

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

February 13, 2012—7:00 p.m.

AGENDA

I. INVOCATION

Reverend Chris Moore, Associate Pastor of Lifehouse Church.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation honoring the 2011 Siemens Competition Winners.

VI. SPECIAL REPORTS

A report from Sergeant Shannah Newman, Oak Ridge Police Department, on the Neighborhood Watch Program.

VII. CONSENT AGENDA

- a. Approval of the minutes of the January 9, 2012 City Council Meeting.
- b. Adoption of a resolution supporting the submission of an application to secure a Playful City USA designation for the City of Oak Ridge.
- c. Adoption of a resolution awarding a contract to Baseline Sports Construction, LLC, Knoxville, Tennessee, for the construction of outdoor basketball courts at Elm Grove and LaSalle parks in the estimated amount of \$36,364.00.
- d. Adoption of a resolution amending Resolution No. 12-117-11 that established the Council meeting schedule for calendar year 2012 to change the March 2012 regular meeting of City Council to Wednesday, March 7, 2012.
- e. Adoption of a resolution amending the Community Development Block Grant (CDBG) FY2012 Annual Action Plan, approved by Resolution 5-33-11, for the reallocation of \$126,231.08 of unused funds toward the acquisition and demolition of blighted properties within the CDBG target area.
- f. Adoption of a resolution authorizing the City's Electric and Waterworks funds to disburse tax equivalent payments to the City's General Fund as authorized by State Law.
- g. Adoption of a resolution to adopt the attached *Goals for City Boards and Commissions for 2012*, dated December 2, 2011, as recommended by the City Manager.
- h. Adoption of a resolution authorizing the Mayor to executive on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Jerrold A. Williams.

VIII. RESOLUTIONS

- a. Adoption of a resolution authorizing the expenditure of up to \$125,000.00 from the Equipment Replacement Account for the purchase of a replacement rescue vehicle for the Fire Department.

- b. Adoption of a resolution authorizing an agreement in the estimated amount of \$75,000.00 with Nature's Best Organics of Tennessee, LLC, for the disposal of the City's wood and green waste through June 30, 2013.
- c. Adoption of a resolution awarding a bid in the estimated amount of \$149,252.88 to Xylem Inc., d.b.a. Godwin Pumps, Charlotte, North Carolina, for the furnishing of two (2) portable pumps for the wastewater collection system as required for compliance with the U.S. Environmental Protection Agency (EPA) administrative order.
- d. Adoption of a resolution awarding three contracts: COR 11-01 (Contract A to Norris Brothers Excavating, Crossville, in the estimated amount of \$434,904.00; COR 11-02 (Contract B) to Merit Construction, Inc., Knoxville, in the estimated amount of \$709,500.00; and COR 11-03 (Contract C) to Mofield Brothers Construction co., LLC., Carthage, in the estimated amount of \$264,875.00; said contracts to improvements to the west end water system.
- e. Adoption of a resolution authorizing transmittal of comments and authorization to Sign the *Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee.*
- f. Adoption of a resolution to replace the "Guidelines for Disbursement of Funds to Charitable Not-for-Profit Organizations," adopted by City Council June 4, 1979, with a new set of guidelines for appropriations of funds for nonprofit organizations in accordance with Tennessee Code Annotated §6-54-111.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading:

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 8-11, AS AMENDED BY ORDINANCE 11-11, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, BY AMENDING SAID APPROPRIATIONS.

First Reading of Ordinances:

- b. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (D), TITLED "RESIDENTIAL PARKING," TO ADD PROVISIONS PERTAINING TO CURB CUTS FOR OFF-STREET RESIDENTIAL PARKING, TO ALLOW PARKING IN SIDE AND REAR YARDS IN RESIDENTIAL DISTRICTS PROVIDED SUCH PARKING OUTSIDE THE REQUIRED SETBACK, AND TO PROHIBIT PERMANENT LIVING INSIDE A PARKED OR STORED VEHICLE IN A RESIDENTIAL DISTRICT, AND TO AMEND RESERVED SUBSECTION (E) TO DEDICATE SAID SUBSECTION TO FRONT YARD PARKING REGULATIONS.

(Official Public Hearing to occur during the Second Reading of the Ordinance.)

- c. 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 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN

THIS TITLE AND TO ADD THREE NEW DEFINITIONS: "COMMERCIAL/OVERSIZED VEHICLES," "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES, COMMERCIAL/OVERSIZED VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

- d. AN ORDINANCE TO AMEND ORDINANCE NO. 19-82, AS AMENDED, BY DELETING THE PROVISION OF SECTION 2 PERTAINING TO THE SCHEDULE OF WATER RATES FOR COMMODITY CHARGES AND MINIMUM MONTHLY BILLING IN THEIR ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WATER RATES.
- e. AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY DELETING SECTION 13, SEWER RATE SCHEDULE, IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SECTION PERTAINING TO SEWER RATES.

X. FINAL ADOPTION OF ORDINANCES

(NONE)

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

- 1. Discussion and action on City Boards & Commission Vacancy Policy and timeline for use of existing applications.
- 2. Dependent upon above action, conduct an election on EQAB vacancy.
- 3. Establishing City Manager & City Attorney Evaluation Committees.

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. City Manager's Report

- 1. Oak Ridge Farmer's Market
- 2. Charging Stations (verbal report)
- 3. Absence for February 27, 2012 Work Session (verbal report)

b. City Attorney's Report

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM

12-05

DATE: February 3, 2012

TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, Acting City Clerk

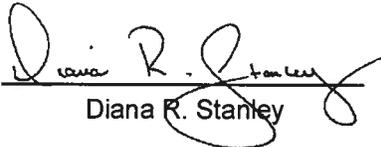
SUBJECT: PROCLAMATIONS AND PUBLIC RECOGNITIONS

2011 Siemens Competition Winners

The accompanying proclamation is presented for the Council's consideration to recognize and congratulate Ziyuan Liu and Cassee Cain, Oak Ridge High School students, who won the Grant Prize in the Team Category at the 2011 Siemens Competition.

Ms. Tammy Carneim and Ms. Benita Albert, Thesis Program Advisors, will also be accompanying the students at the February 13, 2012 City Council meeting.

Ms. Jessica Williams also served as a Thesis Program Advisory, but is unable to attend the meeting.


Diana R. Stanley

Attachments

PROCLAMATION

WHEREAS, Ziyuan Liu and Cassee Cain, seniors at Oak Ridge High School, competed in the 2011 Siemens Competition in Math, Science and Technology; and

WHEREAS, the Siemens Competition is America's premier science research competition for high schools students; and

WHEREAS, Ziyuan Liu and Cassee Cain were the winners of the \$100,000 Grand Prize in the Team category for using new gaming technology to analyze human walking patterns; and

WHEREAS, Ziyuan Liu and Cassee Cain's work could ultimately contribute to prosthesis design for amputees; and

WHEREAS, Liu and Cain were mentored on the project by Dr. John K. Mueller and Dr. Body McCutchen Evans III of the Measurement Science & Systems Engineering Division at Oak Ridge National Laboratory; and

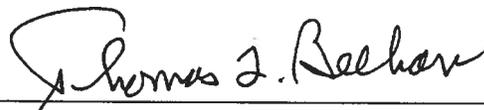
WHEREAS, Ziyuan Liu is the founder of a committee to educate others in his school and community about solar energy, a member of the International Relations Club and French National Honor Society. Liu dreams of becoming the head of a software company or a banking firm.

WHEREAS, Cassee Cain is a National Honor Society National Achiever, a drum major of the Oak Ridge High School Marching Band, and a costume designer for the drama club. Cain is interested in healthcare and dreams of becoming an oncologist.

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

That in recognition of their distinguished achievement, the Oak Ridge City Council applauds these students for their remarkable accomplishment in the bioengineering field and commends their hard work and dedication on a project with potential to make a positive impact on humanity.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, the 13th day of February in the year 2012.



MAYOR

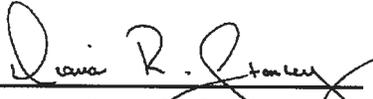
SPECIAL REPORTS

CITY CLERK MEMORANDUM

12-07

DATE: February 8, 2012
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, Acting City Clerk
SUBJECT: SPECIAL REPORTS

Sergeant Shannah Newman of the Oak Ridge Police Department will be present at Monday night's Council meeting to provide a verbal report on the Neighborhood Watch Program.



Diana R. Stanley

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

January 9, 2012

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on January 9, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Chaplain Myra Mansfield with the Oak Ridge Police Department.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was given by Leigha Edwards.

ROLL CALL

Upon roll call, the following councilmembers were present: Mayor Thomas L. Beehan, Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; Councilmember David N. Mosby; and Councilmember Ellen D. Smith.

Also present were Mark S. Watson, City Manager; Janice E. McGinnis, Finance Director; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

APPEARANCE OF CITIZENS

(NONE)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Presentation of the 2011 East Tennessee Preservation Award for the "Birth of the City" Monument Project by Mr. Bill Wilcox, City Historian, to the City of Oak Ridge.

City Manager Mark S. Watson swore-in David Harrington, Deputy Chief of Operations, for the City of Oak Ridge Fire Department.

A proclamation designating the week of April 28, 2012 to May 5, 2012 *The Bridge to a Sustainable Future Week.*

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the proclamation be adopted. The proclamation carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The Proclamation was accepted by Pat Fain, Board of Directors for the Oak Ridge Revitalization Effort; Linda Johnston, Chair of the Earth Day Festival; and Leigha Edwards, Protocol and Community Outreach Manager for Oak Ridge National Laboratory.

SPECIAL REPORTS

FY2011 Independent Audit Report from Mr. Ted Hotz with Pugh & Company, P.C.

An overview, with draft numbers, of the FY 2011 Independent Audit Report was presented by Mr. Ted Hotz with Pugh & Company, P.C., to City Council for informational purposes. The City Manager and Mr.

Ted Hotz responded to questions from City Council. Mr. Hotz indicated that the final FY 2011 Independent Audit Report is estimated to be completed by the end of January.

Water and Wastewater Rate Study Presentation from Mr. Lamar Dunn with Lamar Dunn & Associates.

A Water and Wastewater Rate Study was presented by Lamar Dunn with Lamar Dunn & Associates to City Council for informational purposes. The City Manager and Mr. Lamar Dunn responded to questions posed by members of City Council.

The water and wastewater ordinance changes will be presented for Council's consideration at the following Council meeting.

Not in Our City Status Presentation.

Kathryn Baldwin, Community Development Director, showed the *Not in Our City* Status Presentation to City Council for informational purposes.

The ordinance changes for the *Not in Our City* program will be presented for Council's consideration at the following Council meeting.

CONSENT AGENDA

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the Consent Agenda be approved.

At the request of Councilmember Smith, the following item was removed from the Consent Agenda:

- (d) Adoption of a resolution waiving competitive bids and awarding a contract in the estimated amount of \$42,600.00 to SirsiDynix, Lehi, Utah, to host the Oak Ridge Public Library's database and provide required computer back-ups, upgrades and other as-needed services.

Reverting back to the original motion, the motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," approving the Consent Agenda as presented, thereby:

- Approving the minutes of the December 12, 2011 City Council Meeting.
- Approving the minutes of the December 19, 2011 Oak Ridge Emergency Communication District Board of Directors Meeting.
- Approving the minutes of the December 19, 2011 City Council Special Meeting.

Resolution Removed from Consent Agenda

Resolution 1-1-2012

Adoption of a resolution waiving competitive bids and awarding a contract in the estimated amount of \$42,600.00 to SirsiDynix, Lehi, Utah, to host the Oak Ridge Public Library's database and provide required computer back-ups, upgrades and other as-needed services.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted.

Kathy McNeilly, Library Director, responded to Councilmember Smith's inquiries about the City's annual costs to operate the system by explaining that the costs are essentially broken into three (3) items: annual maintenance of SirsiDynix, a new server, and the migrations costs.

The City Manager further elaborated that the \$42,600 cost is associated with the server for the first year as the subscription price fluctuates throughout its seven-year phase and will be absorbed into the City's budget as an annual cost.

The motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

RESOLUTIONS

Resolution 1-2-2012

Adoption of a resolution authorizing a professional services agreement in the estimated amount of \$82,300.00 with Fulghum, MacIndoe & Associates, Inc., Knoxville, Tennessee, for the design of plans and specifications to construct a sewer line at East Tennessee Technology Park.

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley that the resolution be adopted. After brief deliberation, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution 1-3-2012

Adoption of a resolution to adopt the City of Oak Ridge, Tennessee 2012 State and Federal Legislative Agenda to inform state and federal officials of key projects, policies, and priorities in the City of Oak Ridge and to help secure funding for agreed upon priorities of the community.

Councilmember Hensley moved, seconded by Councilmember Hope that the resolution be adopted.

Amy Fitzgerald, Ph.D., Government and Public Affairs Coordinator for the City of Oak Ridge, reviewed the projects listed on the FY 2013 State and Federal Agenda.

Mayor Beehan requested that the new initiatives on the agendas be marked with a notation to indicate that they are new items on the City's agenda.

Councilmember Smith proposed an amendment to the main motion that would approve the State Agenda as presented, but postpone the approval of the Federal Agenda following a work session that would allow for discussion of the projects listed. Councilmember Smith's motion was seconded by Councilmember Garcia Garland.

Upon inquiry from Mayor Beehan, Dr. Fitzgerald explained that there is a logistical concern with the National Park Legislation on the Federal Agenda, given that the project is progressing quickly. She further explained that for practicality purposes, the publication of the City's Federal and State Agendas are typically printed as one document, but could be printed as two (2) documents if needed.

Bill Nolan, Oak Ridge Consultant, expressed his opinion at the request of Councilmember Hensley that he is supportive of the combined documents as they are concise documents that help to show the City's position on projects.

Mayor Pro Tem Miller requested that her comments, submitted earlier in the day, be incorporated into the Federal Agenda and State Agenda:

(Communication from Mayor Pro Tem Miller)
Suggested Revisions to Legislative Agenda – From Jane Miller

Federal Agenda – UPF Item

Need to advance design work and fund construction in order to break ground in 2012. Benefit: UPF assures the future mission of Y-12 long-term; significant risk reduction to workforce and

community; enhances Y-12 efficiencies and reduces long-term costs.

State Agenda Additional Item

Work with the federal government to assure completion of design and start of construction on the Y-12 Uranium Processing Facility to assure the future mission of the Y-12 National Security Complex, one of the state's largest employers
(End of Communication)

Councilmember Smith's motion to amend the resolution failed by board vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller and Mayor Beehan voting "Nay," and Councilmembers Garcia Garland and Smith voting "Aye."

Mayor Pro Tem Miller explained her reasons for the proposed changes to the Agenda was that Governor Haslam meets with federal officials, so there is coordination and understanding at the federal and state level. She also explained that adjusting the City's language on the Federal Agenda regarding the UPF project is so that it correlates with Y-12's Legislative Agenda. Mayor Pro Tem Miller's motion to amend the Federal and State Agenda, with Mayor Pro Tem Miller's changes, was seconded by Councilmember Smith and approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Smith indicated that several items on the Federal Agenda that warranted further discussion. First, Ms. Smith explained that the "Not in Our City Conceptual Plan" and "Oak Ridge Energy Corridor" project items did not adequately explain the City's purpose or action of these projects. She suggested deferring these items to a different document or omitting them altogether. Dr. Fitzgerald suggested broadening the description for each of the items listed, and including Council's related goals.

Next, Councilmember Smith discussed her concerns with the "Horizon Center 69-kv Delivery Point" by explaining that, in her interpretation, the project is significant to the City, but that the verbiage of the project could be conveyed that the City is allowing the Department of Energy (DOE) to abrogate their environmental responsibilities for cost savings. She suggested revising the language to ask for DOE's assistance in providing an adequate infrastructure. She also explained the Recreational and Parks Advisory Board voted unanimously to advise Council to seek an analysis of the recreational impact of that project, as it affects one of the more popular greenways on the west end of Oak Ridge.

The City Manager clarified that this item was more of a local/federal matter, and may not have warranted discussion at the federal level. Ultimately, he explained, this is a request for reindustrialization of the area.

Councilmember Garcia Garland commented that if the issue does not need to be brought to the Federal level, then it could be omitted. Councilmember Garcia Garland moved that the item be removed from the Federal Agenda, which was seconded by Councilmember Smith.

