009  
**TO:** James R. O'Connor, City Manager  
**THROUGH:** Gary M. Cinder, P.E., Director of Public Works *GMC*  
**FROM:** Steven R. Byrd, P.E., City Engineer  
**SUBJECT: Holiday Inn Hotel – Proposed Accesses to Tulsa Road**

The accompanying resolution authorizes approval of two accesses to Tulsa Road, which will serve a proposed Holiday Inn hotel to be located on Parcel 606.04, Block 19BZ. The developer, Amit Patel, is requesting City Council approval of the accesses to serve a proposed 69-room hotel, as shown on the enclosed drawings. Tulsa Road is an arterial street and requires City Council approval for the accesses.

Due to the minimal amount of traffic trip generated by the hotel, the City did not require a Traffic Impact Study, but used trip generation numbers as provided by the project engineer for a similar hotel study in Knoxville of approximately the same size. During the peak one-hour A.M. traffic period, the trips at the Tulsa Road accesses are estimated at 39 (24 entering and 15 exiting). During the peak one-hour P.M. traffic period, the trips at the Tulsa Road accesses are estimated at 41 (22 entering and 19 exiting). Fifty percent of the traffic trips are assumed to be distributed at each access. The projected traffic trips from the study were found to be comparable to the information provided in the *Transportation Engineers Trip Generation Manual* that is published by the Federal Highway Administration to be used as a guide for traffic trip generation.

Based on the minimal traffic trips for a 69 room hotel a study of the South Illinois Avenue/Tulsa Road signalized intersection was not made; however, it is anticipated that the added hotel trips will have little impact to the capacity service level at the intersection. The developer anticipates that 75 percent of all traffic will be from the south and 25 percent from the north along South Illinois Avenue.

The accesses are separate by a distance of 200 feet with the northern access located 1,312 feet from South Illinois Avenue. Intersection sight distance at the Tulsa Road accesses is more than adequate for the posted 35 mph speed limit. There are no existing accesses on the opposite side of Tulsa Road that would be in conflict with the proposed site. Construction of a left-turn lane or a right-turn deceleration lane into the hotel site would not be warranted based on the low number of traffic trips. The average daily traffic on Tulsa Road is estimated at 3,000.

The Traffic Safety Advisory Board reviewed and recommended approval of the proposed accesses at a July 28, 2009 meeting. City staff recommends approval of the two accesses as proposed based on the projected low traffic trips generated by the hotel, relatively low traffic volume on Tulsa Road, adequate intersection sight distance along Tulsa Road and minimal impact to the capacity at the adjacent signalized South Illinois Avenue intersection.

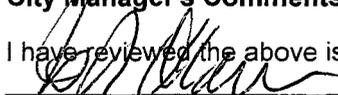
  
\_\_\_\_\_  
Steven R. Byrd

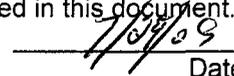
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Enclosures

**City Manager's Comments:**

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

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

  
\_\_\_\_\_  
Date

RECEIVED

COMMUNICATION

2008 JUL 20 09 AM 9:13

Subject: Proposed Holiday Inn Hotel accesses to Tulsa Road

OFFICE OF THE CITY CLERK

To: Honorable Mayor and members of City Council:

Failing to obtain a quorum at the regularly scheduled meeting of the Traffic Safety Advisory Board on July 21, the board held a special called meeting on July 28 to consider access requests for this proposed development. The development is proposed for Parcel 606.04 on the north side of Tulsa Road, and will service a proposed Holiday Inn hotel. Eight of the ten members of the board were present at the meeting, with staff representative and city engineer Steve Byrd, and Paul Williams who is doing engineering work for the developer.

Steve presented staff's recommendation to the board. The request includes two accesses to Tulsa road, separated by 200 feet, the eastern most approximately 1300 feet west of Illinois avenue. There are no existing accesses on the opposite side of Tulsa road which might result in turning movement conflicts. Tulsa road is basically flat and straight in this area. There is sufficient sight distance from the proposed accesses based on the existing posted speed limit. The development is fronted by an existing sidewalk. Staff did not require a Traffic Impact Study for this development, as it mimics closely in size two recent access requests for hotel/motel developments in this same area, one a Best Western fronting East Tulsa and Tuskegee, and the other a Holiday Inn Express fronting S. Illinois avenue.

No off site roadway improvements are proposed in support of this project, and the additional trips generated from this development are anticipated to have little impact on the existing level-of-service at the Tulsa Road / S. Illinois avenue intersection.

Discussion on the proposal noted that there was no mention of the sidewalk which fronted the development, and the two access cuts which would cross the sidewalk.

Following a short discussion it was moved and seconded that the board recommend approval of staff's recommendation with the addition of appropriate striping to delineate the two sidewalk access cuts. This motion was passed by a vote of 8 to 0.

The two missing board members called the chairman. One had a sick child, and would not have voted since her job is funded in part by hotel / motel tax receipts, and the other was entering the hospital tomorrow for surgery.

Respectfully Submitted,



William A Davis  
Chairman, Traffic Safety Advisory Board

**RESOLUTION**

WHEREAS, Amit Patel, developer of Parcel No. 7, Anderson County Tax Map 99N, Group A, (formerly known as Parcel 606.04, Block 19BZ), has requested two permanent accesses to Tulsa Road from such parcel to serve the proposed Holiday Inn; and

WHEREAS, the requested accesses are separated by a distance of 200 feet with the northern access located approximately 1,321 feet south from South Illinois Avenue; and

WHEREAS, Tulsa Road is an arterial road requiring City Council approval of access; and

WHEREAS, the requested access locations have been reviewed by the Traffic Safety Advisory Board at its July 28, 2009 meeting, which Board recommended approval; and

WHEREAS, the requested access locations are recommended by the City Manager.

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

That the recommendation of the City Manager is accepted and the permanent accesses to Tulsa Road from Parcel No. 7, Anderson County Tax Map 99N, Group A, (formerly known as Parcel 606.04, Block 19BZ), as shown on the drawings attached hereto, dated July 21, 2009, are hereby approved.

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

\_\_\_\_\_  
Mayor

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



SOUTH ILLINOIS AVE.

TULSA ROAD

1,312'

200'

PARCEL 60604

TUSCULUM DRIVE

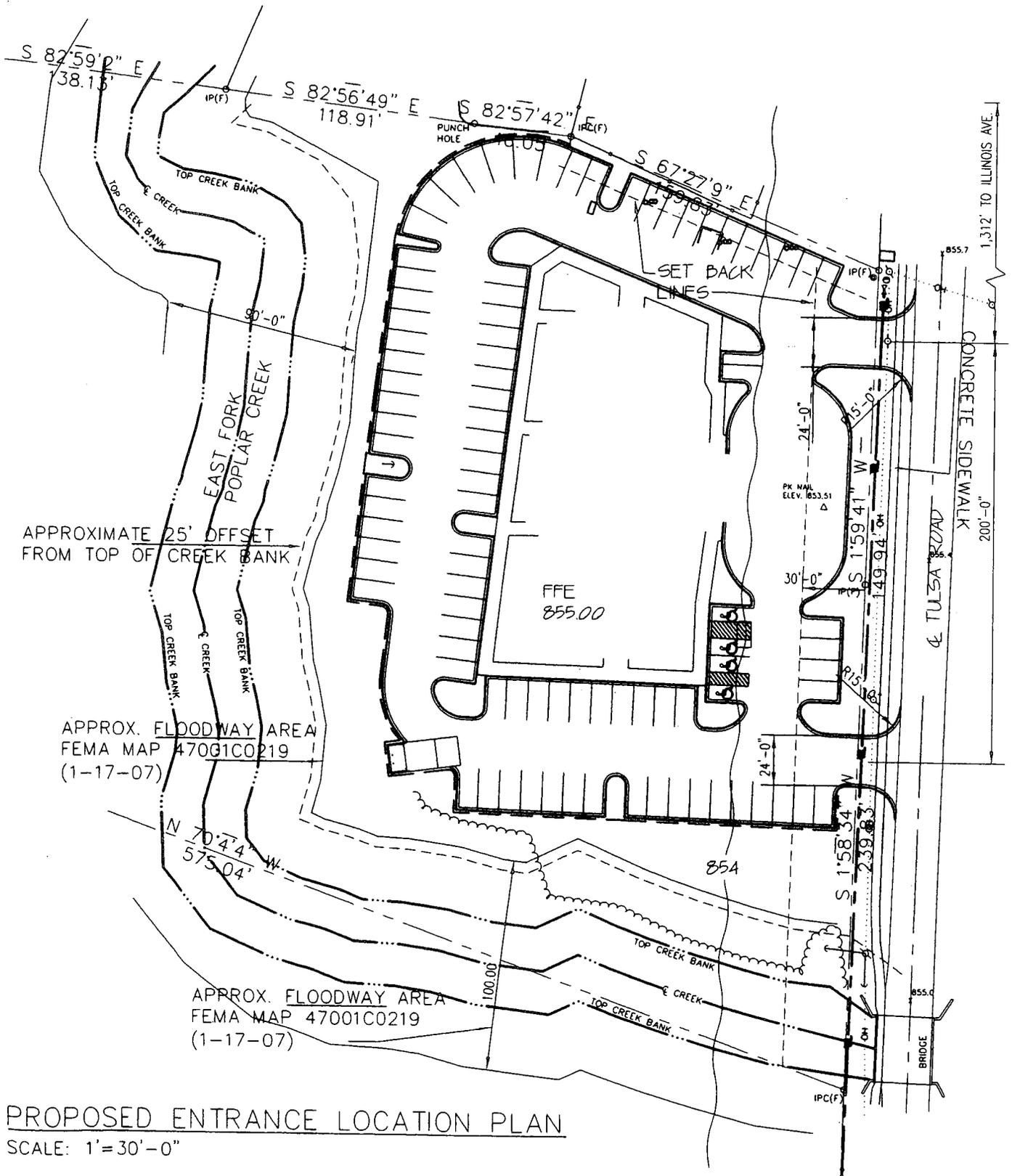
### PEAK TRAFFIC HOURS (1-HOUR)

	<u>ENTERING</u>	<u>EXITING</u>
A.M.	24	15
P.M.	22	19

HOLIDAY INN HOTEL  
PROPOSED ACCESSES TO TULSA ROAD  
PUBLIC WORKS DEPARTMENT  
OAK RIDGE, TENNESSEE

DR. BY: CCB	CHK' BY: SRB	DATE: 7/21/09	SCALE: NTS	DR. NO.: 1	DIRECTOR: GARY GINDER
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PROPOSED ENTRANCE LOCATION PLAN  
 SCALE: 1" = 30'-0"

**GOVERNMENT AND PUBLIC AFFAIRS MEMORANDUM  
09-02**

TO: James R. O'Connor  
City Manager

FROM: Amy Fitzgerald, Ph.D.  
Government and Public Affairs Coordinator

DATE: July 29, 2009

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

An item for the August 10th City Council meeting is the adoption of the attached resolution transmitting the City's comments to the Tennessee Department of Environment and Conservation (TDEC) on the subject document.

Pursuant to the federal Superfund law, the U.S. Department of Energy (DOE) and TDEC have established the Black Oak Ridge Conservation Easement—approximately 3,000 acres in west Oak Ridge—to help mitigate natural resource damages in Watts Bar Reservoir.

The "Trustees" overseeing this process—DOE, TDEC, TVA, and the U.S. Fish and Wildlife Service—are seeking comments on the subject document, which describes the damages and proposed restoration activities to compensate the public for natural resource damage to Watts Bar.

Staff attended the July 23<sup>rd</sup> public meeting, and a copy of the presentation and document have been placed in the Council mailroom for review. The presentation can also be accessed at <http://www.oakridge.doe.gov/external/PublicActivities/InfoCenter/NewDocuments/tabid/325/Default.aspx> as one of the new documents listed.

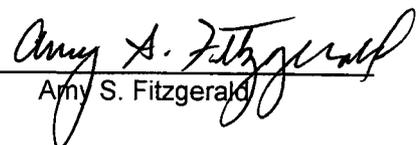
This is the third time City Council has commented on the Natural Resource Damages Assessment (NRDA) process. I refer to the enclosed City Council Memorandum 03-54, and Government and Public Affairs memoranda 03-10 and 05-02 for additional background. It is important for the City to participate in the NRDA process because the majority of the remaining damages and proposed mitigation will affect land use in the City of Oak Ridge.

Should Council adopt the resolution, comments should be submitted by August 21, 2009 to:

Debbie Duren  
Natural Resource Damage Assessment Program  
Tennessee Department of Environment and Conservation  
11<sup>th</sup> Floor, L&C Tower  
401 Church Street  
Nashville, TN 37243  
FAX: (615) 532-0740  
e-mail: [Debbie.Duren@tn.gov](mailto:Debbie.Duren@tn.gov)

Staff recommends adoption of the resolution.

Attachments

  
Amy S. Fitzgerald

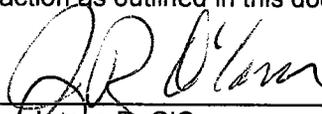
**Government and Public Affairs Memorandum 09-02**

**July 29, 2009**

**Page 2**

**City Manager's Comments:**

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

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

7/30/09  
Date



U.S. DEPARTMENT OF  
**ENERGY**



DEPARTMENT OF  
ENVIRONMENT &  
CONSERVATION



## **Watts Bar Reservoir Natural Resource Damage Assessment Summary**

As part of a natural resource damage assessment being conducted under CERCLA, State and Federal natural resource Trustee agencies have investigated the ecological and human use impacts associated with contaminant releases from facilities at the Oak Ridge Reservation. This investigation focused on the natural resources and human uses of Watts Bar Reservoir. Trustees for injured natural resources include the State of Tennessee, the Tennessee Valley Authority, the United States Fish and Wildlife Service, and the United States Department of Energy. The Department of Energy is also a responsible party at this site.

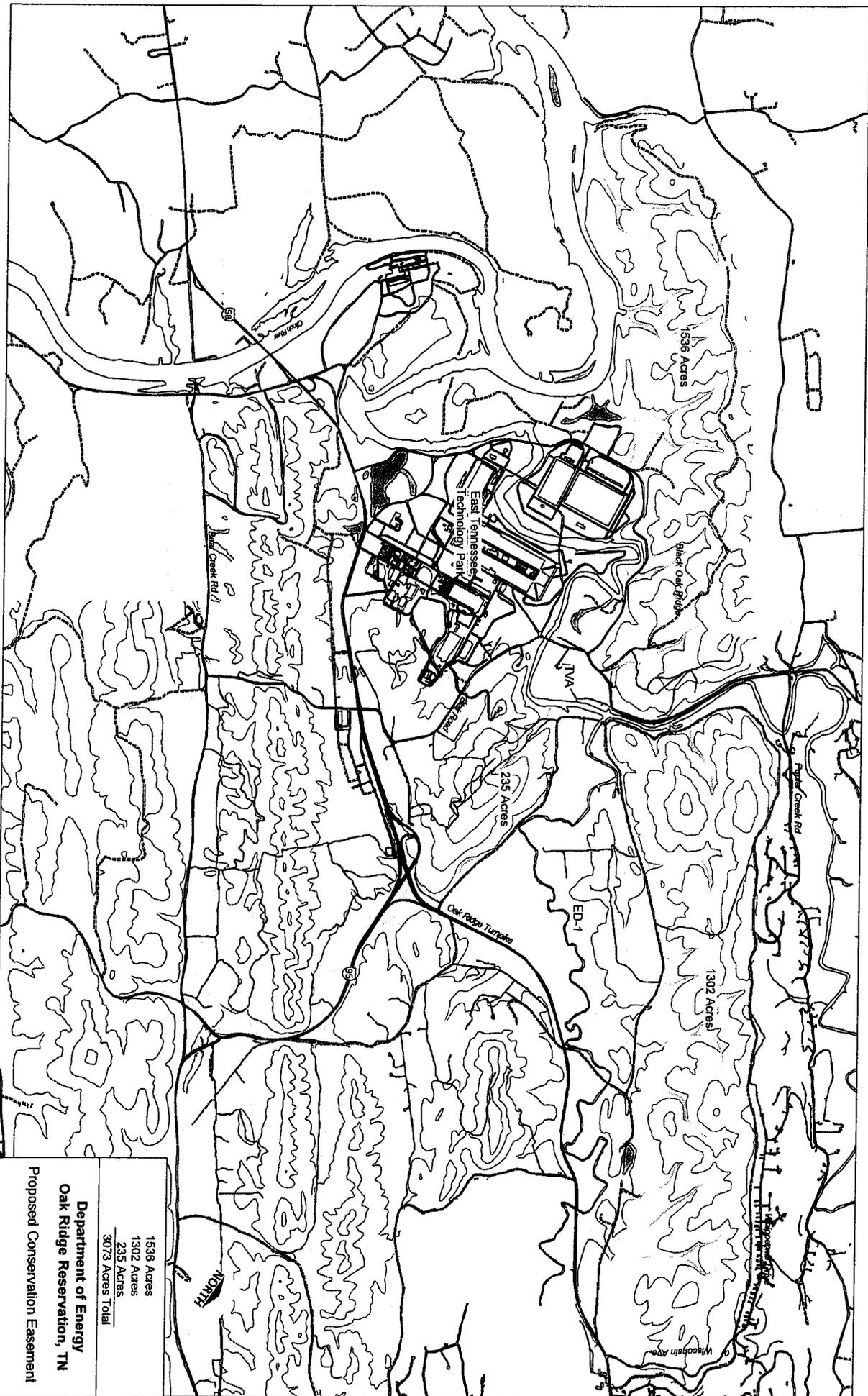
Using a wide range of site-specific and literature-based data, the Trustees evaluated the severity and magnitude of injuries to natural resources, expressed as the reduction in services that these resources have provided as a result of the contamination. For example, the presence of PCBs and mercury may have impaired the growth of fish and the reproductive capability of animals that consume contaminated fish, a health-based fish consumption advisory has affected recreational fishing opportunities at the Reservoir, and commercial fishing has recently been banned due to the presence of contaminants in fish.