To provide additional information, Margaret Elgin, Electrical Engineering Division Manager for the City of Oak Ridge, discussed the involvement of other organizations with this project, such as Community Reuse Organization of East Tennessee (CROET), DOE, and the City. She explained that the organizations have been working together for years in reviewing alternatives for the power lines, but that the only feasible plan was the use of the patrol road. She explained that the route, proposed and planned by the DOE, contains a substation built by the Electric Department, and that all parties are continuing to participate on this route and discussion has begun on a course of action.

Councilmember Hensley, Hope, Mayor Pro Tem Miller, and Mayor Beehan called for the question.

Councilmember Garcia Garland's motion to amend the main motion by removing the "Horizon Center 69-kv Delivery Point" item from the Federal Agenda failed by board vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay" and Councilmembers Garcia Garland and Smith voting "Aye."

Councilmember Smith continued by asking that the “Coalition of Oak Ridge Retired Employees (CORRE)” item include the organization’s current goal rather than their previous goal, which was also favored by Councilmember Hensley.

Lastly, Councilmember Smith commented that the “Historic Preservation/Heritage Tourism” items range in significance and that Council might not fully assess the goals of the three items. She pointed out the potential advantages of merging the “Partnership with Oak Ridge Library and ETTP Site Interpretation” items to be broader; thereby, allowing greater flexibility in the City’s ability to support revised plans, as well as to help define a partnership between DOE and the City. Amy Fitzgerald recommended keeping the specific language regarding Fire Station #4 in the language as the City might need assistance moving that initiative forward.

The main motion to approve the City of Oak Ridge, Tennessee 2012 State and Federal Legislative Agenda was approved by voice vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller and Mayor Beehan voting “Aye,” and Councilmembers Garcia Garland and Smith voting “Nay.”

Councilmember Smith requested, for the record, that her “Nay” vote was cast in relation to the “Horizon Center 69-kv Delivery Point” project and her perceived negative message that it conveys regarding the City of Oak Ridge’s attitude toward environmental protection.

Councilmember Hensley responded, for the record, that Council’s vote reflected a balanced approach between protecting the environment and doing what the community needs which is trying to get the taxes back into balance.

Resolution 1-4-2012

Adopted a resolution awarding a bid in the estimated amount of \$68,571.75 to Stuart C. Irby, Co., Johnson City, Tennessee, for the furnishing of 15kv intellirupter pulse closer source transfer equipment for use in improving power reliability for Jackson Plaza.

Councilmember Smith moved, seconded by Mayor Pro Tem Miller that the resolution be adopted. Following brief deliberation and clarification from the City Manager, it was explained that the Industrial Development Board made the investment, and that the building is the actual customer, as opposed to the individuals businesses housed there. The motion was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan voting “Aye.”

Mayor Pro Tem Miller was not present during the vote for this resolution.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCE

A public hearing was held on amending the City of Oak Ridge FY 2012 Annual Action Plan of the Community Development Block Grant (CDBG) Entitlement Program for the reallocation of unused funds. (Resolution scheduled for February 13, 2012)

Kathryn Baldwin, Community Development Director, explained that the CDBG reallocation of funds requires a public hearing that cannot be held on the same meeting as the consideration.

A public hearing was held with no citizen participation.

In response to Councilmember Smith’s inquiry, Ms. Baldwin explained that the funds presented were from the current year and that the City wishes to reallocate as opposed to sub-allocating, which was an historical done. She explained that the reallocation could be used for the other purposes, such as the *Not in Our City* program.

In discussions with Council, further information was requested on the following:

- Explanation of unused funds for the Scarboro Community Center
- Information on the under-spending of all the categories presented
- Clarification regarding the Code Enforcement Inspector Position unused funds

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Mayor's Appointment: Anderson County Development Corporation (ACDC)

Mayor Beehan explained Mr. David Bradshaw, who was appointed to serve on the ACDC's Board of Directors in December, would be unable to serve as the City's representative on said board as he was recently named Chair of the Oak Ridge Chamber of Commerce which has a designated seat on the ACDC. The Mayor stated that Councilmember Hensley has agreed to serve as the Mayor's appointment.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the Mayor's appointment of Councilmember L. Charles Hensley be confirmed to serve as the City of Oak Ridge representative on the Anderson County Development Corporation Board of Directors. The term of the representative will be concurrent with the Mayor's current term.

Confirmation of the Mayor's appointment was approved by voice vote with Councilmembers Garcia Garland, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Hensley abstained from voting.

Oak Ridge Convention and Visitors Bureau Hotel/Motel Representative

Diana Stanley, City Clerk, briefly explained the reason for asking for Council's confirmation of Steve Hattangadi to serve on the Oak Ridge Convention and Visitors Bureau (CVB) and informed City Council that Mr. Hattangadi was eager to serve on the board as a hotel/motel representative.

City Manager Mark Watson responded to Councilmember Smith's inquiry about the Convention and Visitors Bureau's hotel/motel appointment by explaining that the third hotel position is a rotation of the hotels in the community. He further stated that Mr. Steve Hattangadi, General Manager (G.M.) of Comfort Inn, is substituting for the former G.M. who was elected in the fall of 2011.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that Mr. Steve Hattangadi, General Manager of the Comfort Inn, be appointed to serve on the Oak Ridge Convention and Visitors Bureau representing the hotel/motel membership for a term of office ending on December 31, 2012.

Confirmation of the appointment was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Traffic Safety Advisory Board

Mr. Mark Crider was elected by ballot to the Traffic Safety Advisory Board for the balance of an unexpired term of office ending December 31, 2012. He received the votes of Councilmembers Mosby, Hensley, Hope, and Mayor Beehan. The remaining Councilmembers, Garcia Garland, Smith, and Mayor Pro Tem Miller, voted for Mr. Richard Raridon.

COUNCIL REQUESTS FOR NEW BUSINESS OR FUTURE BRIEFINGS

Councilmember Hensley requested that staff look at aggressive action to revive the mall, particularly with the outcome of Sears, and discuss at a Work Session.

Councilmember Smith noted that some councilmembers had participated in external involvements, such as the Energy Communities Alliance (ECA), but that no updates or reports had been received by Council regarding discussions at these events. The Mayor explained that he had sent out a travel notice explaining about the purpose of a recent ECA trip and that he was going to be elected Chairman of the Executive Board of that organization. He further elaborated that there was a lot of information that was discussed, but nothing that affected the City directly.

Councilmember Smith also proposed scheduling an ad-hoc work session for those interested in discussing ideas and communications, and providing a report back to Council. Concerned about the absence of a city representative at a recent Manhattan Project National Park designation conference call, Councilmember Smith cautioned that the City would be at a disadvantage if not participating in the active discussions and wanted to make sure that the City is engaged during the process. She noted that those available on Council could participate in discussions if needed.

Mayor Beehan addressed Councilmember Smith's concern by explaining that the City was not given appropriate notice to participate in the conference call by the individuals facilitating the meetings. The Mayor indicated that he has expressed his concerns to the representatives of the Atomic Heritage Foundation about the City not receiving proper notice on meetings and the City not being included during the initial discussions. He concluded by explaining that the ECA is now taking the lead on this project since they represent the governments and communities of the DOE communities. The City Manager added to Mayor Beehan's discussion by explaining that there was a relevance issue with those that were trying to lead the project as they were not from the areas being considered for a National Park designation, but that has been corrected to now include the Manhattan Project sites.

Councilmember Garcia Garland inquired about the scheduling for the next Council retreat, given that the agenda for the January 23, 2012 Work Session was finalized. The City Manager answered that he is awaiting a response from Mr. David Krings concerning his availability for a retreat.

Councilmember Hope asked the City Manager to submit a memo to Council concerning the February 6, 2012 Joint Meeting of the City Council and the School Board. Mr. Watson noted that the City Attorney would be offering a legal opinion regarding the requests from Woodland School, and that the City would be discussing some of the school's and city's CIP matters at the February 6 meeting.

CITY ATTORNEY'S REPORT

City Attorney Kenneth Krushenski explained that the construction and renovation of the high school was presented to the Oak Ridge voters as a no property tax increase project in all public hearings to discuss the renovation. He added that the revenue from such increase shall be appropriated and expended for the purpose of funding and paying for construction, renovation, purchase of capital equipment, and/or retirement of school construction debt service for the Oak Ridge High School, and at such time as the high school debt service is paid in full.

CITY MANAGER'S REPORT

Mark Watson explained that he would send a communication to Councilmembers' mailboxes about updates on traffic enhancement projects.

ADJOURNMENT

The meeting adjourned at 10:55 p.m.

Diana R. Stanley, City Clerk
CITY OF OAK RIDGE, TENNESSEE

RECREATION AND PARKS MEMORANDUM
12-02

DATE: January 30, 2012
TO: Mark S. Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: PLAYFUL CITY USA

The accompanying resolution authorizes and provides support for the submission of an application to secure a Playful City USA Designation for the City of Oak Ridge.

Playful City USA is a national recognition program sponsored by Kaboom! that honors cities and towns that make play a priority and use innovative programs to get children active, playing, and healthy. In 2011, 151 cities and towns across the country in 38 states and 1 territory earned the Playful City USA status. City Council members and City staff have seen Playful City USA displays and material as they travel to NLC meetings and conferences.

KaBOOM! is a national non-profit organization dedicated to saving play for America's children. Their mission is to create great play spaces through the participation and leadership of communities. Ultimately, they envision a place to play within walking distance of every child in America. Benefits to the City include:

- Exclusive access to 103 Let's Play Grants worth \$2.1 million between 2011–2013
- Inclusion in national publications spotlighting your city's best practices in play
- Street signs identifying your community's commitment to children
- Customized marketing kit and online tools to celebrate the Playful City USA recognition
- Access to free instructional trainings led by experts that feature replicable programs and policies
- Connections to a network of city and municipal leaders
- Competitive advantage for state and national grant opportunities
- Inclusion in national advertising and public relations campaigns
- Financial support to attend conferences focusing on play policies, city and state leadership, health, and urban planning
- Recognition status embraced by realtors, visitor bureaus, developers, and investors to highlight your community as a great place to raise healthy and happy children

In order to qualify for Playful City USA Designation, applicants must map local play spaces, complete a needs assessment, and develop an action plan that identifies a minimum of three policies, programs, or initiatives aimed at increasing access to play at school, in neighborhoods, and through community engagement.

Playful City USA is included in the 2012 Work Plan for the Recreation and Parks Advisory Board, and the Parks Board is excited about pursuing this designation for the City.

The Recreation and Parks Department has familiarity and success in working with KaBOOM! In 2011, department staff applied for and won three grants from Dr. Pepper Snapple Group, a National Partner of KaBOOM! The grants totaled \$1,750 and will be used to cover the cost of bike racks and installation of concrete pads at Cedar Hill and Elm Grove Parks.

Staff recommends approval of the accompanying resolution as submitted.

Attachments

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION SUPPORTING THE SUBMISSION OF AN APPLICATION TO SECURE A PLAYFUL CITY USA DESIGNATION FOR THE CITY OF OAK RIDGE.

WHEREAS, Playful City USA is a national recognition program honoring cities and towns that make play a priority and use innovative programs to get children active, playing, and healthy; and

WHEREAS, Playful City USA is sponsored by KaBOOM!, a national non-profit organization whose mission is to create great play spaces through the participation and leadership of communities; and

WHEREAS, the Recreation and Parks Department has worked with KaBOOM! recently, and in 2011 was the recipient of three (3) grants totaling \$1,750 from Dr. Pepper Snapple Group, a National Partner of KaBOOM! to cover bike racks and installation of concrete pads at Cedar Hill and Elm Grove Parks; and

WHEREAS, Playful City USA offers several benefits, including access to exclusive grants, increased national recognition through publications and public relations campaigns, access to free online instructional training, competitive advantage for state and national grant opportunities, and recognition identifying the community's commitment to healthy children; and

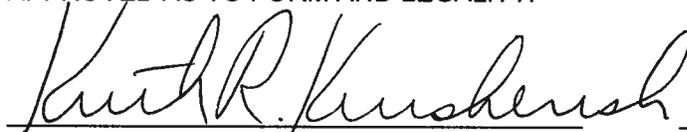
WHEREAS, the Recreation and Parks Advisory Board's 2012 Work Plan includes pursuance of a Playful City USA designation.

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

That City Council authorizes and supports the City in applying for a Playful City USA Designation for the benefit of the community.

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RECREATION AND PARKS MEMORANDUM

12-01

DATE: January 26, 2012
TO: Mark Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: BASKETBALL COURTS AT LASALLE PARK AND ELM GROVE PARK

The accompanying resolution awards a contract to Baseline Sports Construction, LLC of Knoxville, Tennessee, for furnishing all labor and materials for the construction of two (2) outdoor basketball courts in the estimated amount of \$36,364.00.

The proposed project envisions the construction of new outdoor basketball courts that will replace an existing basketball court at Elm Grove Park and an older court at LaSalle Park that was removed approximately eight years ago.

Four companies responded to the Request for Proposals (RFP). City staff evaluated the submittals and determined that Baseline Sports Construction, LLC submitted the best proposal with the lowest price and met the requirements set forth in the RFP. Baseline Sports Construction has previously worked with the Recreation and Parks Department on renovation of the tennis courts at the high school and at Jackson Square.

The current basketball court at Elm Grove Park has deteriorated with age. Settling of the surface underneath the asphalt court has created an irregular surface unsuitable for safe play. In addition, during routine sewer maintenance operations it was discovered that a manhole had been covered during the original construction of the court. Once discovered, it was necessary to expose the manhole for future maintenance operations on the sewer line. Unfortunately, the manhole was located within the playing surface of the court thus creating a hazard for court users. As a result, the new court will be moved to a location in the park adjacent to the recently renovated playground.

The basketball court at LaSalle Park was removed approximately eight years ago due to its deteriorated condition. Large cracks and settling depressions had created trip hazards. Construction of the new basketball court will return this recreational opportunity to the neighborhood park.

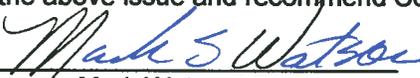
Funding for these projects has been included in the Capital Projects Fund for the last five years.

Staff recommends approval of the accompanying resolution as submitted.

Attachments

City Manager's Comments:

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


Mark Watson


Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR 11-21
OPENING DATE: January 19, 2012 2:00 P.M.

DESCRIPTION	BIDDER:		BIDDER:		BIDDER:	
	Option	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
FOR -- Elm Grove and LaSalle Parks Outdoor Basketball Courts Project			BIDDER: Baseline Sports Construction, LLC 3600 Henson Road Knoxville, TN 37921	BIDDER: Play-Rite Sport Surfaces 7220 Coleridge Drive Knoxville, TN 37919	BIDDER: Competition Athletic Construction, LLC 3205 N Hawthorne Street Chattanooga, TN 37406	BIDDER: First Place Finish 127 Rockbridge Greens Blvd. Oak Ridge, TN 37830
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE ELM GROVE AND LASALLE PARKS OUTDOOR BASKETBALL COURTS PROJECT PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE RECREATION AND PARKS DEPARTMENT			\$ 36,364.00	\$ 42,519.50	\$ 59,940.00	\$ 72,017.00
TOTAL PRICE			\$ 36,364.00	\$ 42,519.50	\$ 59,940.00	\$ 72,017.00
TERMS			NET 30	NET 30	NET 30	NET 30
DELIVERY			PER CONTRACT	PER CONTRACT	PER CONTRACT	PER CONTRACT
F.O.B.			JOBSITE	JOBSITE	JOBSITE	JOBSITE
VIA			VENDOR	VENDOR	VENDOR	VENDOR
OTHER BIDDERS CONTACTED: J. G. Mullins Construction - Knoxville, TN Duracap Asphalt Paving Co., Inc. - Knoxville, TN Blount Excavating - Knoxville, TN Rogers Group, Inc. - Oak Ridge, TN						
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:			
ONLY BID RECEIVED	<input type="checkbox"/>		Baseline Sports Construction, LLC			
LOW PRICE	<input type="checkbox"/>		3600 Henson Road			
BETTER OR REQUIRED DESIGN	<input type="checkbox"/>		Knoxville, TN 37921			
EARLY DELIVERY	<input type="checkbox"/>					
LOWEST TOTAL COST	<input checked="" type="checkbox"/>					
			BIDS OPENED AND RECORDED BY--			
			Lyn Majeski Lyn Majeski Accounting Division Manager			
			BIDS REVIEWED BY-- Janice McGinnis Janice McGinnis Finance Director			

RESOLUTION

A RESOLUTION AWARDING A CONTRACT TO BASELINE SPORTS CONSTRUCTION, LLC, KNOXVILLE, TENNESSEE, FOR THE CONSTRUCTION OF OUTDOOR BASKETBALL COURTS AT ELM GROVE AND LASALLE PARKS IN THE ESTIMATED AMOUNT OF \$36,364.00.