Federal regulations require development of a reasonable number of possible alternatives for the restoration, replacement, and/or acquisition of the equivalent of the injured resources. In this case, the Trustees evaluated restoration projects that would not only provide sufficient compensation, but that also comply with local and regional resource management goals. Review of available restoration projects indicated an opportunity for conservation of a large, contiguous portion of the Black Oak Ridge (BOR), an ecologically and recreationally valuable property and a conservation priority for multiple stakeholders. For example, BOR provides habitat for endangered songbirds, maintenance of water quality in Watts Bar Reservoir, and borders greenways for public recreation. Under a conservation easement, not only would these existing ecological and human use services be protected from loss due to development, but additional recreational opportunities for the public (e.g., hiking, bird-watching, and biking) would be provided through access and trail development.

An analysis conducted by the Trustees of the benefits provided by BOR conservation indicates that the ecological and human use services provided through these actions are sufficient to compensate the public for those services that have been diminished due to contamination. Details of this evaluation are provided in the attached document, "Oak Ridge Reservation Natural Resource Damage Assessment Evaluation of Contaminant-Related Losses in Watts Bar Reservoir and Gains from the Black Oak Ridge Conservation Easement."

Although the benefits of the Easement are sufficient compensation for losses, the Trustees acknowledge that the Easement only indirectly benefits recreational anglers. Therefore, the Trustees will identify a suite of restoration projects that will specifically benefit recreational fishing in the area and will further compensate for recreational fishing services lost due to environmental contamination.

The Trustees are considering settlement of their claim for natural resource damages at this time because: 1) they believe that they have sufficient information to understand the type and magnitude of injuries to trust natural resources utilizing Watts Bar Reservoir, and 2) restoration alternatives are available that are priority projects for the Trustees and are of sufficient scope to compensate for injuries to trust natural resources and associated service losses.



1536 Acres
1302 Acres
235 Acres
<b>3073 Acres Total</b>

**Department of Energy**  
**Oak Ridge Reservation, TN**  
**Proposed Conservation Easement**

**City Council Memorandum**  
**03-54**

DATE: August 1, 2003

TO: Honorable Mayor and Members of Council

FROM: Gary M. Cinder, Interim City Manager

SUBJECT: **Public Meeting Regarding the DOE/State of Tennessee Management Plan for 3,073 Acres of Black Oak Ridge**

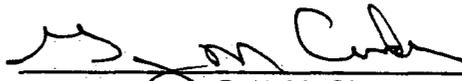
A notice has been issued by the Tennessee Department of Environment and Conservation (TDEC) and the Tennessee Wildlife Resources Agency (TWRA) that an informal public meeting will be held on **Tuesday, August 5, 2003**, to receive comments and suggestions on the development of a management plan for 3,073 acres of the Black Oak Ridge area in Oak Ridge. This land is part of DOE's Oak Ridge Reservation and, as such, is governed by the Superfund (CERCLA) law and regulations.

The Superfund law allows for Federal, State and Tribal "trustees" to recover natural resource damages that have occurred as a result of the release of contaminants from the Oak Ridge Reservation. The DOE and the State are proposing a conservation easement for the bulk of the Black Oak Ridge area, along with a portion of the City's Self-Sufficiency Parcel D. A copy of the notice, a summary of the Natural Resource Damages Assessment (NRDA) regulations, and a list of City issues to consider are attached for your review.

It is staff's understanding that this proposed action is to mitigate damage to Lower Watts Bar Reservoir as a result of releases by DOE and its predecessor agencies. A Record of Decision was signed in 1995 that estimated the cost of sediment removal and restoration to be between \$30 and \$40 billion.

This issue is also cited on Page 22 of City Council's Application to DOE for the Renewal of Annual Assistance Payments; Exhibit E of the Application contains the Price Waterhouse Coopers study of the associated economic impacts.

Staff is planning to attend the August 5, 2003, meeting to gather additional information, including the process and deadline for submitting comments. The attached draft comments will be provided to the parties for consideration, with the caveat that the City's official comments will be transmitted at a later date.

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

Attachments

cc w/ attachments: Ken Krushenski, City Attorney  
Steve Jenkins, Deputy City Manager  
Amy Fitzgerald, Government and Public Affairs Coordinator  
Kathryn Baldwin, Community Development Director  
Josh Collins, Recreation and Parks Director

**NOTICE OF PUBLIC MEETING  
FOR PUBLIC PARTICIPATION IN DEVELOPMENT  
OF A MANAGEMENT PLAN  
FOR THE BLACK OAK RIDGE AREA, ORR**

The Tennessee Department of Environment and Conservation (TDEC), and Tennessee Wildlife Resources Agency (TWRA) wishes to extend an open invitation for participation in an informal public meeting to receive comments and suggestions toward the development of a management plan for approximately 3,000 acres of the Black Oak Ridge area located on the Oak Ridge Reservation. This is acreage proposed for inclusion in a conservation easement between the State of Tennessee and the Department of Energy. The public meeting will be held Tuesday, August 5<sup>th</sup> 7:00 p.m. until 9:00 p.m. (EDST) at the Tennessee Department of Environment and Conservation, Department of Energy Oversight Division (DOEO) located at 761 Emory Valley Road, Oak Ridge, TN (telephone 856-481-0995).

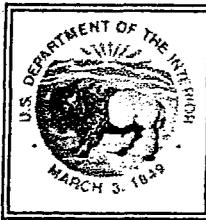
Copies of a map of the proposed area of discussion are available at the following locations: (1) the Oak Ridge Public Library located at 1401 Oak Ridge Turnpike, Oak Ridge, TN (telephone 865-425-3455); (2) during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the Tennessee Department of Environment and Conservation, Department of Energy Oversight Division (DOEO) located at 761 Emory Valley Road, Oak Ridge, TN (telephone 856-481-0995); (3) during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the Tennessee Department of Environment and Conservation Central Office, 401 Church Street, L & C Tower, 11<sup>th</sup> floor, Nashville, TN 37243 (telephone 615-532-0134).

Any interested person may submit written comments, suggestions, etc. for consideration in the development of a draft management plan by mailing such to Ms. Marsha White, Tennessee Department of Environment and Conservation; 11th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243 or by e-mail to [Marsha.White@state.tn.us](mailto:Marsha.White@state.tn.us).

Individuals with disabilities who wish to participate in these proceedings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to August 5, 2003, to allow time to provide such aid or services. Contact the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

**City Issues to Consider in Development of a  
Management Plan for 3,073 Acres of Black Oak Ridge**

- The 3,073-acre area proposed for a conservation easement between the State of Tennessee (the State) and the U.S. Department of Energy (DOE) is within the Oak Ridge City limits and encompasses a significant portion of the 662-acre City/DOE Self-Sufficiency Parcel D. The City Council Strategic Plan identifies a need for DOE to release approximately 200 acres of this parcel adjacent to Wisconsin Avenue for development of new housing. The State, DOE, and the City need to negotiate the boundaries of the easement to reflect the previous self-sufficiency commitment by DOE regarding the conveyance of Parcel D to the City.
- The configuration also needs make reasonable accommodations for ongoing development of the Westwood Subdivision. Such accommodation could include a secondary access to the subdivision that is required by City regulations.
- The Natural Resource Damages Assessment (NRDA) process does not have a provision for the appointment of a community "trustee" and does not appear to require early community involvement. The City seeks early participation in the decision making process to ensure community issues are addressed in the recovery of natural resource damages.
- The management plan should have a provision stating that DOE shall maintain the ownership of land to ensure ongoing payments in lieu of taxes (PILT) to the City and Roane County.
- The management plan should have a provision for the regular assessment and removal of dead trees and brush that could pose a safety hazard to nearby residential, commercial, and industrial properties. Residents in that area of the City have raised concerns that trees killed by pine beetles could pose a fire hazard.



The U.S. Department of the Interior



## Office of Environmental Policy and Compliance

[Return to OEPC Home Page](#)

# Executive Summary - CERCLA Natural Resource Damage Assessment Regulations

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## NATURAL RESOURCE DAMAGES ASSESSMENT REGULATIONS FOR HAZARDOUS SUBSTANCES

### Executive Summary

Natural resource damages assessment (NRDA) is the process by which resource management agencies determine and collect restoration funds when hazardous material spills or hazardous waste sites harm natural resources. The Department of the Interior (Interior) has issued regulations to provide a framework and standards for this process (see 43 CFR part 11).

The Superfund law (CERCLA) authorizes NRDA when there is a release of a hazardous substance. The Clean Water Act (CWA) authorizes NRDA when there is a discharge of a hazardous substance into navigable waters. Certain categories of parties responsible for a release or discharge, known as "responsible parties" or "RPs," are liable for natural resource damages if the release or discharge results in injury to natural resources. Natural resources include land, fish, wildlife, plants, air, and water that the government manages on behalf of the public. Only Federal, State, and Tribal officials who have been designated as natural resource "trustees" may recover natural resource damages. The primary Federal trustees are Interior (including the Fish and Wildlife Service, the National Park Service, and the Bureau of Land Management), NOAA, and the Department of Agriculture's Forest Service. State and Tribal trustees commonly include fish and game, park, and water management authorities.

Trustees must use recovered damages to fund restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources. These actions, often referred to collectively as "restoration," are principally designed to return injured resources to baseline (i.e., the condition that would have existed if the release or discharge had not occurred). Restoration may also compensate for the public's interim loss of injured resources from the onset of injury until baseline is restored. In contrast, response actions, normally conducted by the U.S. Environmental Protection Agency (EPA) or State or Tribal response agencies, focus on controlling exposure to a released substance and removing the substance in order to protect human health and the environment from threats of additional harm. Thus, although response can reduce or even eliminate the need for restoration in some cases, the two types of action are distinct.

The hazardous substance NRDA regulations are optional procedures that trustees may use to conduct their assessments. Trustees generally use the regulations as a framework for settlement negotiations with RPs. However, if trustees and RPs fail to reach settlement and trustees must file suit, Federal and State trustees who comply with the regulations have an advantage, known as a "rebuttable presumption," in litigation. The regulations provide an administrative process that involves preparation of various documents and coordination with interested parties. The regulations also include a range of technical procedures for the actual determination of injuries and damages.

Under the regulations, there are four phases of an NRDA: Preassessment, Assessment Plan, Assessment Implementation, and Post-Assessment. Once trustees discover or are notified of a release or discharge, they may enter the Preassessment phase. Based on certain criteria, trustees perform a Preassessment Screen to determine whether additional assessment work is warranted. They document their determination, and if work is warranted, they proceed to the Assessment Plan phase.

During the Assessment Plan phase, trustees prepare an Assessment Plan describing how they intend to determine injuries and damages. This phase also involves coordination among trustees and between trustees and response agencies, involvement of the RP, and opportunity for public comment on the Assessment Plan.

After the Assessment Plan is drafted and made available for public review, trustees enter the Assessment Implementation phase, in which they perform the work described in the Assessment Plan. The regulations contain two general types of assessment procedures for determining injury and damages. "Type A" procedures are standardized procedures for simplified assessments requiring minimal field observation that are available to determine damages for minor spills in certain environments. "Type B" procedures are more detailed procedures for assessments in other cases. The regulations provide criteria for using a type A procedure, type B procedures, or both.

The Department is developing type A procedures in stages. Currently there are two type A procedures: one for minor spills in coastal or marine areas that incorporates the Natural Resource Damages Assessment Model for Coastal and Marine Environments (NRDAM/CME); and one for minor spills in the Great Lakes that incorporates the Natural Resource Damages Assessment Model for Great Lakes Environments (NRDAM/GLE). Users supply limited data, such as wind conditions and the amount and duration of the spill, and the NRDAM/CME and NRDAM/GLE determine the physical fate of the spilled substance, and estimate acute lethal effects. The models then estimate and sum the cost of restoring baseline and the value of certain lost interim public uses, such as hunting, fishing, birdwatching, and beach visitation. Because type A procedures are intended for minor spills, the regulations place a \$100,000 cap on their use if trustees intend to obtain a rebuttable presumption.

When trustees use type B procedures, they determine injury and damages through scientific and economic studies. The regulations include both specific definitions of injury for each category of natural resource and provisions allowing trustees to establish additional injuries if certain criteria are met. The regulations provide guidance on the selection of testing and sampling methodologies to determine whether an injury has occurred and whether a pathway of exposure exists. If an injury has occurred and a pathway exists, trustees then quantify the injury by: (1) identifying the functions, or "services," such as habitat, recreation, erosion control, provided by the resource; (2) determining the baseline level of such services; and (3) quantifying the reduction in service levels as a result of the release or discharge.

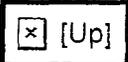
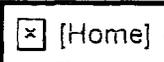
After determining and quantifying injury, trustees identify a reasonable number of possible restoration alternatives, including natural recovery. Trustees select one of the alternatives based on several factors, including technical feasibility, relationship of costs to benefits, and consistency with response. Trustees then document their decisions in a Restoration and Compensation Determination Plan, which is subject to public review and comment. After the public comment period, trustees estimate the cost of implementing the selected restoration alternative. Trustees may also, but are not required to, determine the value of the associated public interim losses using methodologies authorized by the regulations.

Once the trustees have calculated damages, they enter the Post-Assessment phase. In this phase, the trustees prepare a Report of Assessment detailing the results of the Assessment Implementation phase. The trustees present the Report to the RPs, along with a demand for damages and reasonable assessment costs. Trustees have the authority to settle their damages claims at any time. However, if the RPs do not agree to pay within 60 days of receipt of the demand, then the trustees may file suit.

Once damages have been awarded or settlement has been reached, trustees officials establish an account for the recovered damages and prepare a post-assessment Restoration Plan. The trustees provide for public comment on the Plan and then implement the Plan using recovered natural resource damages.

5/97

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 [Up] (Up)  [Home] (DOI)  (HELP)  (comments and mail to DOI)

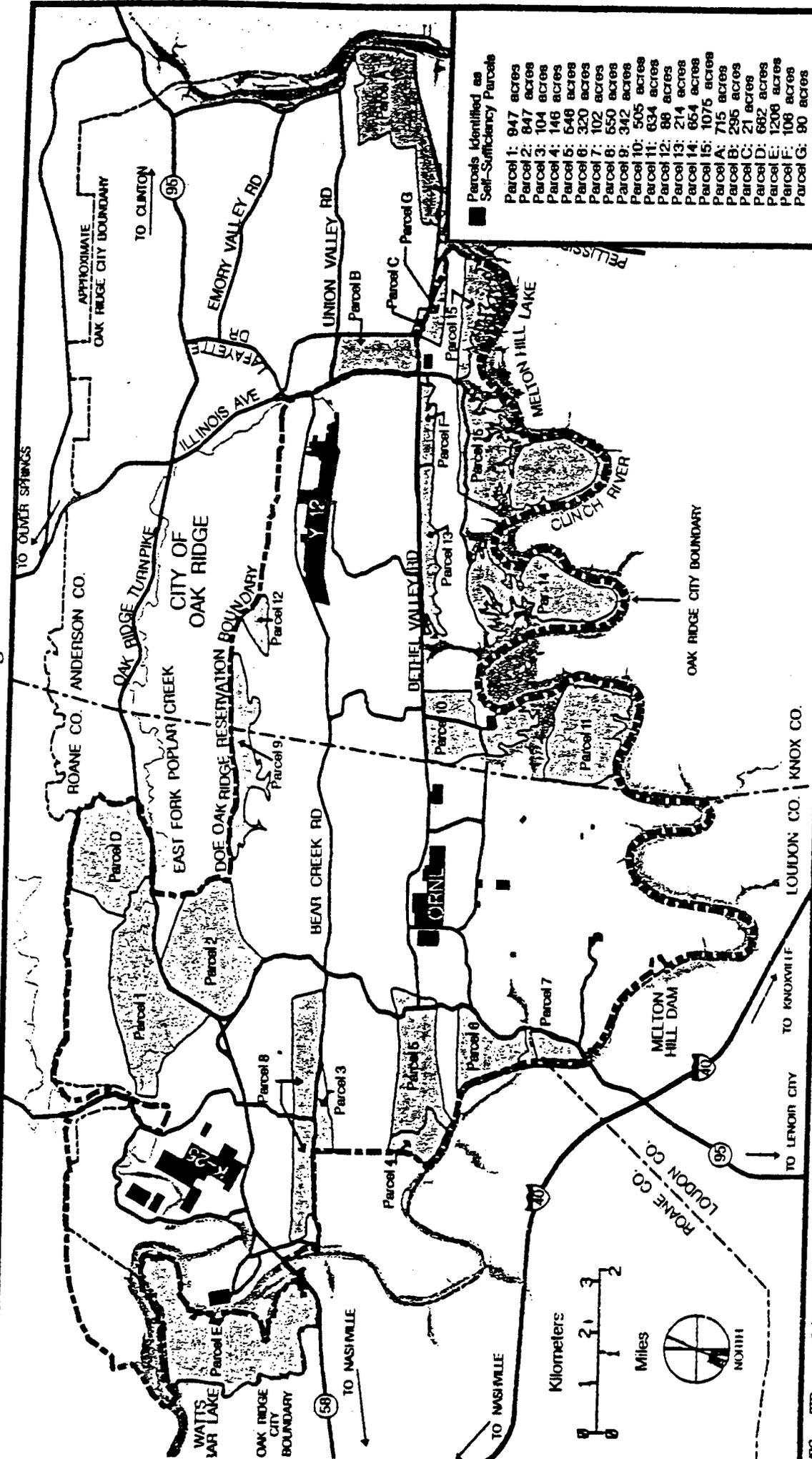
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 [To Contact The OEPC Web Team OEPC Web Team](#)

This document `exec_sum.html` was last modified on Monday, 28-Oct-2002 14:19:51 EST.

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# Parcels Identified as Self-Sufficiency Parcels for the City of Oak Ridge



**GOVERNMENT AND PUBLIC AFFAIRS MEMORANDUM**  
**03-10**

TO: Gary M. Cinder  
Interim City Manager

FROM: Amy Fitzgerald, Ph.D.  
Government and Public Affairs Coordinator

DATE: September 17, 2003

RE: **Comments on the Proposed Black Oak Ridge Area, ORR Conservation Easement Pursuant to the Natural Resources Damages Assessment (NRDA)**

An item for the September 22nd City Council meeting is the adoption of the attached resolution authorizing the transmittal of comments to the U.S. Department of Energy and the State of Tennessee on the proposed conservation easement encompassing 3,000 acres of Black Oak Ridge. A draft transmittal letter is also provided for your consideration.

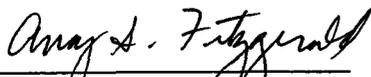
I refer to City Council Memorandum 03-54, dated August 1, 2003, which explains the background of this initiative. A public meeting was held on August 5, 2003, which I attended, along with Mayor Bradshaw and Councilman Abbatiello. The issue was referred to the City Council Intergovernmental Relations Committee, which has not had an opportunity to meet since the recent appointment of Councilwoman Dunlap. In the interest of time, staff has prepared a comment document for Council's consideration.

The proposed action is of great significance to the City of Oak Ridge as this is first attempt by the Oak Ridge Reservation Natural Resource Trustee Council to identify a "payment" of land and other natural resources to partially mitigate damages stemming from DOE's release of contaminants in the environment. The Trustee Council is comprised of representatives from the State, DOE, the Tennessee Valley Authority, and the Department of Interior.

While local government participation in the NRDA process is not required by the federal Superfund law (CERCLA), it is staff's view that the City should be participating to ensure that the interests of the community are represented. The proposed easement constitutes a major land use decision within the City limits and the boundaries are in conflict with the City's Self-Sufficiency Parcel D. Since additional areas of the ORR will likely be tapped for future NRDA actions, other valuable Self-Sufficiency parcels could be withdrawn from future City use and set aside by DOE to compensate the State and/or other Trustees.

The City's Environmental Quality Advisory Board (EQAB) submits the attached memo to Council for consideration. EQAB's recommendations on the management plan have been incorporated into the comment document.

Staff recommends adoption of the attached resolution.

  
\_\_\_\_\_  
Amy S. Fitzgerald

Attachments

**Interim City Manager's Comments:**

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

*on file*

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

\_\_\_\_\_  
Date

**RESOLUTION**

WHEREAS, the U.S. Department of Energy (DOE), the State of Tennessee (State), and other Natural Resource Damages Trustees have been engaged in discussions and negotiations concerning natural resource injuries arising from DOE's activities on the Oak Ridge Reservation (ORR) pursuant to the Natural Resource Damages Assessment (NRDA) provision of the federal Superfund law; and

WHEREAS, as part of an effort to reach a fair and equitable settlement of remaining issues, DOE has agreed to grant the State a conservation easement on approximately 3,000 acres of land on the ORR for the establishment of natural and wildlife management areas; and

WHEREAS, the 3,000 acres is identified by the State and DOE as *The Black Oak Ridge Area, ORR*, which is located entirely within the corporate limits of the City of Oak Ridge; and

WHEREAS, the 3,000 acres also incorporates a portion of the City's Self-Sufficiency Parcel D, which the City has previously requested from DOE in order to construct new housing units to help reduce the City's dependency on the federal government; and

WHEREAS, the State is soliciting comments and suggestions toward the development of a management plan for *The Black Oak Ridge Area, ORR*; and

WHEREAS, the City of Oak Ridge desires to officially comment to DOE and the State and has prepared comments and recommendations for consideration in the determination of the final boundary, in relation to the process by which NRDA is conducted, and in the preparation of the management plan; and

WHEREAS, the City of Oak Ridge's Environmental Quality Advisory Board (EQAB) has prepared a report to City Council with comments and recommendations; and

WHEREAS, the City Manager recommends transmittal of the attached document entitled *Comments on the Proposed Black Oak Ridge Area, ORR Conservation Easement Pursuant to the Natural Resources Damages Assessment (NRDA)* to DOE.

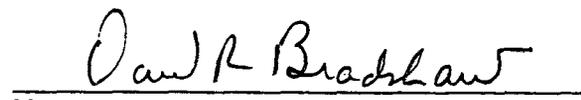
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCILMEN OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached comments entitled *Comments on the Proposed Black Oak Ridge Area, ORR Conservation Easement Pursuant to the Natural Resources Damages Assessment (NRDA)* be transmitted to the U.S. Department of Energy and the State of Tennessee as the official comments of the City of Oak Ridge.

This the 22nd day of September 2003.

APPROVED AS TO FORM AND LEGALITY:

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

  
\_\_\_\_\_  
Mayor

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

**Comments on the Proposed Black Oak Ridge Area, ORR Conservation Easement  
Pursuant to the Natural Resources Damages Assessment (NRDA)**

Submitted by the City of Oak Ridge, Tennessee  
September 22, 2003

NRDA Process

1. The NRDA process provides for the designation of federal and state government trustees, but does not appear to have a provision for the appointment of a local government "trustee." As a result, the City was unaware of the activities of the NRDA Trustee Council until an Agreement in Principle (AIP) was signed between the Governor and DOE Management in late December 2002. While there may be support for the proposed conservation easement, the City is concerned that this very important decision regarding land use within the corporate limits of Oak Ridge was made without the knowledge of, or input from the officials elected to represent community interests. Several members of DOE's Oak Ridge Land Use Planning Focus Group that recommended land areas for conservation had an affiliation with the City; however, the views of these individuals did not indicate endorsement of the group's final report by Oak Ridge City Council. **As a result, the City seeks participation in the NRDA process to ensure community issues are identified and addressed as the trustees seek the recovery of natural resource damages.** Participation by the City is critical for a number of reasons, particularly since the trustees consider the proposed conservation easement *only the first in a number* of subsequent actions pursuant to the NRDA. Given that the proposed action is partial mitigation for damage that occurred *outside* the City of Oak Ridge, constituents have raised questions regarding why the proposed mitigation is conducted with land *inside* the City of Oak Ridge. Similarly, the trustees anticipate future mitigation for damages that have occurred on land within the city limits. The City should be engaged in NRDA land use discussions that impact the City's ability to expand its tax base, and hamper the City's attempt to achieve greater self-sufficiency.

2. It is unclear whether the proposed action has been analyzed pursuant to the National Environmental Policy Act (NEPA). Since a management plan has not yet been developed, a categorical exclusion--if one has been issued--appears to be inappropriate in this case. The management plan may include activities that have an impact on the environment. The proposed action of conserving more than 3000 acres is likely to be considered a major federal action, which results in socioeconomic and ecological impacts that need to be analyzed.

Conservation Easement Boundary

1. The 3,073-acre area proposed for a conservation easement between the State and DOE is within the Oak Ridge City limits and encompasses a significant portion of the 662-acre City/DOE Self-Sufficiency Parcel D. Under the City's self-sufficiency agreement with DOE, the City has the first right of refusal to certain parcels of land within the Oak Ridge Reservation, including Parcel D. The City Council Strategic Plan identifies a need for DOE to release a portion of Parcel D adjacent to Wisconsin Avenue for development of new housing. Thus, the boundaries of the easement should reflect the previous self-sufficiency commitment by DOE regarding the conveyance of Parcel D to the City. For the purposes of the proposed easement, the City does not relinquish its right of first refusal for Parcel D; rather the City supports a five-year agreement for the inclusion of approximately 417 acres of Parcel D in the proposed easement, and the conveyance of the remainder, approximately 245 acres, to the City for housing.

**Comments on the Proposed Black Oak Ridge Area,  
ORR Conservation Easement Pursuant to the  
Natural Resources Damages Assessment (NRDA)**

Submitted by the City of Oak Ridge, Tennessee

September 22, 2003

Page 2

2. The configuration of the proposed easement needs make reasonable accommodations for ongoing development of the Westwood Subdivision. Such accommodation includes a secondary access to the subdivision that is required by City regulations. Should DOE convey the 245 acres of Parcel D, the secondary access could be located within this parcel.
3. The configuration needs to consider the Roane County/City of Oak Ridge Planned Growth area, as adopted pursuant to Public Law 1101. This area is vital to the systematic growth in the West End of Oak Ridge.
4. Based on the map that accompanied the State's "Notice of Public Meeting," it is unclear whether the North Boundary Greenway borders the boundary or is a part of the proposed conservation easement. This issue should be clarified.

Management Plan

1. The management plan needs to have a provision stating that DOE shall maintain the ownership of land to ensure ongoing, *and possible expansion of* payments in lieu of taxes (PILT) to the City and Roane County.
2. The management plan needs to address the regular assessment and removal of dead trees and brush that could pose a safety hazard to nearby residential, commercial, and industrial properties. Residents in that area of the City have raised concerns that trees killed by pine beetles could pose a fire hazard.
3. The management plan should clarify whether DOE plans to continue maintaining the Greenway, which doubles as a security patrol road or whether maintenance will be performed by the State. The management plan should allow the potential to create additional trails within the easement that would or could be linked to the existing Greenway trail.
4. A large state-managed natural area within Oak Ridge could serve as a reservoir for flora and fauna, thus aiding in maintaining the quality of the natural environment in greenbelts and residential areas. Increased public access to this area for recreation could benefit both residents and visitors. However, it is important to ensure that this does not inadvertently turn into a negative for the City. Specific recommendations with respect to the management of this area to ensure the quality of the City's environment are:
  - Like Oak Ridge city greenbelts, the area should be managed to maintain a natural state.
  - The public greenway on the patrol road on the perimeter of this area should remain open for non-motorized recreation.

***Comments on the Proposed Black Oak Ridge Area,  
ORR Conservation Easement Pursuant to the  
Natural Resources Damages Assessment (NRDA)***  
Submitted by the City of Oak Ridge, Tennessee  
September 22, 2003  
Page 3

- Managed hunting needs to continue in this area to help control the deer population.
- Residents and businesses adjoining this area should have avenues open to them to express concerns that may arise regarding the area's management or the behavior of its users.

**GOVERNMENT AND PUBLIC AFFAIRS MEMORANDUM**  
**05-02**

TO: James R. O'Connor  
City Manager

FROM: Amy Fitzgerald, Ph.D.  
Government and Public Affairs Coordinator

DATE: February 3, 2005

RE: **Comments on the Black Oak Ridge Conservation Easement Draft Management Plan**

An item for the February 7th City Council meeting is the adoption of the attached resolution authorizing the transmittal of comments to the State of Tennessee on the proposed Black Oak Ridge Conservation Easement (BORCE) Draft Management Plan dated December 15, 2004.

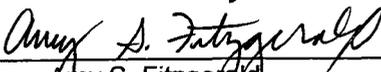
As you may recall, the State of Tennessee and the U.S. Department of Energy (DOE) signed an Agreement in Principle in December 2002 committing that approximately 3,000 acres of the Oak Ridge Reservation be set aside for permanent conservation pursuant to the Natural Resource Damage Assessment (NRDA) provision of the federal Superfund Law (CERCLA). The proposed action is of great significance to the City of Oak Ridge as this is first attempt by the Oak Ridge Reservation Natural Resource Trustee Council to identify a "payment" of land and other natural resources to partially mitigate damages stemming from DOE's release of contaminants in the environment. The Trustee Council is comprised of representatives from the State, DOE, the Tennessee Valley Authority, and the Department of Interior. Discussion regarding the City's involvement in Trustee Council matters is ongoing.

A state-sponsored public meeting was held in August 2003 to explain the initiative. Comments on the initial planning for the easement were adopted by City Council and transmitted to the State and DOE in September 2003. A second meeting to discuss the Draft Management Plan was held on January 11, 2005, which was attended by several staff and members of City Council. The meeting was well-attended, and many questions were raised regarding both the plan and real estate agreement between DOE and the State; the latter has not been made available for public review.

Final boundaries for the easement have not been released; however, it is staff's understanding that the eastern boundary will accommodate the City's proposal for the conveyance of Parcel ED-6; the environmental assessment for this parcel is underway. It is also staff's understanding that the 3,000 acre conservation easement will continue to be owned by DOE and that Payments in Lieu of Taxes (PILT) will be paid by DOE.

A copy of the Draft Management Plan and the attached comments have been provided to the City's Environmental Quality Advisory Board (EQAB) for review at their February 3, 2005 meeting. The EQAB's recommendations on the initial plan were incorporated into the City's comments transmitted to the State in 2003. Board members may communicate further to City Council at the February 7th meeting.

Staff recommends adoption of the attached resolution.

  
\_\_\_\_\_  
Amy S. Fitzgerald

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

**RESOLUTION**

WHEREAS, the U.S. Department of Energy (DOE), the State of Tennessee (State), and other Natural Resource Damages Trustees have been engaged in discussions and negotiations concerning natural resource injuries arising from DOE's activities on the Oak Ridge Reservation (ORR) pursuant to the Natural Resource Damages Assessment (NRDA) provision of the federal Superfund law; and

WHEREAS, as part of an effort to reach a fair and equitable settlement of remaining issues, DOE has agreed to grant the State a conservation easement on approximately 3,000 acres of land on the ORR for the establishment of natural and wildlife management areas; and

WHEREAS, the 3,000 acres is identified by the State and DOE as *The Black Oak Ridge Area, ORR*, which is located entirely within the corporate limits of the City of Oak Ridge; and

WHEREAS, the 3,000 acres is adjacent to Parcel ED-6, which the City has requested conveyance from DOE in order to help reduce the City's dependency on the federal government; and

WHEREAS, the State is soliciting comments on the *Black Oak Ridge Conservation Easement Draft Management Plan* dated December 15, 2004; and

WHEREAS, the City of Oak Ridge desires to officially comment to DOE and the State and has prepared comments and recommendations for consideration in the preparation of the final management plan; and

WHEREAS, the City Manager recommends transmittal of the attached document entitled *Comments on the Black Oak Ridge Conservation Easement Draft Management Plan* to the State and DOE.

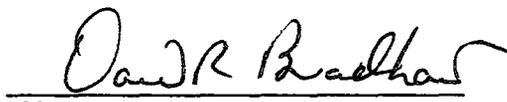
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached comments entitled *Comments on the Black Oak Ridge Conservation Easement Draft Management Plan* be transmitted to the State of Tennessee and the U.S. Department of Energy as the official comments of the City of Oak Ridge.

This the 7th day of February 2005.

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

  
Mayor

  
City Clerk

## ***Comments on the Black Oak Ridge Conservation Easement Draft Management Plan***

Submitted by the City of Oak Ridge, Tennessee  
February 2005

The City of Oak Ridge is generally supportive of the proposed Black Oak Ridge Conservation Easement (BORCE), although these comments are provided in the absence of a map showing the final easement boundaries. In addition, the City remains concerned that the federal and state governments are making major decisions without early, direct, and sustained involvement by local government officials.