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for construction of outdoor basketball courts at Elm Grove Park and LaSalle Park; and

WHEREAS, bids were received and publicly opened on January 19, 2012, with Baseline Sports Construction, LLC, Knoxville, 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 Baseline Sports Construction, LLC, 3600 Henson Road, Knoxville, Tennessee 37921, for the furnishing all labor, tools, materials, equipment and supplies necessary to perform all work and services for the construction of outdoor basketball courts at Elm Grove and LaSalle Parks; said award in strict accordance COR 11-21, the required specifications, and the bid as publicly opened on January 19, 2012, and in the estimated amount of \$36,364.00.

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

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CITY CLERK MEMORANDUM
12-04

DATE: January 30, 2012

TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, City Clerk

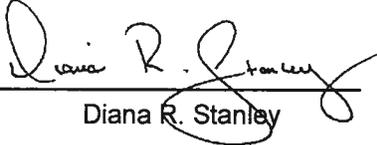
SUBJECT: AMENDMENT TO THE MARCH 2012 CITY COUNCIL REGULAR MEETING

The Tennessee Municipal League (TML) will be holding a 2012 Legislative Conference in Nashville, Tennessee, March 5 – 6, 2012. Currently, the regular meeting of City Council is scheduled for Monday, March 5, 2012.

The City Clerk polled City Council to learn who was interested in attending the TML Conference and have received responses from half of the Council expressing an interest in attending. The City Clerk's Office has already made the registration and lodging arrangements for the councilmembers who wish to attend, so as to receive a discounted rate and first come, first serve accommodations.

City Staff is proposing that the scheduled March 5th meeting, be rescheduled to Wednesday, March 7, 2012 with no changes in the time or location so that members of City Council can attend the TML Legislative Conference.

Adoption of the attached resolution is recommended.



Diana R. Stanley

Attachments

City Manager's Comments:

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



Mark S. Watson



Date

NUMBER _____

RESOLUTION

A RESOLUTION AMENDING RESOLUTION NO. 12-117-11 THAT ESTABLISHED THE COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2012 TO CHANGE THE MARCH 2012 REGULAR MEETING OF CITY COUNCIL TO WEDNESDAY, MARCH 7, 2012.

WHEREAS, Article II, Section 1, of the Charter of the City of Oak Ridge, Tennessee, provides that the Council shall hold regular meetings in Oak Ridge at least once monthly, and that increased frequency, time of day, and place of its meetings shall be established by resolution; and

WHEREAS, with the adoption of Resolution Number 12-117-11 on December 12, 2011, the Council established the schedule of meetings for calendar year 2012, with said schedule providing that the regular meeting in March 2012 would be held on March 5; and

WHEREAS, it has been brought to the attention of the City Clerk that there is a Tennessee Municipal League (TML) Legislative Conference occurring March 5 – 6, 2012 that councilmembers are interested in attending; and

WHEREAS, the City Manager recommends that the regular meeting of City Council scheduled for March 5, 2012 be rescheduled to occur on Wednesday, March 7, 2012 so that Council can attend the TML Conference, as well as participate in the March meeting.

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

That Resolution Number 12-117-11 is hereby amended to provide that the regular meeting of City Council during the month of March 2012 shall be held on the first Wednesday, March 7, 2012, beginning at 7:00 p.m. in the Municipal Building Courtroom.

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-3

DATE: January 27, 2012
TO: Mark S. Watson, City Manager *MSW*
FROM: Kahla Gentry, Senior Planner
THROUGH: Kathryn Baldwin, Community Development Director *KEB*
SUBJECT: **AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ANNUAL ACTION PLAN FOR FY 2012**

The accompanying resolution approves amending the City of Oak Ridge FY 2012 Annual Action Plan of the CDBG Entitlement Program for the reallocation of \$126,231.08 of unused funds. The proposed use is for acquisition and demolition of blighted properties within the CDBG target area.

When a CDBG grantee decides to change the purpose, scope, location or beneficiaries of an activity previously approved in the Annual Action Plan, the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan regulations (24 CFR 91.505) require the grantee to amend its approved Consolidated Plan-Annual Action Plan and notify them of the decision.

A reallocation of CDBG funds is recommended as a result of not fully spending the entire allotted amount in each of the following line items. The amount listed is the amount remaining for each of these items.

Habitat for Humanity	\$ 8,561.64
Scarboro Community Center	\$25,045.05
HOME Grant Match (grant application not approved by THDA)	\$25,000.00
Unused Administration Funds	\$14,624.39
Code Enforcement Inspector	<u>\$53,000.00</u>
TOTAL	\$126,231.08

Habitat for Humanity of Anderson County had a one year contract that was extended a second year for the "Brush with Kindness" program. The purpose of the "Brush with Kindness" program was to provide minor exterior repairs to homes owned by low-income and very-low income home owners, targeting the Scarboro and Highland View neighborhoods. The total contract amount for the program was \$15,000. During the first contract year (2009/2010) Habitat did repairs on three homes and in the second year (2010/2011) Habitat did not submit any invoices and did not request an extension of their contract. Of the \$15,000 approved for the program, \$6,438.36 was spent and \$8,561.64 was left remaining.

Each year the City budgets \$95,000 of CDBG funds for debt repayment on the Scarboro Center expansion project that is being repaid over a 15-year period. The amount actually required for payment each year varies depending upon interest rates. The City is not permitted to pay more than what is billed for the debt; the exact amount is what gets paid. Recently interest rates have been low and the City has not expended the full budgeted amount, resulting in funds that can be reallocated to other uses.

In 2010/2011 the City applied to the Tennessee Housing Development Agency for a HOME grant to provide funds for housing rehabilitation. As part of the application the City pledged a match of \$25,000 of CDBG funds. The City was not selected for funding and the \$25,000 match was not used.

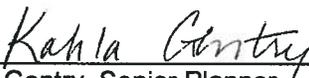
During 2009/2010 \$25,000 was budgeted for CDBG program administration. During that year the CDBG program administration was transferred from the Public Works Department to the Community Development Department and using CDBG funds for a portion of a staff person's salary was discontinued resulting in \$14,624.39 of unused funds in the administration budget.

In 2011/2012 \$63,000 was budgeted for salary expenses for a code enforcement officer. Reorganization of the Community Development Department has resulted in the elimination of this position and a balance of \$53,000.

At this time staff is recommending that these funds be reallocated for the acquisition and demolition of vacant dilapidated buildings within the CDBG target area to be used when an owner is unable or unwilling to make required repairs.

HUD requires a thirty-day public comment period prior to approval of an amendment to the Annual Action Plan. The City of Oak Ridge met this requirement with a public comment period from January 3, 2012 through February 2, 2012 and a public hearing on January 9, 2012. No comments have been received.

Staff recommends approval of the attached resolution as submitted.



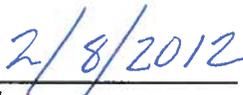
Kahla Gentry, Senior Planner

City Manager's Comments:

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



Mark S. Watson, City Manager



Date

RESOLUTION

A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY2012 ANNUAL ACTION PLAN, APPROVED BY RESOLUTION 5-33-11, FOR THE REALLOCATION OF \$126,231.08 OF UNUSED FUNDS TOWARD THE ACQUISITION AND DEMOLITION OF BLIGHTED PROPERTIES WITHIN THE CDBG TARGET AREA.

WHEREAS, by Resolution 5-33-11, City Council approved the Community Development Block Grant (CDBG) FY2012 Annual Action Plan of the Consolidated Plan for funds from the U. S. Department of Housing and Urban Development (HUD), including allocations of CDBG entitlement funds in the estimated amount of \$237,000.00; and

WHEREAS, for reasons explained below, \$126,231.08 of previously allocated CDBG funds have not been spent and are available for reallocation; and

WHEREAS, the City desires to amend the FY2012 Annual Action Plan and reallocate the remaining funds toward acquisition and demolition of blighted properties within the CDBG target area; and

WHEREAS, \$8,561.64 remain from CDBG funds allocated to Habitat for Humanity of Anderson County's Brush with Kindness program, approved by Resolution 5-34-09 and extended by Resolution 8-78-10, and the contract period has ended with no request for extension from Habitat; and

WHEREAS, \$25,045.05 remain from the CDBG funds allocated to the Scarborough Community Center Expansion, approved by Resolution 5-33-11, due to lower interest rates resulting in a lower repayment for FY2012; and

WHEREAS, \$25,000.00 in CDBG funds were allocated by the City to match a Tennessee Housing Development Agency (THDA) 2011 HOME grant, application authorized by Resolution 2-7-11, however the City was not selected to receive the grant therefore the funds are available for reallocation; and

WHEREAS, \$14,624.39 remain from the CDBG funds allocated to CDBG Grant Program Administration approved by Resolution 5-34-09; and

WHEREAS, \$53,000.00 remain from the CDBG funds allocated to Code Enforcement Services, approved by Resolution 5-33-11, due to the elimination of a staff position as a result of the reorganization of the Community Development Department; and

WHEREAS, pursuant to HUD regulations, the City has provided a thirty-day public comment period (January 3, 2012 through February 2, 2012) prior to approval of an amendment to the Annual Action Plan and no comments have been received; and

WHEREAS, the required public hearing was held on January 9, 2012; and

WHEREAS, the City Manager recommends amendment of the FY2012 Annual Action Plan.

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 FY2012 Annual Action Plan approved by Resolution 5-33-11 is hereby amended to allocate \$126,231.08 of unused CDBG funds toward the acquisition and demolition of blighted properties within the CDBG target area.

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

FINANCE DEPARTMENT MEMORANDUM
12-03

DATE: February 4, 2012
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: **Tax Equivalents**

Tennessee Code Annotated (TCA) authorizes and establishes guidelines for municipal operated utility systems to pay tax equivalent payments to the General Fund of the municipality. Basically, this is an in-lieu of property tax payment that the City's utility systems pay to the General Fund. This is comparable to the property taxes that a private business that provided a similar service would be required to pay the City.

The City Electric Fund's tax equivalent payment is calculated utilizing guidelines set forth in Sections 7-52-301 and 7-52-307 of the TCA and Section 2 – Terms and Conditions, Revision 1987, of the TVA contract. The tax equivalent is calculated utilizing the net asset value of the Electric System's physical plant (i.e. electric lines, land, traffic signals, street lights, vehicles and substations) on a cost basis and a three-year average of the system's operating revenues, excluding purchased power. The net asset value of the system's property is \$45,187,222 in the Anderson County portion of the City and \$6,839,083 in the Roane County portion of the City. Based on the calculations specified in Section 2 of the TVA contract, the tax equivalent payment from the Electric Fund for fiscal 2012 is \$1,836,703.

State law requires City Council to annually approve the amount of the Electric Fund's tax equivalent payments and to allocate 77.5% of the total tax equivalent to the City's General Fund, with the remaining 22.5% allocated to the county taxing jurisdictions. Computations in accordance with these formulas result in the following Electric Fund tax equivalent payments as follows:

Portion to Oak Ridge General Fund (77.5%)	\$1,423,445
Portion to Counties (22.5%)	
distributed based on plant value:	
Anderson County	358,933
Roane County	<u>54,325</u>
 Total Electric Fund Tax Equivalent	 <u>\$1,836,703</u>

The Waterworks Fund disburses tax equivalent payments to the City's General Fund under authorization of TCA 7-34-115. The code provides for a maximum tax equivalent payment to the General Fund not to exceed the amount of taxes payable on privately owned property of a similar nature. The tax equivalent payment can be established at any level below that maximum amount. There is no provision for the Waterworks Fund's tax equivalent payment to be shared with the counties. Tennessee code does require City Council to annually approve the Waterworks Fund tax equivalent payment. This calculation is based on the net book value of waterworks fixed assets at the public utility assessment ratio of 55%, which equates to the assessed value, at the City's equalized property tax rate per \$100 of assessed value. The amount of the tax equivalent payment will fluctuate each year based on the value of new assets added versus depreciation and changes in the appraisal ratio. Due to the 2010 property tax reappraisal, the appraisal ratio is currently 100%. The amount of tax equivalent on the waterworks system comparable to that of a private enterprise for fiscal 2012 is \$1,182,017.

TCA 7-34-115 also provides for an equity investment charge payable to the General Fund from the waterworks system at a 6% per annum rate. The General Fund's initial investment in the Waterworks system at the 6% rate equates to an annual payment of \$250,445.

The Waterworks Fund's payment to the General Fund would be \$1,432,462, which is the total of these two charges.

Staff recommends approval of the attached resolution.


Janice E. McGinnis

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY'S ELECTRIC AND WATERWORKS FUNDS TO DISBURSE TAX EQUIVALENT PAYMENTS TO THE CITY'S GENERAL FUND AS AUTHORIZED BY STATE LAW.

WHEREAS, Chapter 237 of the Public Acts of 1969 (Tennessee Code Annotated §7-52-301, §7-52-307, and §7-34-115) provides for the transfer of tax equivalents from the Electric Fund and the Waterworks Fund to the General Fund of the owning municipality; and

WHEREAS, said law further provides that the governing body of the municipality shall determine the amounts to be transferred for each fiscal year to the municipality's General Fund, not to exceed specified limits; and

WHEREAS, the City Council of the City of Oak Ridge now desires to establish such payment for the fiscal year ending June 30, 2012, and accordingly authorize its distribution between the City and Anderson and Roane Counties, in accordance with State law.

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

That the City of Oak Ridge, Tennessee pay from its Electric Fund and its Waterworks Fund to the General Fund and that such funds then be distributed to the respective taxing jurisdictions, in accordance with Chapter 237 of the Public Acts of 1969, in the estimated amounts shown below:

<u>Electric Fund</u>	
City of Oak Ridge	\$1,423,445.00
Anderson County	358,933.00
Roane County	54,325.00
 <u>Waterworks Fund</u>	
City of Oak Ridge	\$1,432,462.00

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Thomas L. Beehan, Mayor

 Diana R. Stanley, City Clerk

CITY CLERK MEMORANDUM

12-06

DATE: February 3, 2012
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: GOALS FOR CITY BOARDS AND COMMISSIONS AS RECOMMENDED BY THE CITY MANAGER

An item for City Council's consideration is a resolution adopting the *Goals for City Boards and Commissions for 2012*.

The goals were drafted by the City Manager in early fall to provide advisory assistance to City Council, as well as to provide a means to further engage Oak Ridge citizens in city government priorities. These goals were developed from input and discussion with City Council, as well as Council goals that were provided to the City Manager in the coming year. Many of the activities of the Boards also coincide with the City Manager's goals.

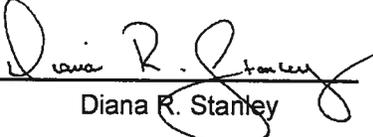
Although the goals were never voted on for concurrence by City Council, they have been presented at several meetings. The goals were first introduced and discussed at the City Council Retreat on September 10, 2011, and were revisited for review and discussion during a City Council Work Session on September 26, 2011. A final version of the goals was presented as part of the agenda packet for the December 19, 2011 Special Meeting of City Council where the end-of-year elections occurred for various boards and commissions.

Many of the goals relate to the *Not in Our City* initiative, as housing conditions and blighted neighborhoods take an important priority in the community in the upcoming years, but all of the goals work to establish Oak Ridge as a premiere community.

Concurrence by City Council of these goals gives the Boards guidance on the expectations of fulfilling their role, and helps to prioritize their assignments.

The list of goals is open for discussions at any time with the option to change or add items as determined by Council or the City Manager.

Adoption of the attached resolution is recommended.


Diana R. Stanley

Attachments

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION TO ADOPT THE ATTACHED GOALS FOR CITY BOARDS AND COMMISSIONS FOR 2012, DATED FEBRUARY 8, 2012, AS RECOMMENDED BY THE CITY MANAGER.

WHEREAS, at the December 19, 2011 special meeting, City Council was given a final version of the City Manager's goals for certain City-established boards and commissions for Calendar Year 2012; and

WHEREAS, the goals were established to provide advisory assistance to City Council, as well as to provide a way to further engage Oak Ridge citizens in city government priorities; and

WHEREAS, the City Manager recommends formal adoption of the attached *Goals for City Boards and Commissions for 2012*.

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 *Goals for City Boards and Commissions for 2012*, dated February 8, 2012, is hereby adopted.