As stated previously, a large state-managed natural area within Oak Ridge could serve as a reservoir for flora and fauna, thus aiding in maintaining the quality of the natural environment in our community. Increased public access to this area for recreation could benefit both residents and visitors, and should be a major goal of the State's management plan. However, it is important to ensure that this does not inadvertently turn into a negative for the City. Thus, the City requests the following issues be addressed:

1. The City requests that the State establish a point of contact with the City Manager's office in order to provide effective communication regarding the management plan.
2. In Section II. Background/Location - the BORCE location is referred to as being "...near the city of Oak Ridge...". This description needs to reflect that most of the easement is located within the corporate limits of the City of Oak Ridge.
3. Section III.G. Public Access - states that "Currently, public access is not provided to the BORCE." The plan needs to reflect that that access will continue to be provided to all parts of City greenways for all types of uses pursuant to the City's existing policies and agreements. For example, Section VIII.C. Prohibited Uses - subpart 3 of this section prohibits bicycles in the East Black Oak Ridge (EBOR) natural area. This is in conflict with our already established greenway system. Similarly, Section IX.C. Trails - states "There are currently no public use trails located within the BORCE." This statement conflicts with the City's already established greenway system.
4. The use of Hunley and Quarry Roads as a greenway has been discussed at length with DOE, but a license agreement with the City was never finalized. The parties need to address whether these old guard roads will be transferred to the City for greenway purposes, or whether they will remain part of the Management Area. In addition, the plan needs to clarify whether these roads will be available for biking and other recreational activities.
5. The plan is unclear regarding how much separation there will be between the North Boundary Greenway and the BORCE, and between the Wheat District Greenway and the BORCE.
6. The plan needs to clarify and be explicit regarding who will have the responsibility for emergency responses within the BORCE Management Area.
7. The plan describes that bike traffic is allowed on the North Boundary Greenway but not on the trails within the BORCE. Other existing gravel-surfaced roads within the BORCE probably are suitable for bicycle traffic without damage to the area's natural resources and

**Comments on the Black Oak Ridge Conservation Easement Draft Management Plan**  
City of Oak Ridge, Tennessee  
February 2005

Page Two

should be made available for this use; the plan should include an inventory of roads potentially suitable for bicycles. The plan needs to address how the transition between the North Boundary Greenway and the BORCE will be regulated and what penalties can be expected when the rules are violated. The plan should reflect a goal to complete a recreation loop that ties into existing greenways and identify these connectors.

8. Currently, TWRA has two officers maintaining and enforcing wildlife management regulations on the Oak Ridge Reservation. These officials also maintain grassy areas, including grass cutting on sites such as the Three Bends Area. The plan should describe what staffing levels are anticipated to be necessary for managing the BORCE and the budget for implementing the management plan.
9. Section III.H. New Projects and Initiatives - indicates that establishing a canoe trail on East Fork Poplar Creek and Poplar Creek is a long-term goal. This is an excellent goal and should be pursued as a short-term, rather than a long-term goal. The planning for this initiative should include appropriate parking at access points, and coordination with TDOT, especially with regard to areas where low bridges are located.
10. Similarly, Section IX.A. Parking - indicates there will be no parking areas. This statement is not compatible with additional public use. The plan needs to address parking for all activities within the BORCE.
11. Section VIII. Public Use - this section discusses uses within the EBOR (East Black Oak Ridge) natural area but is silent on the uses within the WBOR (West Black Oak Ridge) area. The plan lacks clear indication for uses within the proposed West Black Oak Ridge (WBOR) area other than wildlife management. Phrases like "may be considered" are too vague, and need further explanation.
12. The Draft Plan needs one or more detailed maps to depict the boundaries, the separate areas (WBOR vs. EBOR), as well as the location of trails, greenways, parking, and other amenities located within the site.



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

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

**ECONOMIC DEVELOPMENT MEMORANDUM  
09-01**

DATE: August 3, 2009  
TO: James R. O'Connor, City Manager  
FROM: Susan Fallon, Contracts/Grants Coordinator

**SUBJECT: ECONOMIC DEVELOPMENT ADMINISTRATION GRANT  
Heritage Center (ED-5 Parcel)**

The accompanying resolution authorizes the City of Oak Ridge to participate as a co-applicant with Heritage Center, LLC and the Community Reuse Organization of East Tennessee (CROET) for the application and acceptance of grant funds for infrastructure improvements on the ED-5 parcel, to be administered by U.S. Department of Commerce, Economic Development Administration (EDA), in the total amount of \$500,000.00.

The grant funds will assist with the cost of water and sewer infrastructure as well as with the construction of a new road through the ED-5 parcel located within the Heritage Center. The total project costs are estimated to be \$1,290,181.00, with Heritage Center, LLC providing the necessary matching funds required by the grant regulations. Listed below are the cost estimates provided in the grant application.

Potable Water System Improvements	\$ 114,800.00
Sanitary Sewer System Improvements	\$ 373,500.00
Road and Drainage Improvements	\$ 434,627.00
Engineering and Administrative Costs	\$ 157,669.00
Grant Administration	\$ 25,000.00
Contingency (20% of improvements)	<u>\$ 184,585.00</u>
Total Estimated Cost	\$1,290,181.00

As the primary applicant, the grant funds will be awarded to Heritage Center, LLC, making them responsible for construction contracts. Consistent with City development practices, the Public Works Department will be responsible for the review and approval of engineering plans and specifications, as well as the inspection of the utility and roadway construction. Upon completion, the new infrastructure will be dedicated to and accepted by the City of Oak Ridge.

The East Tennessee Development District (ETDD) is preparing the grant application and will administer the grant award. Staff recommends approval of the attached resolution as submitted.

\_\_\_\_\_  
Susan Fallon

**City Manager's Comments:**

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

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

\_\_\_\_\_  
Date

**RESOLUTION**

WHEREAS, the City of Oak Ridge is vitally interested in the economic welfare of its citizens and wishes to provide the necessary leadership to enhance capabilities for growth and development; and

WHEREAS, the provision of jobs to area citizens by local industry is both necessary and vital to the economic well-being of the City; and

WHEREAS, the U.S. Department of Commerce Economic Development Administration has grant funds available for infrastructure improvements; and

WHEREAS, the City desires to apply for grant funding for construction of water and sewer infrastructure, as well as a new road, on Parcel ED-5 located at the Heritage Center as a co-applicant with Heritage Center, LLC, and the Community Reuse Organization of East Tennessee (CROET); and

WHEREAS, the U.S. Department of Commerce Economic Development Administration funding requires a local match and Heritage Center, LLC, has agreed to provide all required matching funds; and

WHEREAS, upon approval of the grant by the U.S. Department of Commerce Economic Development Administration, the grant funds will be awarded to Heritage Center, LLC, and administered by the East Tennessee Development District; and

WHEREAS, the City Manager recommends submittal of the application and acceptance of said funding upon approval by the U.S. Department of Commerce Economic Development Administration.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to submit an application to the U.S. Department of Commerce Economic Development Administration for a grant in an amount up to \$500,000.00 for assistance in water and sewer infrastructure improvements, as well as construction of a new road, on Parcel ED-5 located within the Heritage Center as a co-applicant with Heritage Center, LLC, and the Community Reuse Organization of East Tennessee (CROET); said grant requires local matching funds which shall be paid by Heritage Center, LLC.

BE IT FURTHER RESOLVED that if the application is approved by the U.S. Department of Commerce Economic Development Administration, the City is authorized to accept said funding.

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

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

**CITY COUNCIL MEMORANDUM**  
**09-27**

DATE: August 3, 2009

TO: Honorable Mayor and Members of City Council

FROM: James R. O'Connor, City Manager

SUBJECT: RECOMMENDATION REGARDING GREENHOUSE GAS EMISSIONS  
REDUCTION TARGET FOR TRANSMITTAL TO THE LOCAL  
GOVERNMENTS FOR SUSTAINABILITY (ICLEI)

An item for the August 10, 2009 City Council meeting is the attached resolution authorizing the adoption of a Greenhouse Gas Emissions Reduction Target for transmittal to the Local Governments for Sustainability (ICLEI), formerly known as the International Council for Local Environmental Initiatives.

Resolution 5-47-08 authorized the City of Oak Ridge to join ICLEI, pledging to complete ICLEI's five milestones. The five milestones are:

1. Conduct a baseline emissions inventory and forecast. Based on energy and waste data, the city calculates greenhouse gas emissions for a base year (e.g., 2000) and for a forecast year (e.g., 2015). The inventory and the forecast capture emissions from all municipal operations (e.g., city owned and/or operated buildings, streetlights, transit systems, wastewater treatment facilities) and from all community-related activities (e.g., residential and commercial buildings, motor vehicles, waste streams, industry). The inventory and forecast provide a benchmark against which the city can measure progress.
2. Adopt an emissions reduction target for the forecast year. The city passes a council resolution establishing an emission reduction target for the city. The target is essential both to foster political will and to create a framework to guide the planning and implementation of measures.
3. Develop a Local Action Plan. The local government develops a Local Action Plan that describes or lists the policies and measures that the local government will take to reduce greenhouse gas emissions and achieve its emissions reduction target. Most plans include a timeline, a description of financing mechanisms, and an assignment of responsibility to departments and staff. In addition to direct greenhouse gas reduction measures, most plans also incorporate public awareness and education efforts. The development of the Local Action Plan should include strong public input and involvement in order to build the consensus among stakeholders required to implement measures.
4. Implement policies and measures. The city implements the policies and measures contained in their Local Action Plan. Typical policies and measures implemented by CCP participants include energy efficiency improvements to municipal buildings and water treatment facilities, streetlight retrofits, public transit improvements, installation of renewable power applications, and methane recovery from waste management.
5. Monitor and verify results. Monitoring and verifying progress on the implementation of measures to reduce or avoid greenhouse gas emissions is an ongoing process. Monitoring

begins once measures are implemented and continues for the life of the measures, providing important feedback that can be use to improve the measures over time. ICLEI's software provides a uniform methodology for cities to report on measures.

As you are aware, the Environmental Quality Advisory Board has been working with our Intern for more than a year, and the next step to fulfill the pledge is the adoption of an emissions reduction target (Milestone 2).

In consultation with EQAB, staff recommends the following emissions reductions using the year 2004 as a baseline:

Municipal Reductions

- 10% by 2015
- 50% by 2030
- 80% by 2050

Community Reductions

- 5% by 2015
- 30% by 2030
- 70% by 2050

The EQAB is currently developing a local climate action plan and recommendations for implementation of other sustainability initiatives for the City of Oak Ridge. I recommend adoption of the attached resolution.



James R. O'Connor

Attachments

cc: James P. Groton, Chair, Environmental Quality Advisory Board

**CITY COUNCIL MEMORANDUM**  
**08-24**

DATE: May 7, 2008

TO: Honorable Mayor and Members of City Council

FROM: James R. O'Connor, City Manager

SUBJECT: MEMBERSHIP IN THE INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES (ICLEI)

An item for the May 19th City Council meeting is the adoption of the attached resolution authorizing the City's membership the International Council for Local Environmental Initiatives (ICLEI).

As explained in City Council Memorandum 08-15, I referred the idea of developing an official Oak Ridge Sustainability Initiative to the Environmental Quality Advisory Board, including membership in ICLEI. I attended the May 1st meeting of EQAB, and believe the membership in ICLEI will assist the board as it conducts its work throughout the summer.

Once cities join ICLEI, the organization provides experienced staff, software tools, and a wide variety of programs and technical assistance to help local governments reduce greenhouse gas emissions. Additional information about the membership is provided below.

**Benefits of Participation**

ICLEI provides local governments that participate in the Cities for Climate Protection (CCP) Campaign with access to the following resources:

- Software products and associated training to assist with the quantification of greenhouse gas reductions and other benefits of climate protection planning.
- Access to a professional network of peers through list servers, newsletters, conferences, and workshops.
- Toolkits, online resources, case studies, fact sheets, policy and practice manuals, and guides on approaches that other local governments have successfully used to reduce greenhouse gases.
- Training workshops for staff and elected officials on how to develop and implement effective long-term emission reduction strategies.
- Technical assistance in designing and implementing actions to reduce greenhouse gas emissions.
- Notification of relevant grant opportunities.
- Assistance in publicizing local climate protection successes.

In addition, the communities that participate in CCP also benefit from the actions that they take to reduce greenhouse gas emissions through:

- Financial savings in reduced utility and fuel costs to the local government, households, and businesses.
- Improved local air quality, contributing to the general health and well being of the community.
- Economic development and new local jobs as investments in locally produced energy products and services keep money circulating in the local economy.

### **Getting Started**

To join ICLEI and participate in its CCP campaign, the City must adopt a resolution pledging to reduce greenhouse gas emissions from local government operations and throughout the community. Each local government sets its own emission reduction target and develops a Local Action Plan outlining actions that the city will pursue to meet its target.

After passing the resolution, the City will designate a staff member and an elected official to serve as the city's liaisons to ICLEI. The liaisons then receive welcome packets from ICLEI that include a detailed Toolkit. This toolkit leads the local government staff person step-by-step through the 5 Milestone process.

### **The 5 Milestones**

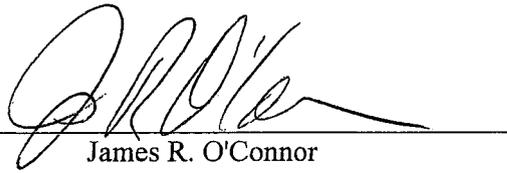
The methodology underlying the 5 Milestones of the CCP Campaign provides a simple, standardized means of calculating greenhouse gas emissions, of establishing targets to lower emissions, of reducing greenhouse gas emissions and of monitoring, measuring and reporting performance. ICLEI has developed a software tool that helps cities comply with the methodology. The 5 milestones are:

1. Conduct a baseline emissions inventory and forecast. Based on energy and waste data, the city calculates greenhouse gas emissions for a base year (e.g., 2000) and for a forecast year (e.g., 2015). The inventory and the forecast capture emissions from all municipal operations (e.g., city owned and/or operated buildings, streetlights, transit systems, wastewater treatment facilities) and from all community-related activities (e.g., residential and commercial buildings, motor vehicles, waste streams, industry). The inventory and forecast provide a benchmark against which the city can measure progress.
2. Adopt an emissions reduction target for the forecast year. The city passes a council resolution establishing an emission reduction target for the city. The target is essential both to foster political will and to create a framework to guide the planning and implementation of measures.
3. Develop a Local Action Plan. The local government develops a Local Action Plan that describes or lists the policies and measures that the local government will take to reduce greenhouse gas emissions and achieve its emissions reduction target. Most plans include a timeline, a description of financing mechanisms, and an assignment of responsibility to departments and staff. In addition to direct greenhouse gas reduction measures, most plans also incorporate public awareness and education efforts. The development of the Local Action Plan should include strong public input and involvement in order to build the consensus among stakeholders required to implement measures.
4. Implement policies and measures. The city implements the policies and measures contained in their Local Action Plan. Typical policies and measures implemented by CCP participants include energy efficiency improvements to municipal buildings and water

treatment facilities, streetlight retrofits, public transit improvements, installation of renewable power applications, and methane recovery from waste management.

5. Monitor and verify results. Monitoring and verifying progress on the implementation of measures to reduce or avoid greenhouse gas emissions is an ongoing process. Monitoring begins once measures are implemented and continues for the life of the measures, providing important feedback that can be use to improve the measures over time. ICLEI's software provides a uniform methodology for cities to report on measures.

In summary, a membership in ICLEI will provide resources that will assist EQAB in the development of recommendations regarding sustainability initiatives for the City of Oak Ridge. I recommend adoption of the attached resolution.



James R. O'Connor

Attachment

cc: Al Skyberg, Chair, Environmental Quality Advisory Board

**RESOLUTION**

WHEREAS, scientific consensus has developed that carbon dioxide (CO<sub>2</sub>) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and

WHEREAS, the 2007 Fourth Assessment Report from the Intergovernmental Panel on Climate Change states that it is likely that most of the observed increases in globally averaged temperatures since the mid-20<sup>th</sup> century are due to human-induced greenhouse gas emissions; and

WHEREAS, in 2006 the U.S. National Climatic Data Center confirmed clear evidence of human influences on climate due to changes in greenhouse gases; and

WHEREAS, the U.S. Conference of Mayors endorsed the 2005 U.S. Mayors' Climate Protection Agreement, signed by more than 750 mayors in the U.S. as of February 2008; and

WHEREAS, the Urban Environmental Accords adopted by local government delegates during U.N. World Environment Day 2005 call for reduced emissions through energy efficiency, land use and transportation planning, waste reduction, and wiser energy management; and

WHEREAS, in 2003 the American Geophysical Union adopted a statement noting that human activities are altering the Earth's climate and that natural influences cannot explain the increase in near-surface temperatures observed during the second half of the 20<sup>th</sup> century; and

WHEREAS, in 2001, at the request of the Administration, the National Academy of Sciences declared global warming a real problem likely due to human activities; and

WHEREAS, 162 countries including the United States pledged under the United Nations Framework Convention on Climate Change to reduce their greenhouse gas emissions; and

WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for more than 80% of U.S. greenhouse gas emissions; and

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for the local government, its businesses, and its residents; and

WHEREAS, the Cities for Climate Protection<sup>®</sup> Campaign sponsored by the International Council for Local Environmental Initiatives (ICLEI) is urging cities to join ICLEI and become a partner in the Cities and Counties Climate Protection Program; and

WHEREAS, the City Manager recommends that the City of Oak Ridge join ICLEI as a Full Member and pledge to take a leadership role in promoting public awareness about the causes and impacts of climate change; and

WHEREAS, the City Manager recommends that the City of Oak Ridge undertake ICLEI's five milestones to reduce both greenhouse gas and air pollution emissions throughout the community, and specifically:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;

- Implement the action plan; and
- Monitor and report progress; and

WHEREAS, the City Manager further recommends that the City of Oak Ridge Environmental Quality Advisory Board advise the City in the development and implementation of ICLEI's milestones, and to request assistance from ICLEI's Cities for Climate Protection Campaign as it progresses through the milestones.

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

That the recommendations of the City Manager are approved and the City of Oak Ridge will join the International Council for Local Environmental Initiatives (ICLEI) as a Full Member and pledge to take a leadership role in promoting public awareness about the causes and impacts of climate change.

BE IT FURTHER RESOLVED that the City of Oak Ridge will undertake ICLEI's five milestones to reduce both greenhouse gas and air pollution emissions throughout the community, and specifically:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress.

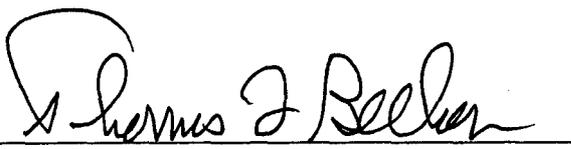
BE IT FURTHER RESOLVED that the City of Oak Ridge Environmental Quality Advisory Board will advise the City in the development and implementation of ICLEI's milestones and request assistance from ICLEI's Cities for Climate Protection® Campaign as it progresses through the milestones.

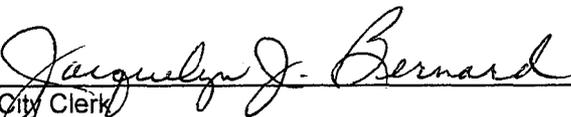
BE IT FURTHER RESOLVED that the Mayor or City Manager is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 19th day of May 2008.

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

  
Mayor

  
City Clerk

**RESOLUTION**

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for the local government, its businesses, and its residents; and

WHEREAS, pursuant to Resolution 5-47-08, the City of Oak Ridge joined the Local Governments for Sustainability (ICLEI), formerly known as the International Council for Local Environmental Initiatives; and

WHEREAS, the City of Oak Ridge pledged to undertake ICLEI's five milestones to reduce both greenhouse gas and air pollution emissions throughout the community, and specifically:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress; and

WHEREAS, in consultation with the City of Oak Ridge Environmental Quality Advisory Board, the City Manager recommends the adoption of the following emissions reduction target using the year 2004 as a baseline, which will fulfill the second milestone:

Municipal Reductions

- 10% by 2015
- 50% by 2030
- 80% by 2050

Community Reductions

- 5% by 2015
- 30% by 2030
- 70% by 2050

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

That the recommendation of the City Manager is approved and the City of Oak Ridge hereby adopts the following emissions reduction target using the year 2004 as a baseline, which will fulfill the second of the five milestones approved by City Council by Resolution 5-47-08:

Municipal Reductions

- 10% by 2015
- 50% by 2030
- 80% by 2050

Community Reductions

- 5% by 2015
- 30% by 2030
- 70% by 2050

BE IT FURTHER RESOLVED that the Mayor or City Manager is hereby authorized to transmit these reduction targets to the Local Governments for Sustainability (ICLEI), formerly known as the International Council for Local Environmental Initiatives, as the official reduction targets of the City of Oak Ridge.

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

**COMMUNITY DEVELOPMENT MEMORANDUM**  
**09-34**

**DATE:** July 21, 2009

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

**THROUGH:** Kathryn Baldwin, Community Development Director 

**FROM:** Kahla Gentry, Senior Planner  
Susan Fallon, Contracts/Grants Coordinator

**SUBJECT:** 2009 Neighborhood Stabilization Program (NSP)

The accompanying resolution authorizes the City of Oak Ridge in partnership with Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC) to accept funds from the 2009 Neighborhood Stabilization Program (NSP) grant awarded by the Tennessee Housing Development Agency (THDA) in the amount of \$94,631.00.

The NSP is funded through the Housing and Economic Recovery Act of 2008 (HERA) and amended by the American Recovery and Reinvestment Act (ARRA) approved in February 2009. THDA is administering the federally funded NSP through local governments and non-profit organizations on behalf of the U.S. Department of Housing and Urban Development (HUD).

The purpose of the NSP is to provide emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might become sources of abandonment and blight within their communities. Following are eligible uses of the NSP grant funds.

USE	DESCRIPTION
A	Establish financing mechanisms for the purchase and redevelopment of foreclosed homes
B	Purchase and rehabilitate abandoned or foreclosed homes
C	Demolish blighted structures
D	Establish and operate land banks of foreclosed homes
E	Redevelop demolished or vacant properties as housing

The grant term of the NSP began for THDA on March 19, 2009 and is currently scheduled to end on September 30, 2010. The grant term of the NSP for the City of Oak Ridge began on July 1, 2009 and is currently scheduled to end on September 30, 2010. The City of Oak Ridge must show progress in planning for the use of the funds by October 1, 2009 and by committing the funds to specific projects by January 1, 2010.

Staff members Kahla Gentry and Susan Fallon, and ADFAC employee Bronzie Harris, attended a pre-application meeting in Knoxville on April 7, 2009. The grant application was due to THDA by April 30, 2009. The three weeks between the meeting in Knoxville and the due date to THDA, did not allow time for staff to prepare and to seek City Council approval of the grant application prior to submittal. A copy of the grant application was transmitted by the City Manager to members of City Council as an attachment to City Council Memorandum 09-17 dated April 29, 2009.

The City of Oak Ridge is required to utilize the NSP funds within census tract 205, which encompasses the area west of Highland Avenue and east of Louisiana Avenue, north to West Outer Drive and south to Oak Ridge Turnpike (map attached). Using available housing statistics, this census tract was determined by THDA as the city's area of greatest need.

Community Development Memorandum

09-34

Page 2 of 2

The NSP grant application submitted to THDA included using the grant funds for item E in the table above, redevelop demolished or vacant properties as housing. Eligible use E allows for the grant funds to be utilized for acquisition and disposition of vacant properties. There is no requirement under eligible use E that the property be either foreclosed or abandoned, it must be vacant and includes vacant land.

Following is the current timeline for the City of Oak Ridge for the NSP grant:

April 30, 2009	Grant application submitted to THDA
July 1, 2009	Grant awarded by THDA to the City of Oak Ridge
August 3, 2009	Environmental Review process begun by city staff
August 10, 2009	Grant acceptance recommended for approval by Oak Ridge City Council
August 17, 2009	ADFAC begins the discussions of the purchase of identified vacant lots with the owners, contingent on the Environmental Review approval
October 1, 2009	Environmental Review process completed and submitted to THDA
November 1, 2009	ADFAC prepares formal offers for purchase of identified vacant lots
June 1, 2010	Identified vacant lots purchased and grant closeout process begins

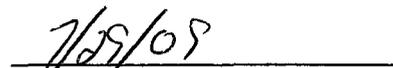
The budgeted funds for the NSP grant are \$89,900.00 for eligible use E, which includes all acquisition costs (purchase price, realtor fees, recording fees, etc.) for the properties and \$4,731.00 for administrative costs, which will be utilized by city staff and ADFAC.

Staff recommends approval of the attached resolution as submitted.

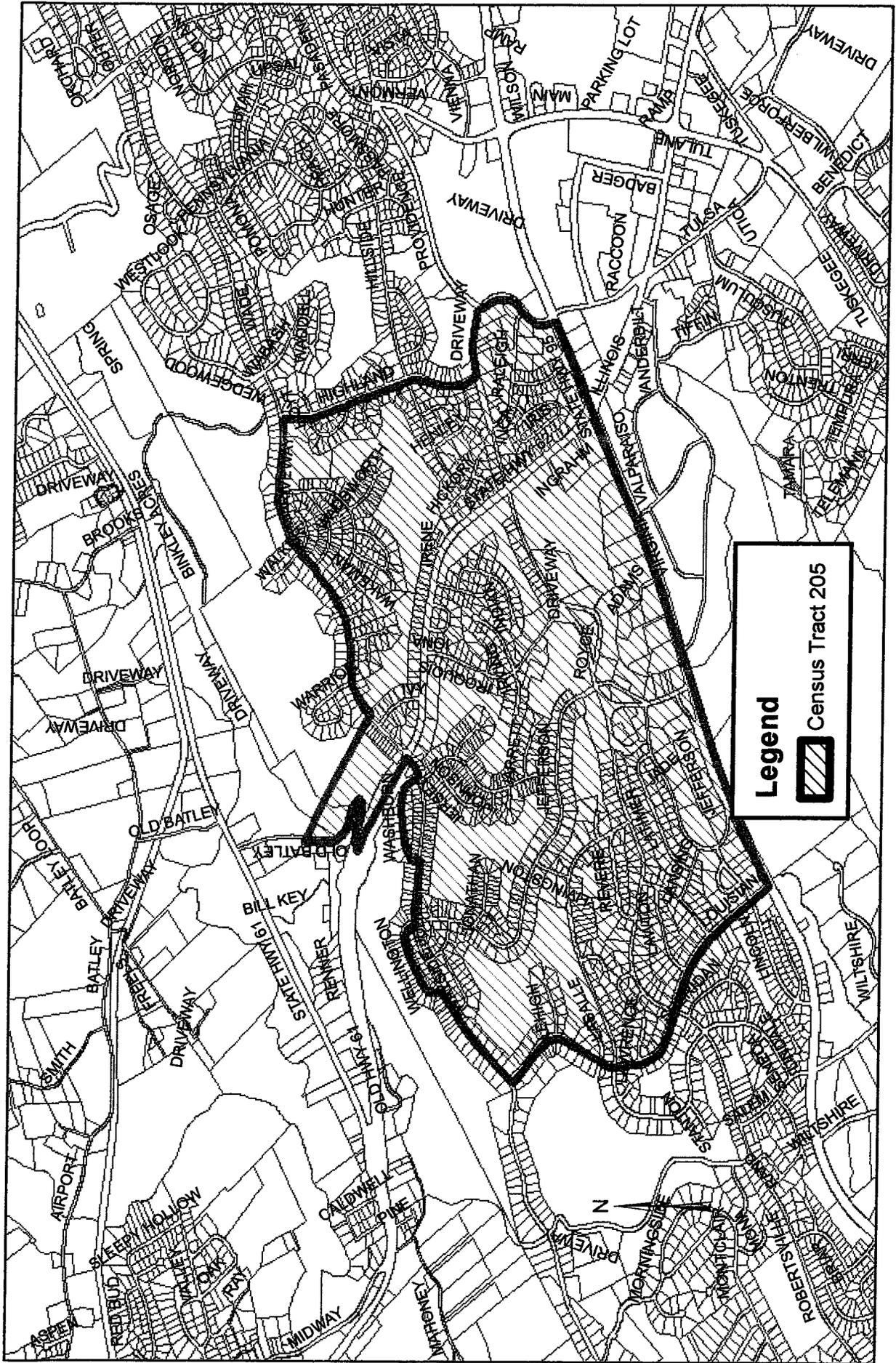
**City Manager's Comments:**

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

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

  
\_\_\_\_\_  
Date

# Properties In Census Tract 205



**RESOLUTION**

WHEREAS, the Tennessee Housing Development Agency (THDA) administers the federally funded Neighborhood Stabilization grant program to provide emergency assistance to state and local governments to acquire and redevelop vacant properties that might become sources of abandonment and blight within their communities; and

WHEREAS, THDA has awarded the City a grant in the amount of \$89,900.00 for use within Census Tract 205, which is the area west of Highland Avenue and east of Louisiana Avenue, north to West Outer Drive and south to Oak Ridge Turnpike; and

WHEREAS, this area was determined by THDA, based upon available housing statistics, as the City's area of greatest need; and

WHEREAS, the City desires to utilize the grant funds for acquisition and redevelopment of vacant properties; and

WHEREAS, the City has partnered with Aid to Distressed Families of Appalachian Counties, Inc., (ADFAC) for the preparation of the grant application and upon award the administration of the grant; and

WHEREAS, the City Manager recommends acceptance of the grant for Neighborhood Stabilization Program funds.

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

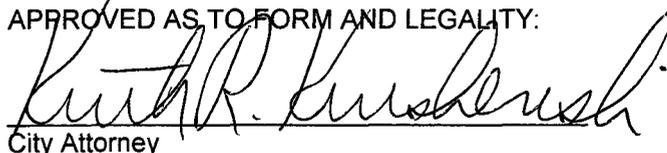
That the recommendation of the City Manager is approved and the 2009 Neighborhood Stabilization Program grant from the Tennessee Housing Development Agency (THDA) for the acquisition and redevelopment of vacant properties that might become sources of abandonment and blight, in the amount of \$89,900.00, is hereby accepted.

BE IT FURTHER RESOLVED that the City is hereby authorized to enter into a subrecipient agreement with Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC), to provide the services for the 2009 Neighborhood Stabilization Program awarded to the City of Oak Ridge, with said agreement in the estimated amount of \$93,900.00, which includes \$4,000.00 for administration of the grant program.

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

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

\_\_\_\_\_  
Mayor

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

**PUBLIC WORKS MEMORANDUM**  
**09-29**

**DATE:** July 27, 2009  
**TO:** James R. O'Connor, City Manager  
**FROM:** Gary M. Cinder, P.E., Director of Public Works  
**SUBJECT:** **Programmed Sewer Rehabilitation Project Contract "N" COR 09-07**

The accompanying resolution awards a contract in the estimated amount of \$ 839,087 to Underground Technologies, Maryville, TN for the repair and rehabilitation of portions of the City's sanitary sewer collection system.

In 1992, the City began a program to reduce the amount of Inflow and Infiltration (I&I) entering the sanitary sewer collection system. The reduction of I&I is necessary to eliminate occurrences of untreated wastewater bypassing the collection system. This untreated water drains into the City's storm water collection system or, in the case of bypasses on the sewer interceptor line, directly into East Fork Poplar Creek. Both the United States Environmental Protections Agency (EPA) and the State of Tennessee Department of Environment and Conversation (TDEC) have begun enforcement action against agencies that do not take adequate steps toward eliminating bypasses in their collection systems.

Reduction of I&I also reduces the cost of treating rainwater runoff that is retained in the collection system and deposited at the Wastewater Treatment Plant (WWTP). Normal dry weather flow at the WWTP is approximately 5 million gallons per day (MGD); however, during wet weather events, flow can exceed 25 MGD. Also, the City hopes to eliminate health and safety concerns and reduce the cost of damage claims from sewer backups by reducing I&I.

When the program began, the City sewer collection system was divided into 81 mini-systems that were prioritized from worse to best in terms of the amount of I&I entering the collection system. The first 11 contracts for rehabilitation of the sanitary sewer collection system were let solely for the purpose of removing extraneous water from the mini-systems that were judged to be most in need of repair.

The original plan for accomplishing repairs when defects were discovered was to maintain flow where backups occur by placing the location on a schedule to receive routine maintenance in an effort to prevent additional incidents. This maintenance was normally in the form of cleaning with jet rodding equipment and took place as often as every 90 days. The problem this created was that the list of maintenance locations, known as the drilling list, grew much faster than repairs could be accomplished, meaning at least one City crew and sometimes two were devoted to nothing but routine cleaning. In addition some locations would stay on the maintenance list for years.

The current focus is to develop rehab projects which do not have any geographic restrictions, but instead combine the concept of addressing all of the problems on the drilling list citywide with doing repairs in the next mini-system(s) on the priority list. By repairing these trouble spots, Public Works is able to eliminate the need to clean these locations regularly, thus saving man-hours and equipment costs and allowing the City to use these resources for other activities. Contract "N" will continue the concept of combining rehabilitation with repairs.

Contract "N" will focus primarily on mini-system E-12. This is the area north of the Oak Ridge Turnpike between Athens Road and California Avenue. In addition to repairs in mini-system E-12, Contract "N" will also repair problems City wide that have been discovered since 2007, but were not in imminent danger of failure.

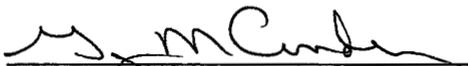
To date, the City has let 19 contracts for bid under the Sanitary Sewer Rehabilitation program. Fourteen of these were for the purpose of reducing I&I or repair locations where backups or by passes have occurred. Three were for clean and TV inspection and two were for installation and repair of sewer forcemains. Under the 14 contracts for repair or rehabilitation 211,248 linear feet of the City's 1.1 million feet of sanitary sewer line has been renewed or replaced and 1,851 of the City's approximately 5,700 manholes have been repaired or replaced.