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk



CITY OF OAK RIDGE GOALS FOR CITY BOARDS AND COMMISSIONS FOR 2012

Recreation and Parks Board

- Re-design and configure the boathouse area along Melton Lake Drive to insure the placement and construction of a new Pavilion donated by UT-Battelle as a linchpin project of the Melton Lake riverfront
- Begin planning process and community involvement process for the first Dog Park in Oak Ridge and obtain necessary approvals and recommending budgetary capital levels.
- Incorporate the Bike-Pedestrian Plan premises into all Parks facilities
- Develop planning for Playful City USA designation and integrate public input into community recreational events (i.e. Secret City, Earth Day, concerts, etc.)

Traffic Safety Advisory Board

- Provide recommendations into the policy issue of Street Parking vs. Street "Storage"
- Work with Planning Commission and develop recommendations and review requirements for required parking at "legacy" rental housing units
- Examine accidents and accident severity in Oak Ridge and make speed and design adjustments accordingly
- Determine a policy for incorporating traffic circles and traffic calming devices into the City's transportation plans
- Assist Chief of Police with regulations for neighborhood parking districts

Environmental Quality Advisory Board

- Develop and help implement a progress reporting system for Climate Action Plan
- Develop goals and system for salvaging portions of demolished structures
- Assess potential options for fuel-efficient vehicles for the City fleet for incorporation into capital replacement program, including cost/benefits in emissions, capital purchases, and operational costs
- Examine integration of City environmental goals and policies with the Greater Knoxville Metropolitan Planning Organization's regional goals
- Develop policy recommendations for free maintenance by residents along greenbelts and trails, identifying potential impacts on residents and making recommendations to the City Council
- Advise the City Manager on plausible projects to incorporate into potential TVA "extreme energy makeover" project
- Define acceptable levels of lawn maintenance in residential neighborhoods (i.e. "natural lawns" versus current standards
- Provide input into Mayor's Advisory Council on DOE / TDEC matters upon request

Beer Permit Board

- Examine and conduct periodic reviews of existing licensed facilities, utilizing calls for service information and other relevant information that will determine continued licensing
- Review present licensing requirements and determine recommendations for approvals in redevelopment areas
- Assess Board's new requirements for beer sales at events and any corresponding impacts

Board of Building and Housing Code Appeals

- Assess impact of current rules and any modifications required to encourage resolution in Environmental Court
- Conduct more regular and frequent review of housing repair and maintenance timetables as brought to the Board via housing officials
- Identify policies that are exceptions to the International Property Maintenance Codes and determine need to retain or return to the Code
- Work with the EQAB Board on the policy governing "natural laws"

Convention and Visitors' Bureau

- Invest in minor capital improvements for enhanced promotion during city events (i.e. directional signage to downtown restaurants)
- Develop plan for addressing SMERF (social, military, educational, religious, and fraternal) markets in City
- Increase sports marketing and support for sports events
- Assist existing small business associations in creating market data for community promotion.
- Enhance regional attendance at Oak Ridge events and enhance coordination with regional counterparts
- Develop an after-hours kiosk for visitor information

Elder Citizens' Advisory Board

- Conduct space needs analysis for the existing Senior Center, determining future use and size of future facility.
- Conduct statistically valid survey of Baby Boomer retirement intents as pertains to the need for a senior facility.
- Make contacts with senior community to determine assistance, needs and projects for neighborhood groups and volunteer groups, as well as a recycling program for elderly equipment such as walkers or wheelchairs
- Assess transportation for elderly programs; identify necessary improvements or ordinance changes

Highland View Redevelopment Advisory Board

- Utilize HVRAB in directly targeting "Not in Our Town" campaign through defined approaches to use of obtained lots for new purposes
- Support the re-organization of neighborhood watch groups in the area through the Police and crime data available for the board
- Advise on policies that need adjustments in coming year to meet the goals of the Board

Oak Ridge Housing Authority

- Conduct joint meeting with the City Council after Council Retreat to discuss partnerships and definitive directions with rental and public housing
- Assist in the identification of renters not operating in parameters of ORHA Administrative guidelines and coordinate with Oak Ridge Police Department
- Assist the City in coordinating with out of town housing authorities hosting Section 8 vouchers to tenants in our town.
- Advise on the creation of new housing or controlling new units through the Housing Authority
- Support legislation for Community Land Bank

Oak Ridge Municipal Planning Commission

- Examine the issue of housing congestion on smaller lots and cul-de-sacs of the City and determine its effect on city services, parking, spatial requirements for occupants and quality of life issues, while making appropriate recommendations
- Develop a simple, complementary code for the Jackson Square area allowing residential and commercial uses to occur in a compatible manner as part of an urban streetscape development

- Identify potential policy and regulatory “barriers” to successful and sustainable small business development/re-development in smaller commercial areas of the city.
- Update general plan regarding the Housing chapter

Board of Zoning Appeals

- Provide recommendations on potential changes to ordinances that are in potential conflict with each other
- Conduct review of challenges for past several years and determine if modifications to city ordinances are advised. Focus can also be on policy and regulatory barriers to sustainable and successful small businesses.
- Meet with the Council

Youth Advisory Board

- Coordinate youth awareness of safety through informational programs with schools
- Provide annual report to Council
- Determine feasibility of “jobs fair” for ORHS students for municipal jobs
- Develop a youth survey of needs and attributes of Oak Ridge community

Industrial Development Board

- Conduct annual confirmations of corporations receiving abatements to ensure compliance with jobs creation and real investment terms.
- Provide an annual report to the City Council
- Coordinate agreement for support services with Oak Ridge Partnership
- Reaffirm a TIF policy and recommend to the Council

Last Updated: February 8, 2012

LEGAL MEMORANDUM
12-06

DATE: February 8, 2012
TO: Honorable Mayor and Members of City Council
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: CERTIFICATE OF GOOD MORAL CHARACTER
FOR JERROLD A. WILLIAMS

The accompanying resolution is presented for City Council's consideration. State statute requires that as a condition for any club seeking a license to sell alcoholic beverages for consumption on the premises, the person in the actual charge of the sale of alcoholic beverages shall submit to the state a certificate stating that he is of good moral character.

A request for a Certificate of Good Moral Character for Jerrold A. Williams, Oak Ridge Country Club, has been submitted. A notice has been published in The Oak Ridger advising that the issuance of the Certificate of Good Moral Character would be considered at the February 13, 2012 City Council meeting. Police background checks on Mr. Williams have been conducted and previously provided to Council


Kenneth R. Krushenski

Attachment

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF OAK RIDGE A CERTIFICATE OF GOOD MORAL CHARACTER FOR JERROLD A. WILLIAMS.

WHEREAS, Tennessee Code Annotated, Section 57-4-201(c)(2), requires as a condition for obtaining a license to sell alcoholic beverages for consumption on the premises that a club obtain a Certificate of Good Moral Character for the person who will be responsible for the operation of the establishment; and

WHEREAS, Jerrold A. Williams, on behalf of the Oak Ridge Country Club, has made application to the City of Oak Ridge for such Certificate of Good Moral Character.

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

That the Mayor is hereby authorized to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Jerrold A. Williams, the City Council having made investigation of the general character of Mr. Williams and from such investigation his character is found to be good.

This the 13th day of February 2012.



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

INTER-DEPARTMENTAL MEMORANDUM
FIRE DEPARTMENT HEADQUARTERS
12-03

DATE: January 30, 2012
TO: Mark S. Watson, City Manager
FROM: Darryl Kerley, Fire Chief 
SUBJECT: **RESCUE VEHICLE REPLACEMENT PURCHASE**

The accompanying resolution authorizes the purchase of a new rescue vehicle to replace Rescue 30 (shop number 322), a 2001 Ford F-450, light duty rescue vehicle (Exhibit A).

In 2000, Rescue 30, then a 1985 Chevrolet cab and chassis, was damaged when it was struck by a motorist while in operation at a scene of an emergency. In 2001, a new Ford F-450 cab and chassis (Exhibit B) was purchased to not only repair the vehicle, but to allow for the increased amount of equipment being carried on the vehicle due to the Fire Department's expansion of service delivery from 1985 to 2000. City crews also reused and modified the original utility box from the 1985 Chevrolet in an effort to be economical.

Rescue 30 has been used by the City since its original purchase as a Chevrolet in 1985 to its rebuild in 2001 with a Ford cab and chassis.

Currently, the medical equipment and personnel protective equipment ("bunker gear") is carried in the back seat of the F-450 cab and a wire cage was installed to prevent the equipment from being projected into the passenger/driver compartment during an accident.

We are proposing a purchase of a standard 2-door cab and chassis be purchased and a new utility compartment constructed with an additional 3 to 4 feet in length (Exhibit C) to accommodate the equipment and as an additional safety measure, as opposed to using passenger compartment space to carry equipment.

We have secured preliminary estimates for the vehicle; however, without a final bid specification sheet and projected delivery date the vendors are unable to project costs due to the constant changing price points with metal products and chassis availability. We received preliminary bids ranging from \$115,000.00 to \$125,000.00. City staff would like to be approved in the amount not to exceed \$125,000.00. The vehicle being requested will be outfitted with the latest equipment making sure that the Fire Department continues to respond effectively to emergency situations, while keeping the crew safe. It will also allow the Department to introduce a new vehicle into the fleet that will be used for the next 10 to 15 years.

If approved the vehicle will go out for bid and will take 3 to 6 months to acquire after award of bid. Rescue 30 will then be placed in reserve status at Fire Station 1 upon arrival of the new vehicle and will be used during extreme weather conditions and when the primary vehicle is in the shop for service. Fleet Management has completed the Equipment Evaluation Form and recommends replacement and transfer; please see the attached form.

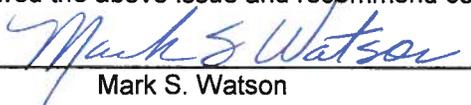
Funds for this purchase are available in the Equipment Replacement Account.

Staff recommends approval of the resolution.

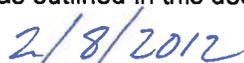
Attachments

City Manager's Comments:

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



Mark S. Watson



Date

**CITY OF OAK RIDGE, TENNESSEE
EQUIPMENT EVALUATION FORM
EQUIPMENT #322**

PLEASE USE THE BACK OF THIS FORM TO WRITE ADDITIONAL INFORMATION

DEPARTMENT INFORMATION AND REQUEST	Request Replacement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Primary Use Light Duty Rescue	Requested Replacement Equipment: Rescue Truck
Primary Users Fire Department Operations	
	Signed _____ Date _____

EQUIPMENT INFORMATION (from Equipment File)	
Year, Make & Model	2001 Ford 450-XL
Body Style	Crew Cab/Rescue Body
Options	
Age	11 Years
Miles	101,811
	<i>Lyn Majeski</i> 12-19-11 Lyn Majeski Date Finance Department

EQUIPMENT EVALUATION	Year	Mileage
Major Repairs Completed (from Green Cards) <i>REPLACED RADIATOR</i>	<i>2011</i>	<i>96,714</i>
<i>REPAIR MAJOR WIRING PROBLEMS</i>	<i>2011</i>	<i>94,791</i>
<i>REPLACED A/C COMPRESSOR</i>	<i>2010</i>	<i>82,912</i>
<i>REPLACED TRANSMISSION</i>	<i>2009</i>	<i>78,865</i>

Needed Repairs	Estimated Cost	Mileage at Evaluation
<i>POSSIBLE ENGINE IF KEPT USING AS A FIRST RESPONDER TRUCK, ENGINE USING OIL.</i>	<i>\$19,500</i>	<i>102,378</i>

Total Estimated Cost (including labor) *\$19,500*

ANALYSIS	Condition	Recommendation	
<i>12-28-11</i>	Good <input type="checkbox"/>	Retain and Repair <input checked="" type="checkbox"/>	
Date	Fair <input checked="" type="checkbox"/>	Replace and Transfer <input checked="" type="checkbox"/>	Receiving Department
<i>Ernie Brummett</i>	Poor <input type="checkbox"/>	Replace and Surplus <input type="checkbox"/>	
Ernie Brummett Fleet Maintenance Manager		Other (see * below) <input type="checkbox"/>	
		* <i>THE TRUCK WILL BE TRANSFERRED TO STATION 1</i>	

RECOMMENDATION	<input type="checkbox"/> Retain and Repair <input type="checkbox"/> Replace and Transfer <input type="checkbox"/> Replace and Surplus <input type="checkbox"/> Other
Mark Watson City Manager	Date _____

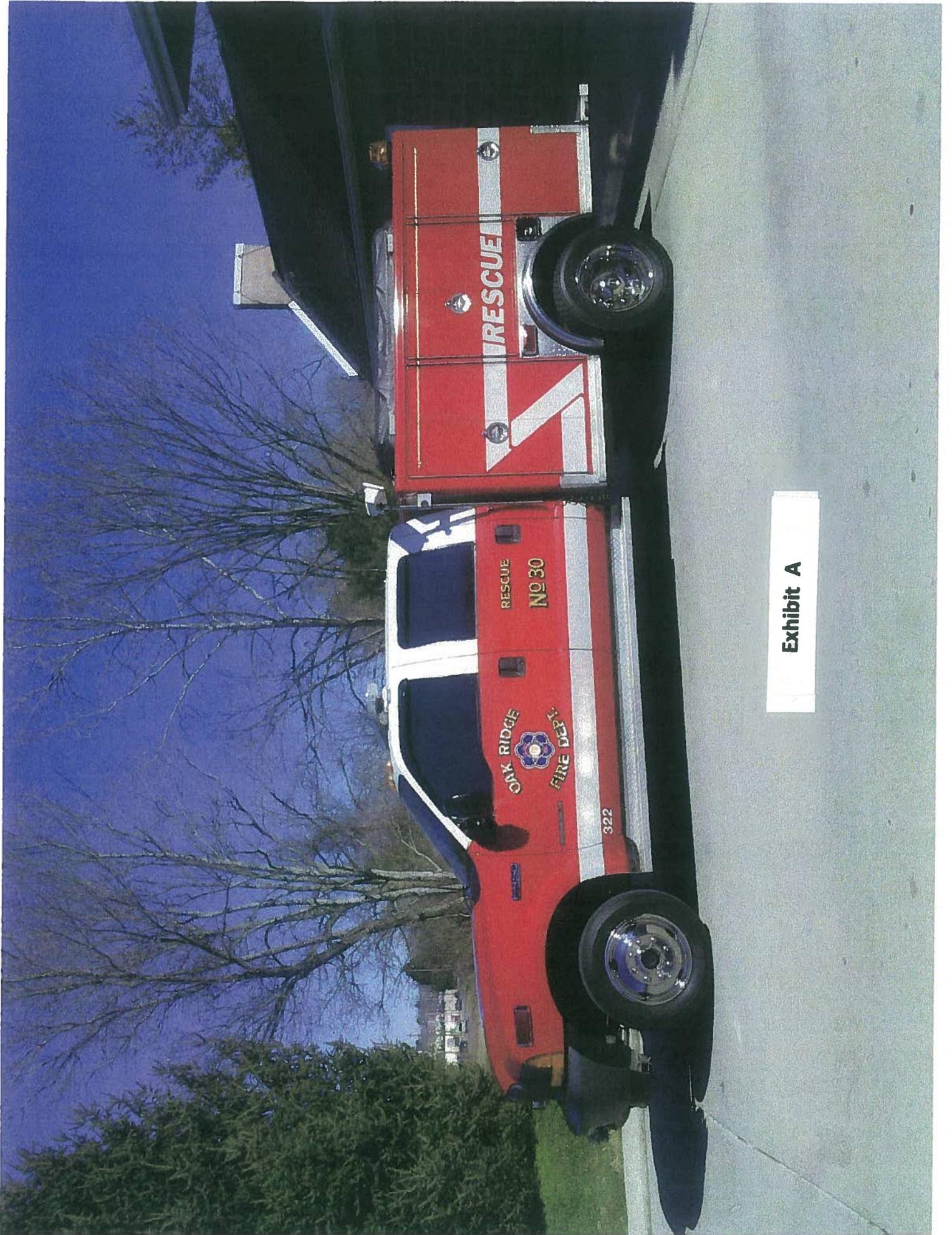


Exhibit A



Exhibit B



Exhibit C



Light Duty Rescue

Hackney LR0764 - Ford F-550



MUSTANG FIRE DEPARTMENT

Mustang, Oklahoma

Mustang is located just southwest of Oklahoma City and adjacent to Will Rogers International Airport. To supplement the fire department's increasing call level, Mustang Fire Department specified a Hackney LR0764 rescue mounted on a Ford F550.

The 12-ft all-aluminum body features all roll-up doors with seven compartments. Mounted in the left and right rear wheelhouse panels are winch receivers that are tested to 10,000 lbs. in compliance with NFPA1901-2009. The body is configured to utilize all available space. The configuration can be viewed by downloading the attached drawings.

Mustang is one of the first rescues mounted on the F550 chassis to incorporate a 12,000 watt PTO generator. The generator powers (2) 900-watt MagnaFire floods on front and (2) 750-watt MagnaFire tripods off the rear, plus a 240VAC cord reel with four 120VAC outlets operating a full 20-amps per outlet even at 200-ft. Utility air for rescue tools and air bags is supplied by 120vac compressor and connected to 150-ft air hose reel. Two hydraulic reels are located in the rear extrication tool compartment.

Sold by Dave Nichols with Custom Fire Concepts



All roll-up doors provide easy access to the upper rear hydraulic reels and transverse stokes and backboard storage tunnels.

Downloads:

- [Technical Drawing \(PDF\) - Curbside](#)
- [Technical Drawing \(PDF\) - Roadside](#)
- [Technical Drawing \(PDF\) - Rear](#)
- [Technical Drawing \(PDF\) - Paint](#)
- [Printable Page of this Delivery \(PDF\)](#)

Exhibit C

Model LR0764

**Hopewell Borough Fire District No. 1**

Hopewell, NJ

FEATURES:

- Ford F550
- 325 hp turbo-diesel; 5-speed auto transmission
- Four-wheel drive
- Dual alternators
- Vehicle Data Recorder (VDR)
- Hackney 12.5-ft rescue body
- 7-compartments with Hackney roll-up doors with recessed door tracks
- Transverse tunnels in top of wheelhouse comp't for (2) tents and (6) long backboard
- Recessed adjustable shelf tracks in all side walls
- Center console with switch panel; radio slots; map pocket; 12vdc power point; map light
- Whelen upper body 12vdc scene lights; (2) each side and (2) reverse activated on rear
- LED compartment stripe light recessed vertically in side walls of each compartment
- Whelen upper and lower zone LED warning lights
- Whelen WS295SLSA1 siren and bumper mounted speaker
- 10kw diesel generator
- Electric rewind cord reel with 200-ft 10/4 cable
- Power distribution box on end of cable run
- FRC Optimum 750-watt removable tripod flood lights; one each left and right rear body



RESOLUTION

A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$125,000.00 FROM THE EQUIPMENT REPLACEMENT ACCOUNT FOR THE PURCHASE OF A REPLACEMENT RESCUE VEHICLE FOR THE FIRE DEPARTMENT.

WHEREAS, the Oak Ridge Fire Department currently operates a 1985/2001 Ford F-450 as a light duty rescue vehicle known as Rescue 30, which is non-compliant with National Fire Protection Association (NFPA) standards, has high mileage, and lacks a properly designed compartment space to safely transport equipment in the 1985 year model utility bed; and

WHEREAS, the City's Equipment Shop recommends replacement of Rescue 30 due to its service history, mileage, and upcoming need to replace the engine; and

WHEREAS, the Fire Department has sought preliminary bids for the replacement of Rescue 30, with estimates ranging from \$115,000.00 to \$125,000.00, and a projected date of acquisition three to six months after award of the bid; and

WHEREAS, due to constantly changing price points, vendors are unable to project definitive costs for the replacement vehicle until a specification sheet is fully developed, a can and chassis is located, and a projected delivery date is finalized; and

WHEREAS, in order to expedite the process, the City Manager requests approval to spend up to \$125,000.00 from the Equipment Replacement Account for the purchase of a replacement rescue vehicle, without further Council action, with the understanding that the City's sealed bid process will be followed.

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 spend up to \$125,000.00 in funds from the Equipment Replacement Account for the purchase of a National Fire Protection Association (NFPA) compliant replacement light duty rescue vehicle for the Fire Department provided the City's sealed bid process is followed.

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
12 – 05

DATE: January 27, 2012
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director

SUBJECT: WOOD AND GREEN WASTE DISPOSAL SERVICES

The accompanying resolution recommends award of a contract for wood and green waste disposal services through June 30, 2013 with Nature's Best Organics of Tennessee, LLC, (formerly Natural Resources Recovery of Tennessee, LLC) of Knoxville, TN, in the estimated amount of \$75,000.

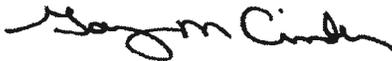
Beginning in May of 1999, the City of Oak Ridge contracted through Knox County government with the disposal facility located in the Solway community, managed by Natural Resources Recovery and continued to do so through June 2009. Beginning in July of 2009, the City of Oak Ridge contracted directly with Natural Resources Recovery of Tennessee, LLC on an annual basis and continued to do so through June 2011.

During the Spring of 2011, Knox County government made the decision to sell the land of the Solway disposal facility. With the assistance of Waste Connections, Public Works staff began researching other wood and green waste disposal facilities, but none were located as conveniently or were as competitively priced as the Solway facility. The City and Nature's Best Organics of Tennessee, LLC established a month-to-month agreement for disposal services until the property was sold by Knox County. The property has been sold with Nature's Best Organics of Tennessee, LLC becoming the owner.

Nature's Best Organics of Tennessee, LLC has proposed a 2.7% price increase for the period of February 2012 through June 30, 2013, resulting in the price per ton of \$28.05 for all brush, pallets, stumps, logs and tree trunk materials; and \$21.01 for leaves. Listed below is the activity from the previous two fiscal years of total wood and green waste disposed at the Solway facility from the City of Oak Ridge, including product transported by Waste Connections, city crews and Oak Ridge Schools.

- FY2010 approximately 1,783 tons \$47,617
- FY2011 approximately 1,818 tons \$49,661

Staff has enjoyed working with Nature's Best Organics of Tennessee, LLC and look forward to continuing this mutually beneficial relationship. Adequate funds for this service are available and budgeted in the Solid Waste Fund which allows for disposable services, such as the annual leaf pickup and use of the convenience center for yard rubbish, to continue to be provided to its residents. Staff recommends approval of the attached resolution as submitted.



Gary M. Cinder, P.E.

City Manager's Comments:

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

Mark S. Watson

Date

RESOLUTION

A RESOLUTION AUTHORIZING AN AGREEMENT IN THE ESTIMATED AMOUNT OF \$75,000.00 WITH NATURE'S BEST ORGANICS OF TENNESSEE, LLC, FOR THE DISPOSAL OF THE CITY'S WOOD AND GREEN WASTE THROUGH JUNE 30, 2013.

WHEREAS, the City of Oak Ridge provides wood and green waste collection and disposal for the City's residents; and

WHEREAS, the City has been using facilities in Knox County, operated by Natural Resources Recovery of Tennessee, LLC, for disposal of the City's wood and green waste; and

WHEREAS, the disposal facility is now owned by Nature's Best Organics of Tennessee, LLC; and

WHEREAS, Nature's Best Organics of Tennessee, LLC has offered to accept all of Oak Ridge's wood and green waste materials at a unit price cost of \$28.05 per ton for all brush, pallets, stumps, logs and tree trunk materials, and \$21.01 per ton for leaves, through June 30, 2013, 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 the City is hereby authorized to enter into an agreement with Nature's Best Organics of Tennessee, LLC, 8707 Joe Daniels Road, Knoxville, Tennessee 37931, for acceptance and disposal of the City's wood and green waste materials at a cost of \$28.05 per ton for all brush, pallets, stumps, logs and tree trunk materials, and \$21.01 per ton for leaves, in an estimated amount of \$75,000.00 through June 30, 2013.

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

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
12-04

DATE: February 3, 2012
TO: Mark Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: Portable Pumps for the Wastewater Collection System

The accompanying resolution authorizes the expenditure of funds in the estimated amount of \$149,252.88 to Xylem Inc. d.b.a. Godwin Pumps of Charlotte, N.C. for the purchase of two portable pumps for use at various sewer pump stations when necessary. This is another component of the sewer system upgrade as required under the Environmental Protection Agency (EPA) Administrative Order (AO).

The two portable pumps will be used in the wastewater collection system enabling crews to by-pass (pump around) sewer pump stations in the event of a station failure and also for required maintenance. The pumps are different sizes due to the various sizes of pump stations and flow conditions in the City's collection system. In the past, crews have had to rent larger pumps when necessary, but the EPA AO now requires the City to have pumps readily available to help prevent sanitary sewer overflows. These pumps meet the stringent Tier 3 emission standards as required by the EPA. Both pumps are equipped with "Critical Sound Enclosures," a noise reduction system, which provide a reading of less than 65 decibels at 35 feet. This rating means that if the pump is needed overnight in a neighborhood or in a homeowner's yard, the noise disturbance will be kept at a minimum.

Sealed bids were solicited from several vendors for these pumps with Xylem Inc. d.b.a. Godwin Pumps submitting the lowest bid. Funding for this project is available from the recent bond issue.

Staff recommends approval of the accompanying resolution.



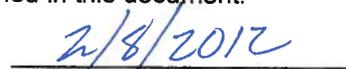
Gary M. Cinder

ks

City Manager's Comments:

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



Mark S. Watson

Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

RFQ #127028
OPENING DATE: January 19, 2012 3:00 P.M.

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FOR -- Two Portable Pumps - Trailer Mounted								
THE FURNISHING OF TWO (4" AND 8") PORTABLE PUMPS - TRAILER MOUNTED PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1		\$ 149,252.88	\$ 149,252.88	\$ 162,805.00	\$ 162,805.00	\$ -	\$ -
TOTAL PRICE			\$ 149,252.88	\$ 149,252.88	\$ 162,805.00	\$ 162,805.00	\$ -	\$ -
TERMS			Net 30	Net 30	Net 30	Net 30		
DELIVERY			3/15/2012	3/13/2012	3/13/2012	3/13/2012		
F.O.B.			Bridgeport, NJ	Bridgeport, NJ	Oak Ridge	Oak Ridge		
VIA			Godwin Truck	Godwin Truck	Heartland Pump Truck	Heartland Pump Truck		
OTHER BIDDERS CONTACTED: Premier Pump & Power - Vancouver, WA								
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:					
<input type="checkbox"/> ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input checked="" type="checkbox"/> LOWEST TOTAL COST			Xylem Inc. dba Godwin Pumps 201 Forsyth Hall Drive Charlotte, NC 28273					
BIDS OPENED AND RECORDED BY--			Lynn Majecki Accounting Division Manager					
BIDS REVIEWED BY--			Janice McGinnis Finance Director					

RESOLUTION

A RESOLUTION AWARDING A BID IN THE ESTIMATED AMOUNT OF \$149,252.88 TO XYLEM INC., DBA GODWIN PUMPS, CHARLOTTE, NORTH CAROLINA, FOR THE FURNISHING OF TWO (2) PORTABLE PUMPS FOR THE WASTEWATER COLLECTION SYSTEM AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) ADMINISTRATIVE ORDER.

WHEREAS, at the September 27, 2010 work session, City Council was briefed by the City Manager and Public Works Director on an Administrative Order with the United States Environmental Protection Agency (EPA) outlining the various studies, plans, and corrective actions to be taken by the City related to the violations determined by the EPA regarding periodic overflows from the sanitary sewer collection system; and

WHEREAS, as part of the Administrative Order, the City is required to have wastewater pumps readily available to help prevent sanitary sewer overflows; and

WHEREAS, the City issued invitations to bid for the purchase of two portable pumps for use at various sewer pump stations; and

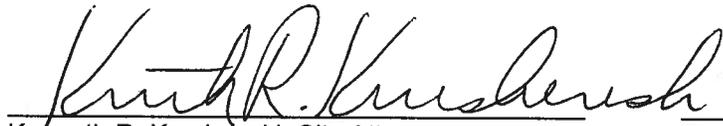
WHEREAS, bids were received and publicly opened on January 19, 2012, with Xylem Inc., dba Godwin Pumps, Charlotte, North Carolina, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

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 Xylem Inc., dba Godwin Pumps, 201 Forsyth Hall Drive, Charlotte, North Carolina 28273, for the purchase of two (2) portable pumps for use at various sewer pump stations; said award in strict accordance with Requisition No. 127028, the required specifications, and the bid as publicly opened on January 19, 2012, and in the estimated amount of \$149,252.88.

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
12-03

DATE: February 3, 2012
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: **West End Water System Improvements**

The accompanying resolutions award contracts to three different companies for construction of water infrastructure necessary to be able to complete the transmission network needed to move potable water from the City's main Water Treatment Plant located on the east end of Bear Creek Road to the western most portions of the City of Oak Ridge located west of the Clinch River. This work will be partially funded with a special appropriations grant from the United States Environmental Protection Agency (EPA).

The City of Oak Ridge Contract number, the successful bidder and the estimated amount of each contract are as follows:

Contract "A" COR 11-01 New Water Line
Norris Brothers Excavating, Crossville, TN in the estimated amount of \$434,940

Contract "B" COR 11-02 New Water Booster Station
Merit Construction, Inc., Knoxville, TN in the estimated of \$709,500

Contract "C" COR 11-03 New Horizontal Directional Drilled River Crossing
Mofield Brothers Construction Co., LLC, Carthage, TN in the estimated amount of \$264,875

In the late 1990's, Rarity Communities began working to obtain and develop the old Boeing site west of the former K-25 site. The site is now Rarity Ridge and is projected to have 3,500 housing units at build out. The site which is located inside the Oak Ridge City limits did not have access to water since at the time, the western most point where water was available from the City Water Treatment Plant was the Southwood neighborhood. In 2001, the City was able to obtain its first special appropriations grant from EPA which was used to fund a portion of the construction for off-site water lines to transport water purchased from Cumberland Utility District (CUD) to Rarity Ridge. Construction was completed in 2005. The contract for purchase of water from CUD limits the maximum amount available to 300,000 gallons of water per day which is adequate for approximately 1,000 housing units. There are presently 193 active water connections and 679 platted lots in Rarity Ridge.

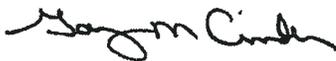
In 2002, the Public Works Department learned the Tennessee Department of Transportation (TDOT) planned on widening the Oak Ridge Turnpike (SR95). The widening would require the relocation of the water distribution system and staff saw this as an opportunity to replace and upgrade a maze of 8-inch and 10-inch lines with a larger 16-inch line capable of supplying water as far west as Horizon Center. In 2008, the City took over the utilities at Horizon Center, some of the utilities at East Tennessee Technology Park (ETTP) and the ETTP water plant located on west Bear Creek Road. By spring of 2012, construction on the new SR95 waterline is expected to be complete at which time it will be capable of transporting water from the main water treatment plant all the way west to a connection point with the Horizon Center/ETTP water system. This will allow the City to cease production of water at the old K-25 water plant.

In 2005, the City learned it would be able to obtain a second EPA special appropriations grant which could be used to construct the remaining water lines and pumping station to complete the water transmission system from the main Water Treatment Plant to Rarity Ridge. The grant was authorized for an amount up to \$955,600 to be funded from EPA. The 2006 construction estimate for the three contracts was \$1,516,000. The grant is a 55/45 percent EPA/City split meaning EPA would provide approximately \$833,800 and the City would provide approximately \$682,200. Council approved application for and acceptance of this grant and approval of the City's portion of funding upon EPA's approval at its June 2, 2006 meeting with resolution #6-63-06. In accepting the grant, the City agreed to fund 100 percent of project costs that exceed the available funding. On September 30, 2011, the City received a letter from EPA rescinding \$143,532 of the grant citing Public Law 112-10, the Fiscal Year 2011 Appropriations Act passed by Congress on April 14, 2011. This reduced the EPA portion of the grant to \$690,268. This amount added to the previously approved City match of \$682,200 totals \$1,372,468 or \$36,847 less than the total of the three contracts. The total City expenditure on this project will be \$719,047. Additionally, EPA has indicated further rescissions are possible should this project not commence quickly.

The existing contract with CUD stipulates that the City will commit to a minimum monthly bill of 50,000 gallons per month (600,000 gallons per year) to keep the connection active and it is planned to do so. Last year, the City purchased over 17,000,000 gallons of water from CUD. Keeping the connection active would serve as an emergency backup supply for both the City and CUD. The potential also exists to provide water to adjacent systems (City of Kingston and Watts Bar Utility) should it be desired in the future for permanent or emergency purposes.

Completion of this project will position the City to provide drinking water to Rarity Ridge long into the future. Funding for this project has been included in the Waterworks budget and the additional matching funds will be absorbed by the fund.

Final award of these contracts is subject to approval from EPA. Staff recommends approval of the accompanying resolution.