City Council should be aware that while Contract "N" was being let for bid, work to clean and TV inspect approximately 11,100 linear feet of the main interceptor line from Emory Valley Road east to Tulane Avenue was taking place under a contract (COR 09-05) which was let for bid earlier this year. The majority of previous clean and TV inspection contracts were let to collect information prior to designing sewer rehabilitation projects. This contract was let in direct response to wet weather sanitary sewer overflows (SSOs) and was needed to gain information to determine the cause of these SSOs. Staff received the results from the TV inspection the same week Contract "N" was let for bid. At the time of this writing, staff is reviewing the information and has learned there may be defects in as much as 3,800 linear feet of line. When review of the clean and TV inspection information is complete and repair strategies are chosen, the work needed on the interceptor will be combined with non-emergency system-wide repairs accumulated to date to form Contract "O". Council can expect Contract "O" to be presented in the spring of 2010.

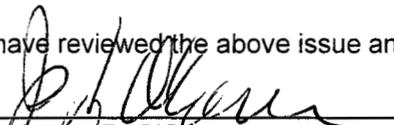
Staff is now moving the program from an aggressive rehabilitation program primarily for the purpose of removing I&I to a program intended to repair and maintain the sanitary sewer collection system. This program has allowed the City to make substantial progress toward the goals discussed above. By voluntarily operating an on-going program to reduce I&I, the City has avoided a State mandated program that would most likely be much more aggressive and more expensive and could include a moratorium on new customers which would effectively eliminate any new economic development.

Funding for sanitary sewer collection system rehabilitation is presently available through a loan from the State of Tennessee Revolving Loan Fund (SRF) Program administered by the Tennessee Department of Environment and Conservation.

Final award of this contract is subject to TDEC approval. Staff recommends approval of the accompanying resolution.

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

ks

<b>City Manager's Comments:</b>	
I have reviewed the above issue and recommend council action as outlined in this document.	
 _____ James R. O'Connor	 _____ Date



**RESOLUTION**

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for the repair and/or rehabilitation of portions of the sanitary sewer collection system; and

WHEREAS, said improvements will be financed with funds from the State Revolving Loan Program and shall be subjected to final approval by the Tennessee Department of Environment and Conservation which administers said program; and

WHEREAS, bids were received and publicly opened on July 23, 2009, with Underground Technologies, Inc., Maryville, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

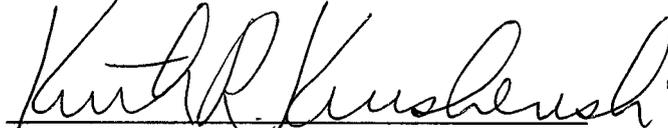
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Underground Technologies, Inc., 2722 Louisville Road, Maryville, Tennessee 37801, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the repair and rehabilitation of portions of the sanitary sewer collection system; said award in strict accordance with COR 09-07 (Contract N), the bid as submitted and publicly opened on July 23, 2009, and in the estimated amount of \$839,087.00.

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

This the 10th day of August 2009

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

**PUBLIC WORKS MEMORANDUM**  
**09-28**

**DATE:** July 27, 2009  
**TO:** James R. O'Connor, City Manager  
**FROM:** Gary M. Cinder, P.E., Director of Public Works  
**SUBJECT: REPLACEMENT OF 4 MILLION GALLON RESERVOIR COVER AT THE WATER TREATMENT PLANT**

The accompanying resolution authorizes a contract in the estimated amount of \$110,000 to Lamar Dunn & Associates, Inc. (LD&A), Knoxville, TN for professional engineering services related to the replacement of the 4 million gallon (MG) reservoir cover at the Water Treatment Plant.

The existing cover is a membrane "floating cover" which has exceeded its design life. It is approximately 20 years old and was in place when the City assumed ownership of the water plant almost 10 years ago. The cover must be replaced to provide the protection required by drinking water regulations. Maintenance issues continue to be repairing tears in the membrane and removing ponded rain water from the top of the cover.

In February 2009, LD&A was hired to develop a feasibility report reviewing three options and combinations previously discussed with staff and to provide a recommendation based on findings of their investigation. The options were to:

- replace the floating cover with a similar material,
- design a custom truss system (external or internal) with a clear span,
- use a pre-engineered/manufactured bent system with a clear span.

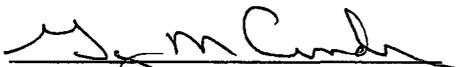
The recommended option is a freestanding metal structure using a pre-engineered bent system. Due to the age of the reservoir structure, it is advised not to attach any part of the new cover to the reservoir.

Part of the foundation for this cover consists of boring large holes in the ground around the existing reservoir structure for concrete piers to attach steel columns. Foundation Systems Engineering, the structural firm retained for this project and previously used for the structural repair project at the water plant, recommended boring the hillside on the southeast end of the plant for concrete piers or pilings to stabilize the slope. To save money on mobilization fees, we plan to have that work performed during this project using the same contract for both jobs.

This professional services contract also provides assistance with bid preparation and bid review; review of contractor pay requests and shop drawings; engineering services during construction, construction oversight; and final inspection of the work.

The construction contracts associated with this project will be brought before Council as separate actions after completion of the design and bids have been received.

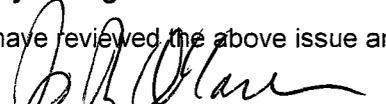
Funds for this project are available in the Waterworks Fund budget. Staff recommends approval of the accompanying resolution.

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

ks

**City Manager's Comments:**

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

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

7/27/09  
Date

**RESOLUTION**

WHEREAS, the existing 4 million gallon reservoir cover at the Water Treatment Plant is in need of replacement; and

WHEREAS, the City of Oak Ridge is in need of professional engineering services for final design of the replacement cover, as well as services relating to the bidding process and construction oversight; and

WHEREAS, Lamar Dunn & Associates, Inc., Knoxville, Tennessee, has been the City's consultant on numerous water projects in the past and most recently developed a feasibility report reviewing three options for cover replacement; and

WHEREAS, Lamar Dunn & Associates, Inc., has submitted a proposal to perform the needed services, which proposal the City Manager recommends be accepted.

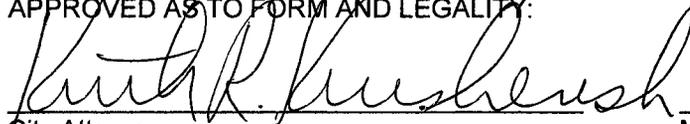
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and a Professional Services Agreement between the City of Oak Ridge and Lamar Dunn & Associates, Inc., 3305 Maloney Road, Knoxville, Tennessee 37920, for the provision of professional engineering services for the final design for the replacement of the 4 million gallon reservoir cover at the Water Treatment Plant, as well as services relating to the bidding process and construction oversight, in the estimated amount of \$110,000.00, and in strict accordance with the terms and provisions in the proposal as submitted, dated June 29, 2009, is hereby approved.

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

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:



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

\_\_\_\_\_  
Mayor

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

**PUBLIC WORKS MEMORANDUM**  
**09-31**

**DATE:** August 4, 2009  
**TO:** James R. O'Connor, City Manager  
**FROM:** Gary M. Cinder, P.E., Director of Public Works  
**SUBJECT: STATE ROUTE 95 – PHASE II WIDENING**

The accompanying resolutions authorize approval of two new contracts and an amendment to an existing contract related to the widening of Tennessee State Route 95 (SR95) also known as Oak Ridge Turnpike. The new contracts are with the State of Tennessee, Department of Transportation (TDOT) in the estimated amount of \$1,654,852.06 to construct a new 16-inch diameter waterline from just west of the guard shack located at SR95 and Westover Drive to Novus Drive and to relocate portions of two existing sewer pressure forcemains. The contract being amended is with Jordan Jones & Goulding, Inc. (JJ&G), Knoxville, TN, for professional engineering services in the estimated amount of \$36,500.

The design and construction effort to widen the roadway from Interstate 40 (I-40) near Kingston to Illinois Avenue in Oak Ridge has been on-going for a number of years. Phase I from I-40 east to the interchange of State Routes 95 and 58 has been completed. Phase III from Westover Drive east to Illinois Avenue is currently under construction with completion expected in 2010, and Phase II from the interchange of State Routes 95 & 58 east to Westover Drive is expected to be let for bid in September of this year.

At the April 17, 2006 meeting, Council approved a contract (Resolution 4-37-06) with TDOT to relocate and upgrade the existing waterlines running under and/or parallel to SR95. This was required by TDOT prior to construction of Phase III of the SR95 widening project in order to ensure the waterlines would not be under the new roadway surface. By moving the waterlines, any future repair of failures or new connections will not require excavating in the travel lanes of SR95.

Staff saw this as an opportunity to correct several hydraulic deficiencies in the city's water system. The existing water distribution system along SR95 consisted of a maze of 6-inch, 8-inch and 10-inch diameter waterlines running under or alongside SR95. In many locations, secondary lines had been laid beside and parallel to existing lines in an effort to increase the volume of water available in the west end of Oak Ridge. The City's main treatment plant serves all the way out to Rarity Oaks; however, because of inadequate water volume that far west, the project has been limited to only 50 homes until additional water is available. In addition, inadequate water volume forces City maintenance personnel to operate the pumping station that supplies water to the Wisconsin Avenue water tank at a half capacity rate. This is done to avoid causing water shortage in the Gum Hollow neighborhood. By using the required relocation to construct a new 16-inch waterline, staff will be able to eliminate these deficiencies.

The first new contract with TDOT, termed Utility Relocation Contract (Water) Project 73017-2217-14 and numbered Contract No. 7412 in the amount of \$1,596,651.56 is to extend the new 16-inch waterline constructed under Phase III of the widening project along the route to be widened in Phase II to a point where it will connect with existing waterlines near Novus Drive in Horizon Center. This will allow the City to replace the water currently provided to Horizon Center, Heritage Center and the Clinch River Industrial Park (CRIP) from the East Tennessee Technology Park (ETTP) treatment plant, which was taken over by the City in May 2008, with water from the City's main treatment plant.

By providing water to these locations through the new 16-inch waterline, the City will be able to terminate operation of the ETTP treatment facility resulting in savings to both the City and DOE. In addition, the City has plans to extend a waterline under the Clinch River from east to west to connect to the water distribution system presently in place at Rarity Ridge. This will allow the City to provide water to supplement or replace the current water source (Cumberland Utility District) and also to potentially sell water to providers west of Oak Ridge located west of the Clinch River.

The second new contract with TDOT, termed Utility Relocation Contract (Sewer) Project 73017-2217-14 and numbered Contract No. 7413 in the amount of \$58,200.50 is for the purpose of relocating portions of two existing sewer pressure forcemains. The two lines being moved are located just west of the entrance to Rarity Oaks on the south side of SR95 and just west of Novus Drive on the north side of SR95. Both are being moved because of conflict with new drainage structures.

The majority of the relocation under Phase III is reimbursable by TDOT because moving existing utilities is required. As the waterline in Phase II is new construction, the cost is 100 percent non-reimbursable. A portion of the sewer work may be reimbursable once the new road redesign described below is finalized and the extent of any required relocation is determined.

The new waterline will provide a benefit to the Community Reuse Organization of East Tennessee (CROET), as well as, the City. In a Memorandum Of Agreement (MOA) entitled "Transition of East Tennessee Technology Park, Water Treatment & Water, Wastewater and Fire Protection System" executed in December of 2005 between DOE, CROET and the City, CROET agreed to contribute \$500,000 for expansion of existing infrastructure and construction of new infrastructure. The MOA states these funds are payable to the City when the City enters a contract for construction of the new waterline. The TDOT contract execution will trigger this payment provision.

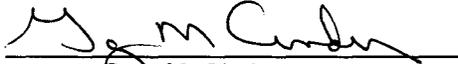
A companion item to this project is the need to amend the engineering services contract. In 2002, the Public Works Department, Engineering Division requested proposals of qualification for professional engineering services to design the water and sanitary sewer relocation for the widening of SR95. Twenty proposals were received and after interviewing representatives from three firms, staff chose JJ&G. When Council approved the original contract in the amount of \$101,700 (Resolution 2-20-04) at the February 2, 2004 meeting, it was advised that additional services would be needed as the project progressed. Council has been presented with two previous amendments. The first amendment approved by Council (Resolution 10-107-05) at the October 17, 2005 meeting in the amount of \$127,000 was for design of sanitary sewer relocation in the Phase III project and for the initial design of new waterline construction in the Phase II project. The second amendment approved by Council (Resolution 5-49-08) at the May 19, 2008 meeting in the amount of \$155,000 was for Project Representation (inspection) services during construction of water and sewer lines under Phase III of the SR95 widening project.

Public Works staff continues to be pleased with the performance of JJ&G and would like to amend their contract to provide compensation for redesign of the Phase II waterline. This redesign is necessary because of changes in the roadway design approved by Council (Resolution 7-65-09) at a special called meeting on July 13, 2009 in response to concerns expressed by residents in the Southwood development. An additional unanticipated design cost was recently encountered when TDOT denied an environmental permit to install the waterline under East Fork Poplar Creek and it is now necessary to design a bridge crossing over the creek. This third proposed amendment is in the amount of \$36,500. At this time, staff anticipates performing construction inspection on Phase II using in-house personnel.

TDOT will take 90 to 100 days to complete design changes of the roadway in the Southwood area. These design changes will not be available until after the project has been let for bid. The redesign will cause the waterline to be constructed much closer to the roadway and could result in

a net increase in the construction cost of the TDOT contract being presented. Should this occur, an amendment to the TDOT contract will be presented for Council's consideration.

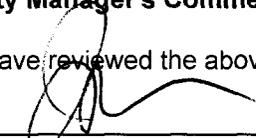
Funding for this project is included in the Waterworks Fund budget. Staff recommends approval of the accompanying resolutions.

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

ks

**City Manager's Comments:**

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

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

8/5/09  
Date

**RESOLUTION**

WHEREAS, the State of Tennessee Department of Transportation (TDOT) plans to construct a roadway project along a portion of the Oak Ridge Turnpike (State Route 95) from the interchange of State Route 95 and State Route 58 east to Westover Drive; and

WHEREAS, as part of the roadway project, the City desires to construct a new 16-inch water line along a portion of the length of roadway to increase water volume to its customers; and

WHEREAS, the roadway project will also require the City to relocate portions of two existing sewer pressure forcemain lines; and

WHEREAS, the City has requested TDOT to undertake the utility construction as part of TDOT's roadway project and TDOT has provided two contracts for the same; and

WHEREAS, the City Manager recommends approval of both contracts.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into contracts with the State of Tennessee Department of Transportation (TDOT) for construction of a 16-inch water line (Utility Relocation Contract (Water) Project 73017-2217-14, Contract No. 7412) in the amount of \$1,596,651.56 and for relocation of two sewer pressure forcemain lines (Utility Relocation Contract (Sewer) Project 73017-2217-14, Contract No. 7413) in the amount of \$58,200.50; said contracts being part of TDOT's roadway construction project for State Route 95 from the interchange of State Route 95 and State Route 58 east to Westover Drive.

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

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

\_\_\_\_\_  
Mayor

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

**RESOLUTION**

WHEREAS, by Resolution 2-20-04, City Council approved a professional services agreement with Jordan, Jones & Goulding, Inc., Knoxville, Tennessee for the provision of professional engineering services for the design of utility relocation, specifically water distribution lines and sanitary sewer collection infrastructure, for the roadway widening project along a portion of Oak Ridge Turnpike (State Route 95) between Westover Drive and Illinois Avenue in the estimated amount of \$101,700.00; and

WHEREAS, by Resolution 10-107-05, City Council amended the professional services agreement to include design of the relocation of gravity sewer and pressure forcemain lines and new construction of a waterline from Westover Drive to Novus Drive in the estimated amount of \$127,000.00; and

WHEREAS, by Resolution 5-49-08, City Council amended the professional services agreement to include project representation/inspection, construction administration, and engineering services in the estimated amount of \$155,000.00; and

WHEREAS, the City has a need for additional engineering services related to this project, specifically for design of a water line bridge crossing, redesign of 1,800 linear feet of water line near the Southwood neighborhood, and engineering services during construction; and

WHEREAS, with Jordan, Jones & Goulding, Inc., providing current engineering services on this project, the City desires to amend the existing agreement to expand the scope of work to cover the additional engineering services for this project; and

WHEREAS, Jordan, Jones & Goulding, Inc., has submitted a proposal to perform such additional services, which proposal is reasonable; and

WHEREAS, the City Manager recommends the existing agreement be amended to incorporate the services set forth in the proposal.