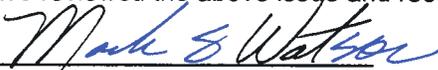


Gary M. Cinder

ks

City Manager's Comments:

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



Mark S. Watson

2/8/2012

Date

RESOLUTION

A RESOLUTION AWARDING THREE CONTRACTS: COR 11-01 (CONTRACT A) TO NORRIS BROTHERS EXCAVATING, CROSSVILLE, IN THE ESTIMATED AMOUNT OF \$434,904.00; COR 11-02 (CONTRACT B) TO MERIT CONSTRUCTION, INC., KNOXVILLE, IN THE ESTIMATED AMOUNT OF \$709,500.00; AND COR 11-03 (CONTRACT C) TO MOFIELD BROTHERS CONSTRUCTION CO., LLC, CARTHAGE, IN THE ESTIMATED AMOUNT OF \$264,875.00; SAID CONTRACTS TO IMPROVEMENTS TO THE WEST END WATER SYSTEM.

WHEREAS, the City desires to complete the expansion of potable water from the City's main Water Treatment Plant to the western most portions of the City; and

WHEREAS, the expansion project was bid as three separate items: construction of a new water line (COR 11-01, Contract A), construction of a new water booster station (COR 11-02, Contract B), and directional drill river crossing (COR 11-03, Contract C); and

WHEREAS, the contracts will be partially funded by a special appropriations grant from the United States Environmental Protection Agency (EPA) approved by Resolution 6-63-06; and

WHEREAS, bids were received and publicly opened on December 6, 2011, with the following companies submitting the lowest and bid best for each project, which bids the City Manager recommends be accepted: Norris Brothers Excavating, Crossville, for COR 11-01; Merit Construction, Inc., Knoxville, for COR 11-02; and Mofield Brothers Construction Co., LLC, Carthage, for COR 11-03.

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

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

To Norris Brothers Excavating, 1007 Rogers Road, Crossville, Tennessee 38572, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the west end water system improvement project – construction of a new water line; said award in strict accordance with COR 11-01 (Contract A), the required specifications, and the bid as publicly opened on December 6, 2011, and in the estimated amount of \$434,940.00.

To Merit Construction, Inc., 10435 Dutchtown Road, Knoxville, Tennessee 37932, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the west end water system improvement project – construction of a new water booster station; said award in strict accordance with COR 11-02 (Contract B), the required specifications, and the bid as publicly opened on December 6, 2011, and in the estimated amount of \$709,500.00.

To Mofield Brothers Construction Co., LLC, 644 Lebanon Hwy, Carthage, Tennessee 37030, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the west end water system improvement project – directional drill river crossing; said award in strict accordance with COR 11-03 (Contract C), the required specifications, and the bid as publicly opened on December 6, 2011, and in the estimated amount of \$264,875.00.

Said awards in the grand total estimated amount of \$1,409,315.

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

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

GOVERNMENT AND PUBLIC AFFAIRS MEMORANDUM
12-01

TO: Mark S. Watson
City Manager

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

DATE: February 7, 2012

RE: **Resolution Authorizing Transmittal of Comments and Authorization to Sign the Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee**

An item for the February 13th City Council meeting is the adoption of the attached resolution authorizing transmittal of comments on the subject Final MOA, and to authorize the City to sign the MOA as an "Invited Signatory." A copy of the MOA package has been provided to City Council and staff for their review.

This final MOA represents more than a decade of consultation among the U.S. Department of Energy (DOE), the Advisory Council on Historic Preservation, the Tennessee State Historic Preservation Office, the City of Oak Ridge, and a number of additional stakeholders. The final MOA formalizes DOE's commitment to commemorate the history of the K-25 complex, and is needed for DOE to comply with the National Historic Preservation Act as the agency proceeds with decontamination, decommissioning, and demolition at ETPP.

Background

In 1998, DOE formally designated the K-25 building as one of its Manhattan Project "Signature Facilities," meaning that the facility is significant in interpreting the scale and importance of the Manhattan Project. In addition, in consultation with the Tennessee State Historic Preservation Office (SHPO), DOE ORO has established the K-25 Site Main Plant Historic District and the Powerhouse Historic Districts located at the ETPP.

In 2000, the DOE ORO initiated a consultation process pursuant to Section 106 of the National Historic Preservation Act. The City of Oak Ridge and the Oak Ridge Heritage and Preservation Association (ORHPA) were invited to participate in the consultation process with DOE, the SHPO, and the National Advisory Council on Historic Preservation (NACHP), as "concurring parties." Staff and a number of community members participated in discussions with these parties regarding options to help preserve the historical significance of K-25 and associated buildings located at ETPP.

In May 2003, the City Council concurred with an MOA regarding the Decontamination and Decommissioning of the K-25 and K-27 Buildings. Pursuant to this MOA, DOE agreed to retain a consulting firm to examine preservation and interpretation options for the K-25 and K-27 buildings and other historic properties at the ETPP. In April 2004, the City Council concurred with a second MOA that allowed DOE to proceed with the demolition of all but the nine ancillary buildings and the K-25 and K-27 buildings. Subsequent discussions by DOE resulted in consensus that DOE could proceed with the demolition of these remaining structures, subject to the mitigation as described in a third MOA.

City Council adopted Resolution 2-23-05 during a special meeting in February 2005, agreeing to serve as a "Concurring Party" to this third MOA entitled *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*. The MOA called for DOE ORO to preserve the North End Tower of the K-25 Building, salvage and preserve portions of the Roosevelt Cell, and retain the upper 10 feet of the interior walls in the legs of the "U."

In June 2009, DOE ORO officially informed the Signatories and concurring parties to the 2005 MOA of its conclusion that the above three stipulations of the 2005 MOA could not be achieved due to the significantly deteriorated condition of the K-25 Building and resulting worker safety issues, and thus a few stipulations of the 2005 MOA could not be fully executed. In September 2010, the City Council concurred with a "Bridge MOA" to provide additional time for the completion of DOE's study to evaluate mitigation alternatives for interpreting the significant historic roles played by the K-25 Building, and the development of this new, final MOA.

In November 2011, DOE sponsored a day-long community meeting in which the consulting and other signatory parties participated. Key features of this final MOA were discussed, including utilizing a portion of Oak Ridge Fire Station #4 as the K-25 History Center and the awarding of a grant to the East Tennessee Preservation Alliance to purchase and stabilize the Alexander Inn.

The DOE is requesting that the City participate in this final MOA as an "Invited Signatory" because of the mitigation measures involving the Fire Station (Stipulation 9) and the Alexander Inn (Stipulation 13). Though non-binding, the city is making the commitment to engage with the parties in support of the proposed mitigation measures.

Staff recommends adoption of the resolution.

Should the Council adopt the resolution, comments should be provided by February 15, 2012 to:

David Adler
U.S. DOE ORO-EM
P.O. Box 2001
Oak Ridge, TN 37831
adlerdg@oro.doe.gov



Amy S. Fitzgerald

Attachments

City Manager's Comments:

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



Mark S. Watson 2/8/12
Date



Department of Energy

Oak Ridge Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

February 1, 2012

Multiple Addressees

TRANSMITTAL OF THE FINAL MEMORANDUM OF AGREEMENT FOR SITE INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK

On behalf of the Department of Energy (DOE or the Department), I am pleased to provide the Final Memorandum of Agreement (MOA) for the site interpretation of the East Tennessee Technology Park in Oak Ridge, Tennessee. This document represents the collective input from our consulting parties whose comments influenced many of the stipulations included in the MOA. Appended to the MOA is the Execution Plan which provides the Work Breakdown Structure on how the Department will implement, manage and monitor the progress of activities undertaken pursuant to the stipulations, as well as an integrated schedule and a cost estimate for the work to be performed.

Our Final Mitigation Plan includes supplemental information on the stipulations in the MOA and our response to the comments received following the consulting parties meeting held on November 17, 2011. Collectively, the consulting parties assisted the Department in developing a series of initiatives that will commemorate one of the great chapters of American history, which took place at the K-25 complex during and after the Second World War. We owe a debt of gratitude to all of those who shared their passion, commitment, and support for this important project.

A 15-day comment period will commence effective with this transmittal. To account for time needed to receive the materials, comments will be accepted through February 15, 2012, and should be provided to David Adler (postal mail: U.S. DOE ORO-EM, P.O. Box 2001, Oak Ridge, TN 37831 or electronic mail: adlerdg@oro.doe.gov). In addition, the Department respectfully requests that any comments submitted focus on information that has not been previously provided during earlier comment periods, as all previous comments have been considered in the development of the Final MOA and Mitigation Plan. The comments will be reviewed and provided to the signatories (the Tennessee State Historic Preservation Office and the Advisory Council on Historic Preservation) and invited signatories (the City of Oak Ridge and the East Tennessee Preservation Alliance) for their information, and based on the comments, a decision will be made by DOE on whether to proceed with signing the Final MOA.

Implementation of several of the stipulations in the Final MOA will begin upon signing the Final MOA. Specifically DOE will designate the K-25 Historic Preservation Coordinator and will initiate procurement efforts to obtain professional design services for the K-25 History Center and conceptual design evaluation for the dedicated K-25 building footprint. In addition, the necessary initial steps will be taken to fund the grant to the East Tennessee Preservation Alliance for the purchase of the Alexander Inn. As we move forward, the Department will implement

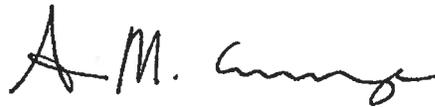
TRANSMITTAL OF THE FINAL MEMORANDUM OF AGREEMENT FOR SITE INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK

subsequent portions of the Mitigation Plan as requested Congressional appropriations are made available. Please refer to the Execution Plan appended to the Final MOA for additional information on the order and schedule for implementation of the stipulations identified in the MOA and further described in the Final Mitigation Plan.

In parallel with the above steps, the Department will also be allowing our contractor to initiate a procurement process for the removal of asbestos siding from the North Tower of the K-25 Building. This is necessary due to the long lead-time for this procurement activity. Consistent with our previous commitments, no action on the North Tower of the K-25 building will be taken until a final decision has been made regarding this portion of the K-25 building and an MOA is signed.

Again, I am thankful to the groups and individuals, and especially to our consulting parties, whose commitment to the meaningful and effective interpretation of the historic East Tennessee Technology Park and the K-25 Building has not wavered. I look forward in the years ahead to seeing the results of our collective efforts.

Sincerely,



Susan M. Cange, Acting Manager
Oak Ridge Office of Environmental Management

Enclosure

cc w/enclosure:

Tracy Mustin, EM-2, FORS
Alice Williams, EM-2.1, FORS
Terry Fehner, HR-76 FORS
John Eschenberg, M-1, ORO
Jim Kopotic, EM-90, ORO
Larry Kelly, M-2, ORO
Teresa Perry, SE-30, ORO
John Shewairy, AD-40, ORO
Don Thress, CC-10, ORO
Rob James, CC-10, ORO
Colin Colverson, CC-10, ORO
Katatra Vasquez, SE-32, ORO
David Adler, EM-92, ORO
Mark Ferri, K-2527K, MS-7313, UCOR
DOE Information Center

**TRANSMITTAL OF THE FINAL MEMORANDUM OF AGREEMENT FOR SITE
INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK**

List of Addressees

Thomas McCulloch
Advisory Council on Historic Preservation
1100 Pennsylvania Ave., NW., Suite 809
Washington, DC 20004
tmcculloch@achp.gov

Cindy Kelly
Atomic Heritage Foundation
910 17th St., Suite 408
Washington, DC 20004
ckelly@atomicheritage.org

David Bradshaw, President
Oak Ridge Heritage and Preservation Association
102 Robertsville Road
Oak Ridge, TN 37830
drb1@comcast.net

Lloyd Stokes
Oak Ridge Heritage and Preservation Association
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Oak Ridge, TN 37830
lestokes@comcast.net

William J. Wilcox, Jr.
Oak Ridge Heritage and Preservation Association
102 Robertsville Road
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gbwilcox@aol.com

Jim Comish
American Museum of Science and Energy
300 South Tulane Ave.
Oak Ridge, TN 37831
jcomish@amse.org

**TRANSMITTAL OF THE FINAL MEMORANDUM OF AGREEMENT FOR SITE
INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK**

List of Addressees (cont.)

Joseph Garrison, Ph.D.
Tennessee Historical Commission
Department of Environment and Conservation
2941 Lebanon Road
Nashville, TN 37243-0442
joseph.garrison@tn.gov

Patrick McIntyre
Tennessee Historical Commission
Department of Environment and Conservation
2941 Lebanon Road
Nashville, TN 37243-0442
patrick.mcintyre@tn.gov

Katy Brown
Oak Ridge Convention and Visitors Bureau
102 Robertsville Road, Suite C
Oak Ridge, TN 37830
katy@oakridgevisitor.com

Amy Fitzgerald, Ph.D.
City of Oak Ridge
P.O. Box 1
Oak Ridge, TN 37831
afitzgerald@corn.org

Mark Watson, Manager
City of Oak Ridge
P.O. Box 1
Oak Ridge, TN 37831
mwatson@corn.org

Maggie Owen, Board Chair
Oak Ridge Site Specific Advisory Board
P.O. Box 2001, MS 7604
Oak Ridge, TN 37832
maggieowen@comcast.net

**TRANSMITTAL OF THE FINAL MEMORANDUM OF AGREEMENT FOR SITE
INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK**

List of Addressees (cont.)

Steve Stow
Oak Ridge Site Specific Advisory Board
P.O. Box 2001, MS 7604
Oak Ridge, TN 37832
shstow@aol.com

John Owsley
Tennessee Department of Environment and Conservation
DOE Oversight Office
761 Emory Valley Road
Oak Ridge, TN 37830-7072
john.owsley@TN.gov

Connie Jones
Project Manager
US Environmental Protection Agency, Region 4
61 Forsyth Street S.W., FFB
Atlanta, GA 30303-3415
jones.constance@epa.gov

Nancy C. Tinker, Senior Program Officer
Southern Office
National Trust for Historic Preservation
456 King Street
Charleston, SC 29403
nancy_tinker@nthp.org

Lawrence Young
Community Reuse Organization of East Tennessee
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Elizabeth Merritt
National Trust for Historic Preservation
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Charleston, SC 29403
betsy_merritt@nthp.org

**TRANSMITTAL OF THE FINAL MEMORANDUM OF AGREEMENT FOR SITE
INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK**

List of Addressees (cont.)