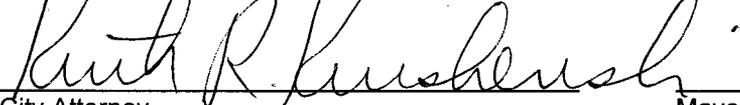
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the Professional Services Agreement between the City of Oak Ridge and Jordan, Jones & Goulding, Inc., 9721 Cogdill Road, Suite 201, Knoxville, Tennessee 37932, for professional engineering services for design of utility relocation for the roadway widening project along a portion of the Oak Ridge Turnpike (State Route 95) in the estimated amount of \$383,700.00, is hereby amended to increase the scope of work to provide necessary additional engineering services for the project and to increase the estimated compensation amount by \$36,500.00 to cover such services; said amendment in strict accordance with the terms and provisions of the original agreement, as amended, and the proposals as submitted.

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

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

**ELECTRIC DEPARTMENT MEMORANDUM**  
**09-10**

DATE: August 7, 2009  
To: James R. O'Connor, City Manager  
From: Jack L. Suggs, Electrical Director  
SUBJECT: STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION CONTRACT

Attached is a resolution approving a contract between the City of Oak Ridge and the Tennessee Department of Transportation regarding electrical infrastructure on the State Route 95 widening project and approving payment in the amount of \$15,480.00 for betterment of facilities during the work.

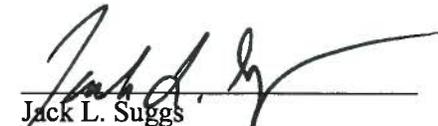
The State DOT is preparing to bid the widening of SR 95 from the end of the current project to the junction with State Route 58. State contractors will handle relocation of electrical infrastructure required by this work in the same fashion as they are doing so on the existing project. The attached contract defining and regulating the work was received in electronic form by the City on August 7, 2009. According to our contacts at the State, it needs to be executed and returned to them by August 14, 2009 in order not to interfere with the project schedule.

Under current policy, the State is responsible for the relocation of utilities that interfere with the project. The estimated cost to the State for relocating the existing utilities is \$209,598.38. The State also allows for a limited amount of improvement to be made to existing utilities, as long as the utility pays for those betterments.

Staff asked the State to include installation of conduits under the new roadway to facilitate a new power feed up Wisconsin Avenue. This work is, of course, a betterment- the cost for which the City is responsible. The estimated cost to install those conduits is \$15,480.00, which is much less than the cost to bore the roadway later.

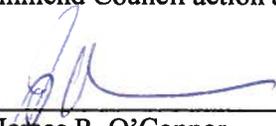
This contract itself is essentially similar to the contracts regarding water and sewer work that the Council is also considering. It is important to note that it does not contain any estimates of cost or other conditions regarding relocations that will be required by the widening of the roadway in the Southwood area. It is my understanding that these costs will be negotiated by change order after the project lets.

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

8/10/09  
\_\_\_\_\_  
Date



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**UTILITY RELOCATION CONTRACT**

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THIS CONTRACT made and entered into by and between the **State of Tennessee** acting through its Department of Transportation, hereinafter called "TDOT", and **City of Oak Ridge (Electric)**, hereinafter called the "Utility".

**WITNESSETH:**

WHEREAS, TDOT plans to construct PIN Number **101405.00**, SR-95: SR-58 to Near Westover Dr. in Oak Ridge, located in **Roane County**, Tennessee (hereinafter called the "Project"), and for said Project to be constructed it will be necessary for the Utility to relocate certain of its facilities, 45.5 percent of which are located on public highway right-of-way and 54.5 percent of which are located on private utility right-of-way; and

WHEREAS, the Utility has furnished TDOT with an estimate, plans, and specifications showing the cost and manner of relocating these facilities, which estimate is in the amount of \$225,078.38, including the amount of \$23,137.38 for the cost of engineering; including the amount of \$0.00 for the cost of inspection provided by the Utility; and including the amount of \$15,480.00 for the cost of betterment to the Utility's facilities (hereinafter called the "Betterment Cost"), and of which 54.5 percent represents the pro-rata share to which the Utility is entitled to reimbursement for relocation of utility facilities located on private utility right-of-way, and 45.5 percent represents the pro-rata share for relocation of utility facilities located on public highway right-of-way, reimbursement being for the cost of construction, engineering and inspection, excluding betterment; and

WHEREAS, TDOT is liable for the relocation of utility facilities located on private utility right-of-way and is authorized, in accordance with TCA 54-5-804, to reimburse the Utility for the relocation of utility facilities located on public highway right-of-way but is not liable for any utility betterment costs; and

WHEREAS, the parties want to enter into an agreement to provide for the relocation of the Utility's facilities in conjunction with this highway construction project, and the Utility has requested TDOT to undertake the hereinafter described utility relocation work in its highway construction contract as provided in TCA 54-5-804; and

WHEREAS, it is in the mutual interest of the parties that this utility relocation work be performed together with the proposed highway construction;

NOW, THEREFORE, in consideration of these premises and the mutual promises contained herein, it is agreed by and between the parties as follows:

- 1 (a) TDOT will show the proposed relocation of the Utility's facilities on TDOT's highway construction plans as project cost items and will receive bids for same

by its highway contractor as a part of the contract for construction of the above mentioned Project. TDOT will be responsible for having its contractor perform the aforesaid utility relocation work in accordance with TDOT's construction contract, including the project plans, standard specifications, special provisions, and the utility relocation plans and specifications heretofore agreed upon by and between the parties hereto, all of which are incorporated herein by reference.

**(b)** The Utility agrees to reimburse TDOT for the Betterment Cost. Reimbursement shall be based on the agreed percentage of the actual cost of the Betterment Cost items as shown on the project plans incorporated herein by reference. It is further agreed that the Utility will make payment to TDOT in the amount of the estimated cost of the Betterment Cost items prior to advertisement for bids. The Utility may provide these funds by one of the following means:

- A. An irrevocable letter of credit or its equivalent which names TDOT as beneficiary;
- B. A check made payable to the order of and sent to TDOT; or
- C. Documentation of a deposit made only by wire or by immediate credit transfer with the Treasurer of the State.

In the event said deposit exceeds the aggregate amount of the Betterment Cost charges, the difference will be refunded to the Utility. In the event said Betterment Cost charges exceed the deposit, the Utility agrees to reimburse TDOT for such additional amount.

**(c)** The Utility agrees that TDOT may advertise for and receive bids for the construction of the Project, including the proposed relocation of the Utility's facilities, and award and enter into contract with the lowest responsible bidder.

**(d)** The Utility shall not release or make available any memoranda or other information concerning the estimated cost of the proposed relocation of the Utility's facilities to anyone other than TDOT. The Utility hereby agrees, warrants and assures that the estimated cost information is confidential, and that it will not directly or indirectly disclose said estimated cost information to potential bidders.

**(e)** Neither the Utility nor any affiliate or subsidiary thereof shall participate directly or indirectly as a bidder for any part of the Utility's relocation work to be performed under a contract to be awarded by TDOT. The Utility further agrees that no employee, officer, or agent of the Utility shall participate in any subcontract for the performance of any part of the Utility's relocation work if a real or apparent conflict of interest would be involved. Such a conflict of interest would arise when the employee, officer, or agent, or any member of his or her immediate family, or his or her partner, or an organization which employs or is about to employ any of the above, has a substantial financial interest, such as five-percent (5%) or greater ownership interest, or other interest in the firm selected for a subcontract to perform the Utility's relocation work for this Project.

- (f)** It is also understood and agreed that TDOT, in its sole discretion, may reject any and all bids submitted for the construction of said Project without any liability whatsoever to the Utility.
- 2. (a)** It is further agreed that in letting the contract with respect to the proposed relocation of the Utility's facilities, TDOT is acting solely in accommodation of the Utility and shall have no liability to the Utility for any damages or claims arising out of acts or omissions on the part of TDOT's contractor. In addition, the Utility agrees to hold harmless and indemnify TDOT from all claims arising out of the inclusion of the Utility's items of work in TDOT's highway construction contract. Under this contract, "TDOT" shall include any and all officers and employees of the State of Tennessee acting within the scope of their employment with the State of Tennessee.

  - (b)** The utility relocation plans and specifications heretofore agreed upon by and between the parties hereto, all of which are incorporated herein by reference are provided by the utility, signed and sealed in accordance with State regulations by a licensed engineer employed by the utility, and the utility is solely responsible for said relocation plans and specifications. The utility shall be responsible for all direct or indirect costs resulting from errors and omissions of said relocation plans and specifications included in the TDOT construction contract. The utility shall be responsible to provide to TDOT any and all necessary plans, electronic files, documentation, or anything else that is deemed necessary by TDOT to include the utility work in the in the TDOT construction contract.
- 3. (a)** The Utility shall acquire all utility rights-of-way outside of the proposed public highway right-of-way as may be needed to relocate its utility facilities, including any betterment, and the Utility shall provide TDOT and its contractor with the rights to use these utility rights-of-way for construction purposes. The Utility further agrees to acquire these rights-of-way at no cost to TDOT except insofar as TDOT may be liable to reimburse the Utility for the replacement of previously owned private utility rights-of-way as may be provided in a separate contract between the parties.

  - (b)** The Utility agrees to transfer to TDOT that portion of the previously owned private utility rights-of-way that is within the Project proposed right-of-way as needed for highway purposes.
- 4.** The Utility shall have the right and responsibility to inspect and approve, prior to TDOT's release of its highway contractor's bond, all items of utility relocation work, including betterment, to be performed under the proposed highway construction contract to ensure that the relocation is completed in accordance with this Contract and all applicable specifications and safety codes. The Utility shall provide progressive inspection reports to TDOT in accordance with the current TDOT Construction Circular Letters section 105.07 "Utilities Diaries and Inspection Procedures" incorporated herein by reference. TDOT agrees that it will reimburse the Utility the pro-rata share for the inspection of utility facilities on private utility right-of-way when the utility relocation is completed in accordance with the approved relocation plans, incorporated herein by reference. The inspection of utility facilities on public highway right-of-way shall be performed at no cost to TDOT.

**5. The Utility agrees that:**

**(a)** The Utility will perform the utility engineering work provided for in this Contract by its own forces and/or consultant engineering services approved by TDOT.

**(b)** It will develop the utility engineering costs in accordance with the current provisions of 23 CFR 645.117.

**6. Subject to the provisions of this paragraph and as otherwise provided in this Contract, TDOT agrees to reimburse the Utility for the Utility's reimbursable engineering and inspection costs associated with the relocation of the Utility's facilities, as follows:**

**(a)** The Utility shall perform the engineering and inspection work in accordance with the estimate of cost and plans as approved by TDOT and incorporated herein by reference. The estimate of cost is attached hereto as Exhibit "A".

**(b)** Any change in the approved estimate of cost or plans shall require the prior written approval of TDOT. TDOT agrees to review and, if acceptable, approve such requests for change in a timely manner, and TDOT agrees to cooperate with the Utility to resolve, if possible, any objections TDOT may have to such requested changes.

**(c)** TDOT shall reimburse the Utility for such direct and indirect costs as are allowable under the current provisions of 23 CFR 645A. Any claim for costs that would be ineligible for Federal reimbursement under 23 CFR 645A on a federal-aid project shall be ineligible for reimbursement by TDOT on this Project, whether it is or is not a federal-aid project.

**(d)** The Utility shall develop and record engineering and inspection costs in a manner consistent with the current provisions of 23 CFR 645.117 as of the effective date of this Contract and as approved by TDOT.

**(e)** The Utility shall submit all requests for payment by invoice, in form and substance acceptable to TDOT, with all necessary supporting documentation, prior to any reimbursement of allowable costs. Such invoices shall indicate, at a minimum, the amount charged by allowable cost line-item for the period invoiced, the amount charged by line-item to date, the total amount charged for the period invoiced, and the total amount charged under the Contract to date.

**(f)** The Utility may submit invoices for interim payments during the progress of the work; provided, however, that such interim payments may be approved only up to a maximum of eighty percent (80%) of the approved estimate of cost attached hereto as Exhibit "A" to this Contract, and any remaining reimbursable costs must be submitted on the final bill. Such invoices for interim payments shall be submitted no more often than monthly.

**(g)** TDOT shall, unless it has good faith and reasonable objections to the Utility's invoice for interim payment, use its best efforts to issue payment based on the

Utility's invoice within forty-five (45) days after receipt. If, however, TDOT has good faith and reasonable objections to the Utility's invoice(s) or any part thereof, TDOT shall specifically identify those objections in writing to the Utility so as to allow the parties to address them in a prompt manner. If the invoice is otherwise acceptable, TDOT shall only withhold payment(s) as to those cost items it has specified in its written notice of objections to the Utility. All other reimbursable cost items set out in the Utility's invoice shall be paid by TDOT.

- (h) Subject to the Utility's right to bill on an interim basis as described above, the Utility shall by invoice provide one final and complete billing of all costs incurred within one year following the completion of the Utility relocation work in its entirety. Otherwise, any previous payments to the Utility shall be considered final, and the Utility shall be deemed to have waived any claim for additional payments, except as TDOT and Utility may have agreed otherwise in writing before the end of that year.
  - (i) The Utility's invoice(s) shall be subject to reduction for amounts included in any invoice or payment theretofore made which are determined by TDOT, on the basis of audits or monitoring conducted in accordance with the terms of this Contract, not to constitute allowable costs. The payment of an invoice shall not prejudice TDOT's right to object to or question any invoice or matter in relation thereto. Such payment by TDOT shall neither be construed as acceptance of the work nor as final approval of any of the costs invoiced therein.
7. The Utility agrees that its cost records will be subject to inspection at any reasonable time by representatives of TDOT before or after final payment for reimbursable work. In the event any costs are determined not to be allowable under provisions of this Contract, the Utility agrees to repay TDOT such amount of ineligible costs included within payments made by TDOT.
  8. The Utility shall keep and maintain accurate records by which all invoices can be verified. The books, records, and documents of the Utility, insofar as they relate to work performed or money received under this Contract, shall be maintained for a period of three (3) full years after final payment has been received by the Utility and shall be subject to audit at any reasonable time and upon reasonable notice by TDOT, the Comptroller of the Treasury, or their duly appointed representatives during this three year period. The financial statements shall be prepared in accordance with generally accepted accounting principles.
  9. This Contract is subject to the appropriation and availability of TDOT funds. In the event that the funds are not appropriated or are otherwise unavailable, TDOT reserves the right to terminate this Contract upon written notice to the Utility. Said termination shall not be deemed a breach of Contract by TDOT. Upon receipt of the written notice, the Utility shall cease all work associated with the Contract, except as may be reasonably necessary to return the Utility's facilities to safe operation. Should such an event occur, the Utility shall be entitled to compensation for all costs of relocation reimbursable under 23 CFR 645A (in accordance with paragraph 6(c) of this Contract) for work completed as of the termination date or in accordance with this provision. Upon such termination, the Utility shall have no right to recover from

TDOT any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.

- 10.** The Utility agrees to indemnify and hold harmless TDOT as well as its employees, officers and agents from and against any and all claims, liabilities, losses, and causes of action which may arise, accrue, or result to any person, firm, corporation, or other entity which may be injured or damaged as a result of acts, omissions, or negligence on the part of the Utility, its employees, its contractors, or any person acting for or on its or their behalf in the performance of the Utility's engineering and inspection work relating to this Contract. The Utility further agrees it shall be liable for the reasonable cost of attorneys for TDOT in the event such services are necessitated to enforce the terms of this Contract or otherwise enforce the obligations of the Utility to TDOT.

In the event of any such suit or claim, the Utility shall give TDOT immediate notice thereof and shall provide all assistance required by TDOT in TDOT's defense. TDOT shall give the Utility written notice of any such claim or suit, and the Utility shall have full right and obligation to conduct the Utility's own defense thereof. Nothing contained herein shall be deemed to accord to the Utility, through its attorney(s), the right to represent TDOT in any legal matter, such rights being governed by Tennessee Code Annotated, Section 8-6-106.

- 11.** TDOT shall have no liability except as specifically provided in this Contract.
- 12.** This Contract may be modified only by a written amendment executed by the parties hereto.
- 13.** Failure by any party to this Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this Contract shall not be construed as a waiver or relinquishment of any such term, covenant, condition, or provision. No term, covenant, condition or provision of this Contract shall be held to be waived, modified, or deleted except by written amendment signed by the parties hereto.
- 14.** The Utility hereby agrees, warrants and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Utility on the grounds of disability, age, race, color, religion, sex, national origin, or any classification protected by the Constitution or statutes of the United States or the State of Tennessee. The Utility shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
- 15.** The Utility shall comply with all applicable federal and state laws and regulations in the performance of its duties under this Contract. The parties agree that failure of the Utility to comply with this provision shall constitute a material breach of this Contract and subject the Utility to the repayment of all State funds expended, or expenses incurred, under this Contract.

16. This Contract shall be binding upon and shall inure to the benefit of the parties hereto, their respective heirs, legal representatives, successors and assigns. Time is of the essence of this Contract.
17. This Contract shall be governed by and construed in accordance with the laws of the State of Tennessee. The Utility acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any remedies arising therefrom, shall be subject to and limited to those rights and remedies, if any, available under Tennessee Code Annotated, Sections 9-8-101 through 9-8-407.
18. If any terms, covenants, conditions or provisions of this Contract are held to be invalid or unenforceable as a matter of law, the other terms, covenants, conditions and provisions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this Contract are declared severable.
19. TDOT and the Utility agree that any notice provided for in this Contract or concerning this Contract shall be in writing and shall be made by personal delivery, by certified mail (return receipt requested), by nationally recognized overnight delivery service (such as FedEx or UPS), or by facsimile transmission (provided that notice shall also be given in one of the other methods prescribed herein) addressed to the respective party at the appropriate facsimile number or address as set forth below or to such other party, facsimile number, or address as may be hereafter specified by written notice.

To TDOT:

Tennessee Department of Transportation  
Attention: Joe Shaw, State Utility Coordinator  
Suite 600, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243-0329  
Facsimile Number: (615) 532-1548

With a copy if requested by TDOT to:

John H. Reinbold, General Counsel  
Suite 300, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243-0326  
Facsimile Number: (615) 532-5988

To the Utility:

\_\_\_\_\_  
Attention: \_\_\_\_\_

\_\_\_\_\_  
Facsimile Number: \_\_\_\_\_

With a copy if requested by Utility to:

\_\_\_\_\_  
Attention: \_\_\_\_\_

\_\_\_\_\_  
Facsimile Number: \_\_\_\_\_

**IN WITNESS WHEREOF**, the parties have executed this agreement.

UTILITY  
**City of Oak Ridge (Electric)**

STATE OF TENNESSEE  
DEPARTMENT OF  
TRANSPORTATION

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**Gerald F. Nicely  
Commissioner**

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

BY: \_\_\_\_\_

**John H. Reinbold  
General Counsel**

## **CIRCULAR LETTER**

**Section: 105.07 Cooperation with Utilities**

**Number: 105.07-04**

**Subject: Utility Diaries and Inspection Procedures**

**Date: December 15, 2007**

On all projects requiring utility relocations, Form DT-0667 "Project Utility Diary" is to be used to document said relocations whether the work is reimbursable or not. When a utility is relocating at its own expense or under a lump sum reimbursement contract, the "Description of Work Performed" section will be the only notation required. The notation shall indicate if the relocation is a non reimbursable or lump sum reimbursable contract. Form DT-0667 fulfills the requirements for documentation detailed in Section 109.05 of the Department of Transportation Construction Manual and Section 18-7 of the Standard Utility Procedures Manual.

- 1 Form DT-0667 is to be completed in the field by the utility inspector.
- 2 The original or white sheet is to be transmitted to the TDOT Project Supervisor's office and bound.
- 3 The first copy or yellow sheet is to be transmitted to the utility company on reimbursable relocations.
- 4 The second copy or pink sheet is to be retained in the utility diary.

If the utility relocation is included in the state contract, the utility will be responsible for inspecting all phases of the relocation, per TCA 54-5-804, 2003 Public Chapter 86. The TDOT inspector shall document the utility work activities performed in the daily project diaries. The inspector provided by the utility company will:

- 1 Complete Form DT-0667 as described above and submit it each estimate period, as directed by the TDOT Project Supervisor. Along with the item descriptions, the inspector will include the quantities and stations of installed items.
- 2 Complete "Installed Item Certification" portion of Form DT-1716 and submit it each estimate period, as directed by the TDOT Project Supervisor. This form will be signed to certify that the items installed during that estimate period met all applicable specifications.
- 3 Complete and attach Form DT-1716A to DT-1716 and submit it each estimate period, as directed by the TDOT Project Supervisor. This form will be used to summarize, by project number, the utility items installed during that estimate period. The TDOT inspector shall sign Form DT-1716A after ensuring it is consistent with the utility diaries and daily project diaries. The completed Form DT-1716A shall be referenced in the progress pay quantity documentation.
- 4 Complete "Final Acceptance of Work" portion of Form DT-1716 and submit it to the TDOT Project Supervisor's office when the utility relocation work is complete.



**UTILITY ITEM CERTIFICATION/FINAL ACCEPTANCE**

**Contract Number:** \_\_\_\_\_ **Utility Company:** \_\_\_\_\_

**Project Number(s):** \_\_\_\_\_ **Utility Inspector:** \_\_\_\_\_  
Print

**County(ies):** \_\_\_\_\_  
\_\_\_\_\_

**Instructions:** Please check appropriate box (or boxes) and fill out required information. For **Installed Item Certification**, attach **Summary of Installed Utility Items** sheet(s) for each project number and submit each estimate period as directed by the TDOT Project Supervisor.

**Installed Item Certification**

On behalf of the above utility company, I certify that the materials used for the item(s) listed on the following page(s) meet and were installed in accordance with all applicable specifications. Any pertinent shop drawings or engineering changes have been approved.

**Estimate Period:** \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_  
**Utility Inspector Signature**

\_\_\_\_\_  
**Date**

**Final Acceptance of Work**

I certify that the utility relocation work is complete and is accepted by the above utility company.

\_\_\_\_\_  
**Utility Inspector Signature**

\_\_\_\_\_  
**Date**





### Finance Summary

Utility Name city of Oak Ridge

Utility Type Electric

**ROW:**

State #: 73017-2217-14

PIN #: 101405.00

County: Roane

Engineering Cost (Preconstruction) Reimbursed.....\$23,137.38

Material Cost (To be provided by utility) Reimbursed .....\$0.00

**Total ROW Project Cost = \$23,137.38**

**CONST:**

State #: 73017-3219-14

PIN #: 101405.00

County: Roane

Engineering (Construction) Reimbursed.....\$0.00

Inspection (% 54.5 Private ROW) Reimbursed .....\$0.00

(% 45.5 Public ROW) .....\$0.00

Construction Labor & Material (State Contract) .....\$201,941.00

Construction Labor (Negotiated Labor Reimbursed) .....\$N/A

Construction Material (Negotiated Labor Reimbursed).....\$N/A

Utility Betterment (Deposit).....\$15,480.00

Other .....\$0.00

**Total CONST Project Cost = \$201,941.00**

**Total Contract ROW +CONST Project Cost =\$225,078.38**

**Total Utility Reimbursement Costs =\$23,137.38**

**RESOLUTION**

WHEREAS, the State of Tennessee Department of Transportation (TDOT) plans to construct a roadway project along a portion of State Route 95 (SR95), commonly known as the Oak Ridge Turnpike, to widen the road from the end of the current project to the junction with State Route 58; and

WHEREAS, as part of the roadway project, many City utilities must be relocated; and

WHEREAS, TDOT is authorized by Tennessee Code Annotated §54-5-804 to reimburse the City for costs associated with the utility relocation, including the cost of easement acquisition; and

WHEREAS, the City has requested TDOT to undertake the utility relocation as part of TDOT's roadway project; and

WHEREAS, the City, however, will be required to reimburse TDOT for the "betterment cost" associated with the utility improvements; and

WHEREAS, the City Manager recommends approval of the agreement.

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

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

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

This the 10th day of August 2009.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Mayor

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

# ELECTIONS

**OAK RIDGE  
HOUSING  
AUTHORITY  
BOARD OF  
COMMISSIONERS**

CITY OF OAK RIDGE, TENNESSEE  
BOARDS AND COMMISSIONS

**TIME IN OFFICE AND ATTENDANCE RECORD**

NAME: Karen A. Buckley

BOARD OR COMMISSION: Oak Ridge Housing Authority

TIME IN OFFICE: Term of Office 5 Years

Date Appointed 11/29/01

Number of Terms Served 1-1/2

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 46

Number of Absences 1

Date Prepared 7/29/09

Attachment: Resume

RECEIVED

Karen A. Buckley

135 E. Wadsworth Circle, Oak Ridge, Tennessee 37830-0730

OFFICE OF THE CITY CLERK

July 16, 2009

The Honorable Mayor  
and Members of the City Council  
City of Oak Ridge  
P. O. Box 1  
Oak Ridge, Tennessee 37830-0001

Dear Ladies and Gentlemen:

Please consider my interest in continuing to serve on the Oak Ridge Housing Authority Board of Commissioners.

Since my initial appointment in 2001, I have continued to develop in knowledge and skill by continuing education through the instructional programs offered by the Southeastern Regional Council of the National Association of Housing and Redevelopment Officials. It is also worth noting that I consider my service to the community a priority. I have only been absent from a board meeting one time and that due to a house fire on the day of the meeting.

The Housing Authority provides safe and affordable housing to families of modest means. Additionally, through the Family Self-Sufficiency Program, individuals are encouraged to improve their lives through education, employment and home ownership. I didn't know about this program before I came on the board. The staff of the Housing Authority is actively promoting this program to residents in public housing, and a number of people have graduated through the program. It has been a privilege to support this policy.

Attached is a copy of my current resume.

Sincerely,



Karen A. Buckley

Attachment

**Karen A. Buckley**

135 E. Wadsworth Circle – Oak, Ridge, Tennessee 37830-3738  
Telephone 865.482.6076 – Email [buckleyka@bellsouth.net](mailto:buckleyka@bellsouth.net)

RECEIVED

2009 JUL 16 AM 10:30

OFFICE OF THE CITY CLERK

**Summary of Qualifications**

Continuing Education through the Southeastern Regional Council of the National Association of Housing and Redevelopment Officials (SERC/NAHRO)

Demonstrated leadership and financial management skills

Highly motivated to help people improve their lives

**Professional Experience**

Successful piano teaching business from 1967 to present

**Bookkeeping/Office Management**

The Soup Kitchen Restaurant, Oak Ridge, Tennessee 1985-1993

**Accounting/Auditing**

Project Management Corporation (for the Clinch River Breeder Reactor Plant Project), Oak Ridge, Tennessee 1978-1985

**Municipal Clerk/Treasurer**

The Town of Clarkdale, Arizona 1975-1978

**Formal Education**

University of Tennessee, Knoxville – Business Major 1962-1964

Los Angeles Harbor College – Music Major 1966-1969

El Camino College – Music Major 1969-1970

University of California, Los Angeles – Accounting and Music Majors 1970-1974

University of Southern California – Courses in Piano Pedagogy 1971-1972

Roane State Community College, Oak Ridge – Business and Education Majors

Associate of Science degree 1995 Magna Cum Laude

**Community Activities**

Participant On the Oak Ridge Chamber of Commerce Beautification Committee

Active with the Highland View Neighborhood Watch

Founding member of the Highland View Neighborhood Association (1996)

Past treasurer and president

**References**

Selma Shapiro – founding director of the Oak Ridge Children's Museum – 482.5672

Harold Jernigan – former Anderson County Commissioner – 482.5379

Helen Jernigan – League of Women Voters member – 482.5379

David E. Fields, PhD – Instructor at Roane State Community College – 927.5155

July 30, 2009

Ms. Sharon M. Crane currently serves on the Highland View Redevelopment Advisory Board. She requested your consideration of appointing her to the Oak Ridge Housing Authority also, and asked that we use the resume submitted for the Highland View Redevelopment Advisory Board.

City Clerk

RECEIVED

2008 SEP -9 PM 4: 27

# Sharon M. Crane

OFFICE OF THE CITY CLERK

107 Wakefield Road, Apt F  
Oak Ridge, TN 37830  
Mailing address:  
174 W. Wadsworth Circle  
Oak Ridge, TN 37830

Phone 865. 382.0530  
email [scrane52@hotmail.com](mailto:scrane52@hotmail.com)

**Objective** Position on Highland View Redevelopment Advisory Board

**Functional summary** I grew up in the Highland View Neighborhood attending Highland View from kindergarten to sixth grade, then Robertsville, and graduating from Oak Ridge. I have attended Tennessee Technology Center at Harriman and Roane State Community College.

I have taught Red Cross CPR for nearly 30 years. I am a very active member of the Red Cross Disaster Team, serving clients who have been affected by both small and large disasters. I previously worked as a Licensed Practical Nurse.

I currently live in the Highland View District and I am familiar with many of the residents.

**References** Tony Farris, Executive Director, Appalachian Chapter American Red Cross, 908 Oak Ridge Turnpike, Oak Ridge, Tennessee, 37830

Scott Chippendale, Chairman Board of Directors, and Chairman of Disaster Services, Appalachian Chapter of American Red Cross, 105 Chatham Lane, Oak Ridge, TN. 37830

Bob Holt, Neighborhood Watch Block Captain, 149 W. Wadsworth Circle, Oak Ridge, Tn 38730

PERSONNEL  
ADVISORY  
BOARD

CITY OF OAK RIDGE, TENNESSEE  
BOARDS AND COMMISSIONS

**TIME IN OFFICE AND ATTENDANCE RECORD**

NAME: Ella DuBose

BOARD OR COMMISSION: Personnel Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 8/20/07

Number of Terms Served No full term

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 5

Number of Absences 1

Date Prepared 7/29/09

Attachment: Resume

2007 JUN 02 AM 10:00

OFFICE OF THE CITY CLERK

**Ella H. DuBose**

197A Tusculum Drive  
Oak Ridge, Tennessee 37830

Home: (865) 481-0913  
Email: [elladubose@yahoo.com](mailto:elladubose@yahoo.com)

**Profile**

- 
- Analytical, strategic, and systematic thinking style with high expectations and standards
  - Works well in environments with clearly defined expectations and goals
  - Attentive to details
  - Participative management style, collaborative/reflective learner and thinker, and team-player
  - Excellent decision-maker, creative and intuitive problem solver
  - Strong interpersonal skills

**Professional Highlights**

- 
- Experienced Human Resource professional in areas of staffing, recruiting, workforce diversity and administration.
  - Experienced corporate trainer for a government agency. Conducted health and safety training; conducted manager training for human resources, proctored test, developed and revised training materials.
  - Three years successful teaching in evening school college environment conducting classroom instructions and developing lesson plans and tests for adjunct professors. Worked as assistant to college registrar.
  - Experience in real estate appraising and management of apartment complexes.
  - Served as deputy in state court systems and legal secretary experience.
  - Experienced accounting clerk and bookkeeping.

## Education

---

- University of Tennessee, Knoxville, TN., Master of Science in Education  
Major: Educational Psychology and Adult Education
- Bristol University, Bristol, TN., Master of Business Administration in Executive Management and Human Resources
- Knoxville College, Knoxville, TN, Bachelor of Science in Business
- John Wesley College, Owosso, Michigan, Bachelor of Arts in Business

## Employers

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Oak Ridge National Laboratory	Human Resource Assistant (1991 – Present)
Oak Ridge Associated Universities	Senior Secretary
Independence Savings and Loan Vallejo, California	Real Estate Appraisal Expeditor
Carroll Cole Properties Lexington, Kentucky	Apartment Manager
Scott County Circuit Court Georgetown, Kentucky	Deputy Court Clerk, District Court
John Wesley College Owosso, Michigan	Assistant to Registrar
Burroughs Corporation – World Headquarters Detroit, Michigan	Accounting Clerk
Mahoning County Legal Services Youngstown, Ohio	Bookkeeper/Secretary

## Affiliations/Organizations/Awards

---

Institutional Review Board on Human Studies (DOE, ORNL, ORAU, UT)  
National Urban League – Black Executive Exchange Program  
SECME Inc. Advisory Board  
Alpha Kappa Alpha Sorority, Inc.  
Lockheed Martin Community Service Award  
NAACP Community Service Award

Note New Work # 574-8455 - 7/20/09

**NOTICE  
OF  
ELECTIONS**

**CITY CLERK MEMORANDUM**  
09-51

DATE: July 29, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: ELECTIONS – September 14, 2009

The following elections are scheduled for the September 14, 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.

Environmental Quality Advisory Board

Three (3) seats on the Environmental Quality Advisory Board will become vacant on September 29, 2009 due to normal expirations of term. The incumbents are R. Boyd Carter, James P. Groton, Jr., and Joseph G. Wood, Jr. Letters were sent to them today to determine if they are interested in serving again. The notice will also be posted today to determine if there are new candidates interested in serving on this board. There are no special qualifications and the term of office is three years.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Tuesday, September 1, 2009.

  
City Clerk

**CITY COUNCIL MEMORANDUM**  
**09-25**

DATE: July 29, 2009

TO: Honorable Mayor and Members of City Council

FROM: James R. O'Connor, City Manager

SUBJECT: UPCOMING MEETINGS/MAJOR ISSUES

Tuesday, September 8, 2009, 6:30 p.m. – Agenda Review Session, Multipurpose Room,  
Central Services Complex

Monday, September 14, 2009, 7:00 p.m. – Regular Meeting

- Public Hearing and First Reading – Zoning Ordinance Text Amendment,  
Temporary Off-site Directional Signs
- Second Reading:
  - Flood Map Change (Roane County)
  - Rezoning of ED-5 from FAIR to IND-2
  - Rezoning of Property in Front of the Federal Building
  - Code Amendment – New Subsection Relating to Financial Responsibility
- Appointment of Budget and Finance Committee and Intergovernmental  
Relations Special Committee Members
- Bleacher Replacement

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