Bob Hightower, President
Friends of ORNL
104 Scenic Drive
Oak Ridge, TN 37830
hightowerjr@comcast.net

Ethiel Garlington
East Tennessee Preservation Alliance
P.O. Box 1242
Knoxville, TN 37901
www.knoxheritage.com

Kim Trent
East Tennessee Preservation Alliance
P.O. Box 1242
Knoxville, TN 37901
www.knoxheritage.com

**MEMORANDUM OF AGREEMENT AMONG
THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE
PURSUANT TO 36 CFR PART 800.6(b)(2) REGARDING SITE INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE**

WHEREAS in 2005 the U.S. Department of Energy, Oak Ridge Office (DOE ORO); the Tennessee State Historic Preservation Officer (Tennessee SHPO); and the Advisory Council on Historic Preservation (ACHP) executed a Memorandum of Agreement (hereinafter "2005 MOA") regarding site interpretation of the East Tennessee Technology Park (ETTP), formerly the K-25 Site, and

WHEREAS, pursuant to the 2005 MOA, DOE ORO collected and stored over 700 ETTP artifacts, including a Size 2 cell similar to the Roosevelt Cell, determined to be historically significant through a process agreed upon by consulting parties and documented in consultation meeting minutes, and

WHEREAS, DOE ORO retained Portal 4, and

WHEREAS, DOE ORO sponsored a study to evaluate the feasibility of retaining the low chimneys of the USN Boiler Station, the sole remnants of the S-50 Plant, and

WHEREAS, DOE ORO sponsored over 70 oral history interviews with former K-25 workers and completed transcriptions for over 85 hours of interviews, and

WHEREAS, DOE ORO sponsored two professional documentary videos utilizing the oral history interviews and historic photographs, and

WHEREAS, DOE ORO sponsored 12 Oak Ridge history videos designed to be used by public school teachers, and

WHEREAS, DOE ORO sponsored the thorough documentation of the K-25 and K-27 Buildings through the completion of 360° interior IpiX photographs, and

WHEREAS, DOE ORO compiled and stored a complete set of all unclassified architectural and engineering plans and specifications of the K-25 and K-27 Buildings, and

WHEREAS, three stipulations of the 2005 MOA called for DOE ORO to preserve the North End Tower of the K-25 Building, salvage and preserve portions of the Roosevelt Cell, and retain the upper 10 feet of the interior walls in the legs of the "U," and

WHEREAS, by DOE ORO's letter of June 9, 2009, DOE ORO officially informed the Signatories and consulting parties to the 2005 MOA of its conclusion that the above-referenced

three stipulations of the 2005 MOA (part of the “K-25 mitigation package”) could not be achieved due to the significantly deteriorated condition of the K-25 Building and resulting worker safety issues and thus a few stipulations of the 2005 MOA could not be fully executed. DOE informed the parties by letter of October 19, 2009, and the Tennessee SHPO concurred with this notification by letter of October 26, 2009, and

WHEREAS, Stipulations 15 b. and c. (Amendments and Terminations) of the 2005 MOA called for the Signatories to consult to either amend or terminate the 2005 MOA should DOE not have been able to carry out its terms, or the other Signatories had found that the 2005 MOA was not being properly implemented, and

WHEREAS, in 2010 the DOE ORO, the Tennessee SHPO, the DOE Federal Preservation Officer, and the ACHP executed a “Bridge” Memorandum of Agreement (hereinafter “Bridge MOA”) regarding Site Interpretation of ETTP, and

WHEREAS, DOE ORO has previously agreed to specific stipulations contained in prior MOAs, should a conflict between the past MOAs and this document occur, this document shall govern, and

WHEREAS the term “consulting parties to this MOA” pursuant to 36 *CFR* Part 800.6(c)(3) means U.S. Department of Energy, Oak Ridge Office of Environmental Management (DOE EM); Tennessee SHPO; ACHP; City of Oak Ridge (COR); East Tennessee Preservation Alliance (ETPA); Atomic Heritage Foundation (AHF); National Trust for Historic Preservation (NTHP); Oak Ridge Heritage and Preservation Association/Partnership for K-25 Preservation (ORHPA-PKP); the Oak Ridge Site-specific Advisory Board (ORSSAB); and the Community Reuse Organization of East Tennessee (CROET); signatory parties to this MOA are DOE EM, Tennessee SHPO, and ACHP; invited signatories are COR, and ETPA, and

WHEREAS, the parties listed above agreed that carrying out the stipulations of the Bridge MOA, as well as those provisions of the 2005 MOA not specifically cited, constitutes evidence that DOE is in compliance with Section 106 for ongoing decontamination, decommissioning, and demolition (D&D) at the ETTP, and

WHEREAS, pursuant to the Bridge MOA, DOE ORO commissioned feasibility studies to assist in evaluating mitigation alternatives for interpreting the significant historic roles played by the K-25 Building, and

WHEREAS, the results of the studies were presented in two reports entitled *K-25 Historical Preservation Alternatives: Draft Structural Evaluation* by Degenkolb Engineers and *Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee* by Informal Learning Experiences, Inc., and

WHEREAS, DOE ORO EM engaged in consultation by providing the draft feasibility studies to all consulting parties to this MOA for 30 days to review and comment, and

WHEREAS, DOE EM took all consulting party comments into account in preparing a Preferred Mitigation Plan that outlined the best and most cost-effective mitigation plan to permanently commemorate, interpret, and preserve the significance of ETTP (former K-25 Site), and

WHEREAS, DOE EM provided the Preferred Mitigation Plan to all consulting parties, hosted a consultation meeting on November 17, 2011, and accepted comments through November 30, 2011, and

WHEREAS, DOE EM considered all comments received concerning the Preferred Mitigation Plan when preparing the Final Mitigation Plan, and

WHEREAS, DOE EM has prepared an Execution Plan that is coordinated with the stipulations of this Final MOA, and includes a cost estimate, and schedule for their implementation, and

NOW THEREFORE, DOE EM, Tennessee SHPO, ACHP, ETPA, and COR agree upon execution of this MOA and upon the decision by DOE EM to proceed with demolition of the Buildings K-25 and K-27 at ETTP, DOE EM shall ensure that the following stipulations shall be implemented in order to take into account the effects of the undertaking on these historic properties.

STIPULATIONS

DOE EM shall ensure the following measures are carried out:

1. Shall dedicate all of the area located inside the road that currently surrounds the K-25 Building for commemoration and interpretation activities, exclusive of DOE-mission essential facilities (e.g., K-1600). No future surface development of the dedicated site will take place unless it is related to these activities. Subsurface development, such as for utility easements to support efforts such as Reindustrialization, would be permitted. Above-ground easements may also be permitted provided there is no interference with the viewscape. If ownership of the area is transferred, deed covenants that restrict its use to commemoration and interpretation uses will be applied. While the road surrounding the footprint may be used for commemoration and interpretation activities, it may be used for other purposes as well.
2. Shall retain the concrete slab under the K-25 Building during D&D pending completion of an examination to determine the contamination levels on and beneath the slab as well as short- and long-term costs associated with leaving, covering, or removing the slab. If these investigations determine the slab can be safely and cost effectively left in place and exposed for public access, it may be integrated into a comprehensive design solution for demarcating the building footprint (Stipulation 3).
3. Shall conduct a procurement for a professional design team with experience interpreting historic sites to prepare a design solution that will (a) effectively delineate the dedicated site (Stipulation 1) to show the scale and unique "U" shape of the K-25 gaseous diffusion process building, including the use of materials salvaged from ETTP, such as the bricks

from the S-50 Boiler House Chimneys, where appropriate; (b) design a structure for the display of authentic process gas equipment (Stipulation 4); (c) design a viewing tower for site observation (Stipulation 5); (d) develop the restoration plan for Portal 4 (Stipulation 6); (e) make recommendations on the display of representative operating floor equipment (Stipulation 7); and (f) design the low-profile National Park Service standard type wayside exhibits (Stipulation 11).

4. Shall design and construct a structure to display an authentic Size 2 cell, similar to the Roosevelt Cell, of original process gas equipment, which will be decontaminated to enable display. The cell will, along with other decontaminated equipment and informational materials, show visitors how the single cell, comprised of six converters, (the basic unit of the enrichment process), was repeated approximately 500 times inside the K-25 Building. The structure will be enclosed and will provide space for ingress, egress, miscellaneous storage, viewing of the cell, and will take into consideration the potential for expansion and the relationship of the structure to the Fire Station, where additional authentic artifacts, oral histories, and other displays will be featured.
5. Shall design and construct a dedicated viewing tower. The viewing tower may make use of an existing facility or be a new facility; the design team (Stipulation 3) will determine the best location and attribution of the tower, which will provide a view of the size, scale, and proportion of the unique “U” shape of the mile-long K-25 building footprint.
6. Shall retain and restore Portal 4, also known as K-1028-45.
7. Shall preserve and safely and securely store representative Operating Floor equipment for possible future display.
8. Shall perform an inventory and review of all equipment identified for preservation in prior MOAs for the ETTP site, which will include the equipment and materials collected to date and those not yet collected. The inventory and review will be conducted by a team that includes a museum professional, a historian who meets the Secretary of Interior’s Historic Preservation Professional Standards, a photographer, and subject matter experts with information about the history and use of particular artifacts, and a DOE representative. The inventory and review will determine the most appropriate and feasible equipment and artifacts to display at the newly constructed structure to display the authentic Size 2 cell (Stipulation 4) and in the K-25 History Center (Stipulation 9) and possibly elsewhere. Equipment and artifacts not selected for retention and/or display may be offered to third parties, such as the National Park Service, the Smithsonian, or others, for use in their museum collections if they are determined to be an appropriate and secure repository.
9. Shall initiate discussions with the City of Oak Ridge regarding the K-25 History Center to be located on the second level of the Fire Station at ETTP, and shall obtain the services of a museum professional to design the exhibits and displays for the History Center. Input on the design of the exhibits, displays, and other means to interpret the site’s history within a museum context will also be obtained from the Oak Ridge Heritage and Preservation Association/Partnership for K-25 Preservation. The History Center’s exhibits will be

professionally designed and constructed to utilize authentic equipment, artifacts, and other media to facilitate access to oral histories, film and video, and provide a kiosk to access the K-25 Virtual Museum (Stipulation 10).

10. Shall sponsor the development and maintenance of a web-based K-25 Virtual Museum. The K-25 Virtual Museum will include multi-media opportunities for viewing, learning, and researching aspects of the K-25 site and its history. The Virtual Museum will use an interactive map of the site where a viewer can click on a building or area that will open up to a menu of information types. Menu types will include, but not be limited to, photographs (archival and recent), oral histories, drawings and plans, videos, descriptive materials of the buildings purposes and functions, and keyword searches. Additionally, users will be able to make their own contributions to the archive through a Digital Memory Box (DMB) that will use electronic multimedia to collect, preserve, and present the stories and digital records of former workers and their families. The DMB will contribute to the ongoing effort by DOE to preserve K-25's history by collecting first-hand accounts, on-scene images, and blog postings.
11. Shall sponsor the preparation, design, installation, and maintenance of 12 low-profile National Park Service standard wayside exhibits to use in coordination with a self-guided tour brochure (Stipulation 12). A DOE ORO K-25 Historic Preservation Coordinator (Stipulation 14) will work with the Oak Ridge Heritage and Preservation Association/Partnership for K-25 Preservation to determine the most appropriate location for the exhibits.
12. Shall prepare and publish a self-guided tour brochure for ETTP and its immediate surroundings. The brochure, which will supplement the wayside exhibits described in Stipulation 11, will include a map of the site area, photographs of the site over time, a map of the wayside exhibit locations, and other points of interest, such as the site of the K-25 Building, History Center, viewing tower, and the structure displaying the Size 2 cell.
13. Following the execution of the MOA by all signatory parties, DOE shall provide a grant in 2012 to East Tennessee Preservation Alliance (ETPA) or its fiscal agent, Knox Heritage, Inc., for purchase and stabilization of the Alexander Inn as partial mitigation for the adverse effects at the ETTP site during the site remediation. The purpose of the grant is to support the preservation of the Alexander Inn and to transition the Alexander Inn to a private developer for economic benefit to the community. The Department will provide \$350,000 for purchase of the property, and an additional \$150,000 for building stabilization activity. Within 180 days of receipt of the grant, ETPA will finalize the purchase or other acquisition of the Alexander Inn by ETPA or Knox Heritage or by a private owner. The funds may be used to acquire the Alexander Inn, including payment of any closing costs related thereto, or for acquisition and foreclosure of the first mortgage on the property. Furthermore, the funds may be used to stabilize the building. The sale of the Alexander Inn to private ownership or end user shall include or require a historic preservation easement for the external building to protect the historic and cultural values of

the building. The City of Oak Ridge agrees to work with ETPA and the private owner in developing an acceptable schedule, not to exceed 365 days from date of purchase, for bringing the Alexander Inn into compliance with all city ordinances. In the event the ETPA is unable to finalize the purchase and sale of the Alexander Inn in the agreed upon amount of time or any extended period approved by DOE, the grant will be refunded in full to DOE (less, in the event of foreclosure, any funds paid or costs incurred in connection with the foreclosure).

14. Shall appoint a K-25 Historic Preservation Coordinator. The Coordinator will be responsible for implementing the Stipulations in this MOA according to the Execution Plan and schedule appended to this MOA.
15. Monitoring Progress: Twice per year, the K-25 Historic Preservation Coordinator will submit a progress report to all signatory parties. The report will summarize all work accomplished during the reporting period and identify concerns with future efforts. At the completion of all stipulations, the Coordinator will submit a final report to all signatory parties.
16. Funding: The K-25 Historic Preservation Coordinator will continue to develop scopes of work and estimated costs for the mitigation stipulations. DOE shall submit on an annual basis, through established channels, appropriate budget requests to the Director of the Office of Management and Budget that adequately address agreed upon schedules for implementation of this MOA. The stipulations identified in the MOA shall be recognized by the Department as measures necessary to comply with the National Historic Preservation Act. The completion of all stipulations contained in the Final MOA and their implementation pursuant to the schedule in the Execution Plan appended to this MOA is subject to annual Congressional appropriations.
17. Amendments: Any signatory to this MOA may propose to the other signatories that it be amended, whereupon the signatories will consult in accordance with 36 *CFR* Part 800.6(c)(7) to consider such amendments.
18. Dispute Resolution: Should any signatory to this MOA object to any action carried out or proposed by DOE with respect to the implementation of this MOA, DOE ORO shall consult with the signatory party to resolve the objection. If after such consultation DOE determines that the objection cannot be resolved, DOE shall forward documentation relevant to the objection to the ACHP, including the DOE proposed response to the objection. Within forty-five (45) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
 1. Advise DOE that the ACHP concurs in DOE ORO's proposed final decision, whereupon DOE shall respond accordingly;
 2. Provide DOE with recommendations, which DOE ORO shall take into account in reaching a final decision regarding its response to the objection; or

3. Notify DOE ORO that the objection will be referred to the ACHP's membership for formal comment and proceed to refer the objection and comment within forty-five (45) days. The resulting comment shall be taken into account by DOE ORO in accordance with 35 *CFR* Part 800.7(c)(4).

Should the ACHP not exercise one of the above options within forty-five (45) days after receipt of all pertinent documentation, DOE may assume the ACHP's concurrence in its proposed response to the objections. DOE ORO shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; DOE ORO's responsibility to carry out all actions under this MOA that are not the subject of the objections shall remain unchanged.

19. Termination:

1. If DOE ORO determines that it cannot implement the terms of this MOA, or any of the other signatory parties determines the MOA is not being properly implemented, the objecting party may propose to the other parties to this MOA that it be terminated.
2. The party proposing to terminate this MOA shall notify all consulting parties to this MOA explaining the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination.
3. Should such consultation fail and the MOA be terminated, DOE ORO shall either consult in accordance with 36 *CFR* 800.6(a) to develop a new MOA or request the comments of the Council pursuant to 35 *CFR* 800.7(c).

Execution of this Agreement Document and implementation of its terms serve as evidence that DOE ORO has afforded consulting parties a reasonable opportunity to comment on the measures proposed to address the adverse effects resulting from D&D of K-25 and K-27 at ETTP, where both facilities are eligible for inclusion in the National Register of Historic Places, and that DOE ORO has taken into account the effects of this undertaking on these historic properties.

DEPARTMENT OF ENERGY, OAK RIDGE OFFICE OF ENVIRONMENTAL
MANAGEMENT

By: _____ Date: _____
Agency Official for Purposes of Section 106
Acting Manager, Oak Ridge Office of Environmental Management

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
Executive Director

INVITED SIGNATORIES:

CITY OF OAK RIDGE

By: _____ Date: _____
Mayor

EAST TENNESSEE PRESERVATION ALLIANCE

By: _____ Date: _____
Director of Preservation Field Services

CONCUR:

ATOMIC HERITAGE FOUNDATION

By: _____ Date: _____

NATIONAL TRUST FOR HISTORIC PRESERVATION

By: _____ Date: _____

OAK RIDGE HERITAGE AND PRESERVATION ASSOCIATION

By: _____ Date: _____

OAK RIDGE SITE-SPECIFIC ADVISORY BOARD

By: _____ Date: _____

COMMUNITY REUSE ORGANIZATION OF EAST TENNESSEE

By: _____ Date: _____

**Execution Plan for the Final Memorandum of Agreement
Regarding Site Interpretation of the East Tennessee Technology Park
January 2012**

This Execution Plan provides the conceptual description for how the Department of Energy Oak Ridge Office (DOE ORO), Office of Environmental Management (EM) will manage and implement the stipulations in the “Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, The Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park (ETTP), on the Oak Ridge Reservation, Roane County, Tennessee.” The descriptive information, estimate and schedule provided herein are directly supportive of the Memorandum of Agreement (MOA).

EM will manage this effort as described below in accordance with the MOA. The proposed implementation scope is organized by Work Breakdown Structure (WBS) elements (see attached), and an estimated cost and schedule is included. Implementation of the Execution Plan will have a duration of approximately six (6) years from the signed MOA, depending upon future Congressional appropriations.

Scope Element Descriptions

1.0 Planning and Coordination

DOE ORO will be assigning a K-25 Historic Preservation Coordinator (**Stipulation 14**) to support the implementation of the MOA and this Execution Plan. The responsibilities of the Coordinator will include preparation of scopes of work for implementation of the actions described below as well as oversight and monitoring (**Stipulation 15**) of the WBS elements listed. Scope performed in this element includes the preparation of progress reports, identification and mitigation of concerns, coordination and tracking of work, close-out and final reporting, as well as project management and oversight. Additionally, DOE ORO will be providing a \$500,000 grant to the East Tennessee Preservation Alliance (ETPA) for purchase and stabilization of the Alexander Inn (**Stipulation 13**). This element will include administration of the grant.

Deliverables:

- Status reporting on activities performed pursuant to the MOA (twice per year) (Stipulation 15)
- \$500,000 grant to East Tennessee Preservation Alliance towards the purchase and stabilization of the Alexander Inn. (Stipulation 13)

2.0 Building Slab Feasibility Study

Whether or not the original K-25 building slab can be used for interpretive purposes in the dedicated K-25 Building footprint, it is a critical component of the overall interpretative effort. The work to address this includes examining and determining the contamination levels on and beneath the slab once the remainder of the building has been removed. This evaluation, which will consist of a feasibility study (**Stipulation 2**) includes quantifying the short- and long-term costs associated with leaving, covering, or removing the slab. If these investigations determine that the slab can be safely and cost-effectively left in place and directly accessible to the public, the slab will be integrated into a comprehensive design solution for demarcating the building footprint.

Deliverable:

- K-25 Slab Retention Feasibility Study (Stipulation 2)

3.0 Interpretation: Design Elements

This WBS element consists of professional design work that supports the interpretation of the dedicated K-25 footprint (**Stipulation 1**). Comprehensive design solutions for demarcating the building footprint (**Stipulation 3**) efforts will depend on the results of the Feasibility Study (addressed in WBS element 2.0, stipulation 2). Design efforts are explained as follows:

Design work will involve procurements and awards to professional subcontractors experienced in historic interpretation and museum design, respectively. To the extent practicable these subcontracts will primarily be fixed-price, and to a lesser extent, fixed-unit-rate. Once the design of the footprint has been finalized pursuant to the considerations of the feasibility study noted in Stipulation 2, described above, the release of further design work will be initiated for the design efforts associated with the footprint (Stipulations 3, 4, 5, 6, 7 and 11). The museum design (Stipulation 9) is not dependent on the results of the feasibility study.

Stipulation 3 – Procurement of professionals to prepare an interpretive design solution that will effectively delineate the dedicated site, which includes the comprehensive approaches to initiate the final design of the Stipulations 4, 5, 6, 7 and 11.

Stipulation 4 - Design of a structure for display of a Size 2 Cell similar to the Roosevelt Cell. Decontamination of the actual display components, which have already been set aside, is addressed in WBS element 5.0, stipulation 4.

Stipulation 5 - Design of a dedicated viewing tower that will be used to provide visitors with a view that demonstrates the scale and unique "U" shape of the mile-long footprint.

Stipulation 6 - Design for restoration of Portal 4, also known as K-1028-45.

Stipulation 7 – Determination/Design as necessary of the best means to display and interpret representative operations floor equipment.

Stipulation 11 - Work includes the preparation, design, and fabrication of twelve low profile National Park Service-type wayside exhibits to help commemorate points of historic significance that can be used in coordination with a self-guided tour brochure (Stipulation 12) for ETTP and its immediate surroundings. The installation component of this Stipulation is in WBS element 6.0.

Stipulation 9 – Design of the K-25 History Center exhibit, which also contains the design for remodeling the second level of the ETTP Fire Station. The Fire Station has no contamination issues, is Americans with Disabilities Act-accessible (ADA), has heating and air conditioning, restroom facilities, and 24-hour security. This History Center design will be developed by a museum professional, working with others as described in the Final MOA and Mitigation Plan. The exhibits will be designed to utilize authentic equipment, artifacts, oral histories, and other media.

Deliverables:

- K-25 Building Footprint Demarcation and Comprehensive designs (Stipulation 3)
- Structure for the Size 2 Cell Display Design (Stipulation 4)
- K-25 Viewing Tower Design (Stipulation 5)
- Portal 4 Restoration Design (Stipulation 6)
- Recommendations on display options for representative operations floor equipment (Stipulation 7)
- K-25 History Center Exhibit Design (Fire Station Remodel) (Stipulation 9)
- Wayside Exhibits Design (Stipulation 11)

Section 4.0 Education and Outreach

In an effort to increase outreach and foster public education and awareness of the history of the K-25 Site, DOE ORO will be developing a web-based Virtual Museum (**Stipulation 10**), and a self-guided tour brochure (**Stipulation 12**) of the site, site area and points of interest.

Deliverables:

- Virtual Museum Web Design (Stipulation 10)
- Self-guided Tour Brochure (Stipulation 12)

Section 5.0 Equipment and Artifacts Inventory

DOE ORO will be conducting an inventory of all equipment identified for preservation in all prior MOAs including equipment already set aside, and that not yet set aside. A database will be developed for cataloguing purposes. Also included in this WBS is the preparation of the Size 2 Cell prior to installation and display in the new structure (executed in WBS element 6.0, Stipulation 4).

Stipulation 8 - A team of professionals including a historian, subject matter experts, photographer, and a DOE ORO representative will participate in the inventory and will conduct and document the equipment and artifact inventory in order to determine the future disposition (e.g., display; preserve for future display; dispose, including to third parties) of items.

Stipulation 4 - Preparations to the Size 2 cell equipment to enable its display includes external wipe down of equipment to address easily removed contamination, external painting as required/necessary, and required removal of internal components. No internal wipe downs or decontamination will be performed. Interim storage pending display in the new structure is also included.

Deliverables:

- Equipment and Artifacts Inventory (Stipulation 8)
- Size 2 Cell Equipment Preparation/Storage (Stipulation 4)

Section 6.0 Construction and Installation of Facilities, Equipment and Exhibits

Each of the design features described in Section 3.0 above will require construction and/or installation. In some instances, such as with the structure for the Size 2 Cell, the Viewing Tower, K-25 History Center and the wayside markers, there will be fabrication and procurement costs as well. This WBS element consists of field work activities based on the final approved designs.

Construction work will be competed and performed by subcontractors, where possible. To the extent practicable these subcontracts will primarily be fixed-price, and to a lesser extent, fixed-unit-rate.

Deliverables:

- Structure for the Size 2 Cell Display, includes installation of Size 2 cell equipment/piping (Stipulation 4)
- K-25 Viewing Tower (Stipulation 5)
- Portal 4 Restoration (Stipulation 6)
- K-25 History Center Exhibit Design/Fire Station Remodel, equipment and artifact set-up, including display cases (Stipulation 9)

- Wayside Exhibits Installation (Stipulation 11)

Conclusion:

The Department of Energy currently has approximately \$1 million available to begin implementation of the stipulations in the MOA. Subsequent annual funding requests will correspond to the conceptual cost estimate summary attached to this Execution Plan. Funding for the remaining mitigation measures will be subject to Congressional appropriations, and may impact the implementation schedule.

Within 120 days of the signed MOA, DOE EM will execute a portion of the stipulations identified in the Final MOA as listed in the attached schedule. Scope elements to be initiated with the \$1 million presently available are as follows:

- Provide a \$500,000 grant to the East Tennessee Preservation Alliance (ETPA) to purchase and stabilize the Guest House/Alexander Inn. (This will occur within 180 days of the execution of the Final MOA).
- Various conceptual designs may be initiated and include the following: Viewing Tower, structure to house the Size 2 Cell, as well as discussions regarding the work for the design of the History Center.
- Other work that may be initiated would include the design of the web-based virtual museum, wayside exhibits, self-guided brochure and inventory of the equipment and artifacts.

MOA Execution Plan Total Estimated Cost

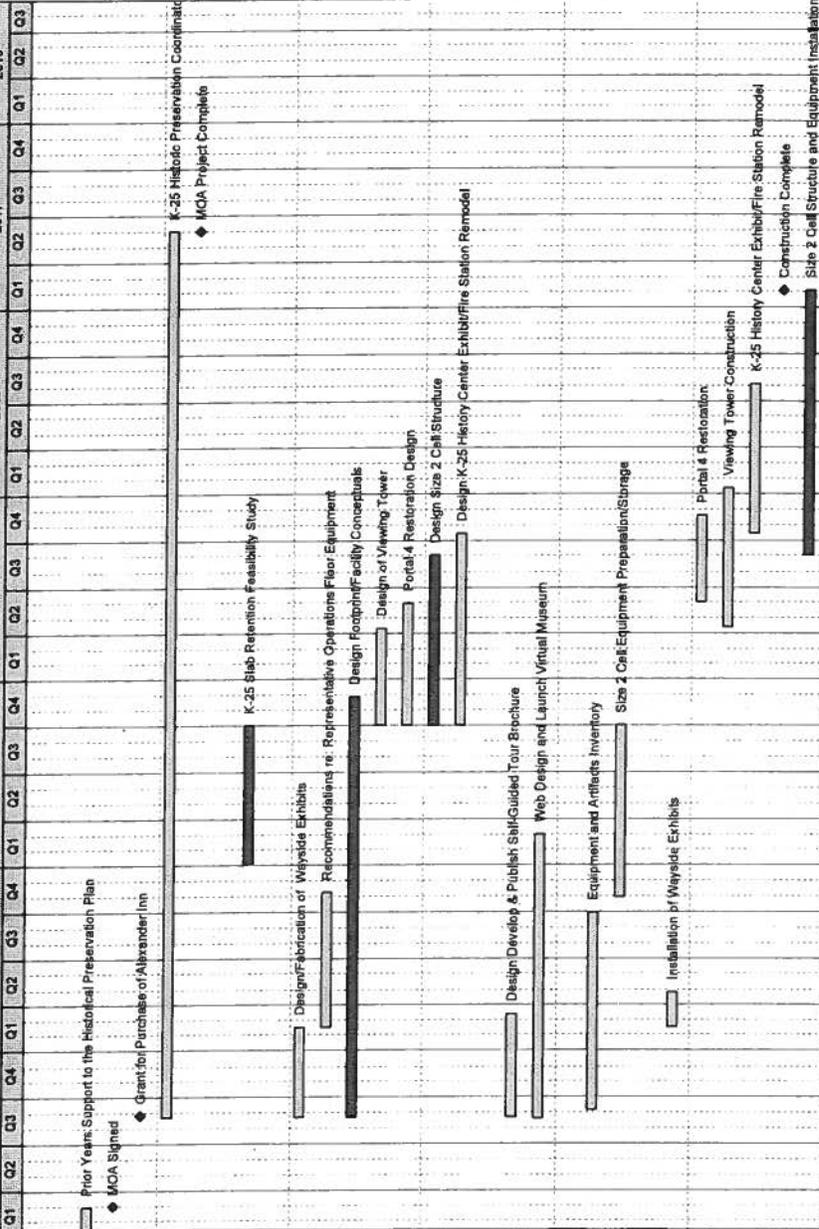
As described in the Final Mitigation Plan, dated January 2012, DOE has expended approximately \$3 million on K-25 mitigation measures. In addition to the \$3 million, the estimate for implementing the mitigation measures in the Final MOA, to which this Execution Plan is appended, total approximately \$9.3 million, bringing the total conceptual estimates cost to ~ \$12.3 million. A final decision has not been made regarding which elements will be managed by DOE directly and which will be managed by a contractor. The attached cost estimate does not include the overhead costs (e.g., project integration, planning and controls, information technology, quality assurance, document control, etc.) that would be incurred if the work was managed by a DOE contractor.

DOE ORO MOA Execution Plan Schedule

East Tennessee Technology Park

30-Jan-12 17:06

2012 2013 2014 2015 2016 2017 2018



Activity Name	Stipulation
Project: NHPMP-1 MOA Execution Plan	
WBS: NHPMP-1.1 Planning and Coordination	
A1000 Prior Years Support to the Historical Preservation Plan	
A1015 MOA Signed	
A1020 Grant for Purchase of Alexander Inn	Stipulation 13
A1010 K-25 Historic Preservation Coordinator	Stipulation 14
A1030 MOA Project Complete	
WBS: NHPMP-1.2 Building Slab Feasibility Study	
A2010 K-25 Slab Retention Feasibility Study	Stipulation 2
WBS: NHPMP-1.3 Interpretation: Design Elements	
A3040 Design/Fabrication of Wayside Exhibits	Stipulation 11
A3060 Recommendations re: Representative Operations Floor Equipment	Stipulation 7
A3000 Design Footprint/Facility Conceptuals	Stipulation 3
A3010 Design of Viewing Tower	Stipulation 5
A3050 Portal 4 Restoration Design	Stipulation 6
A3020 Design Size 2 Cell Structure	Stipulation 4
A3030 Design K-25 History Center Exhibit/Fire Station Remodel	Stipulation 9
WBS: NHPMP-1.4 Education and Outreach	
A4000 Design Develop & Publish Self-Guided Tour Brochure	Stipulation 12
A4010 Web Design and Launch Virtual Museum	Stipulation 10
WBS: NHPMP-1.5 Equipment and Artifacts Inventory	
A5000 Equipment and Artifacts Inventory	Stipulation 8
A5010 Size 2 Cell Equipment Preparation/Storage	Stipulation 4
WBS: NHPMP-1.6 Construction and Installation of Facilities, Equipment...	
A6040 Installation of Wayside Exhibits	Stipulation 11
A6060 Portal 4 Restoration	Stipulation 6
A6020 Viewing Tower Construction	Stipulation 5
A6010 K-25 History Center Exhibit/Fire Station Remodel	Stipulation 9
A6100 Construction Complete	
A6030 Size 2 Cell Structure and Equipment Installation	Stipulation 4

WBS Structure

WBS	Description	STIPULATION #
1.0	Planning and Coordination	
1.1	K-25 Historic Preservation Coordinator	14
1.2	Grant for Purchase of Alexander Inn	13
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2.1	K-25 Slab Retention Feasibility Study	2
3.0	Interpretation: Design Elements	
3.1	Design Footprint/Facility Conceptuals	3
3.2	Design Size 2 Cell Facility	4
3.3	Design of Viewing Tower	5
3.4	Portal 4 Restoration Design	6
3.5	Recommendations Representative Operations Floor Equipment	7
3.6	K-25 History Center Exhibit Design/Fire Station Remodel	9
3.7	Design/Fabrication Wayside Exhibits	11
4.0	Education and Outreach	
4.1	Web Design/Build and Launch of Virtual Museum	10
4.2	Self Guided Tours Brochure	12
5.0	Equipment and Artifacts Inventory	
5.1	Equipment and Artifacts Inventory	8
5.2	Size 2 Cell Preparation/Storage	4
6.0	Construction and Installation of Facilities, Equipment and Exhibits	
6.1	Size 2 Cell Enclosure and Equipment Installation	4
6.2	Viewing Tower Construction	5
6.3	Portal 4 Restoration	6
6.4	K-25 History Center Exhibit/Fire Station Remodel	9
6.5	Installation of Wayside Exhibits	11

FINAL MITIGATION PLAN

SITE INTERPRETATION
EAST TENNESSEE TECHNOLOGY PARK

DEPARTMENT OF ENERGY
OAK RIDGE OFFICE
OFFICE OF ENVIRONMENTAL
MANAGEMENT

January 2012

PREFACE

The citizens of Oak Ridge are heirs to an important historical legacy. Founded during World War II, the city was created in an effort to rapidly develop new technologies needed to preserve American democracy. Working under intense pressure, thousands of men and women built—then operated—some of the largest and most sophisticated facilities ever constructed. Their contributions to winning the greatest war in human history are part of a story that more than six decades later still defines the character of the Oak Ridge community.

One of the story's most important chapters took place at K-25, a 2 million square foot facility that in 1945 was the largest building in the world. Using a new gaseous diffusion process to separate Uranium-235, an isotope suited for achieving nuclear fission, from Uranium-238, the "K-25 site" became the name associated with a vast complex of some 500 buildings constructed for the purpose of uranium enrichment at a cost that today would exceed \$6 billion. Employing more than 12,000 workers at its peak, the project's enormous scale was necessary to produce only a few grams of U-235. The small amount, however, was enough to help end the war with Japan and make Oak Ridge synonymous with the great achievements of American history.

After some four decades of producing enriched uranium for the American nuclear industry, the K-25 gaseous diffusion complex was closed in 1987. Unfortunately, several of the buildings contained significant contamination, a byproduct of housing radioactive materials that, at least in the early years, were sometimes not fully understood. For these buildings, which included the original K-25 structure, the enormous cost of remediating the contamination effectively foreclosed options for preservation or renovation. Supported by the Congress, the U.S. Department of Energy (DOE) determined in 1996 that risks to public health and the region's environment made it necessary to demolish the K-25 complex and remove the contaminated materials. The K-25 complex in 1997 was renamed the East Tennessee Technology Park, designed as a brownfield site suitable for reindustrialization after completion of environmental remediation.

The decision to demolish the buildings in the former K-25 complex was accompanied by a commitment to recognize for posterity the historic contributions represented by the site and by the thousands of workers who contributed to its success. This commitment was shared by a number of consulting parties, including, but not limited to, DOE, the city of Oak Ridge, the state of Tennessee, the Advisory Council on Historic Preservation, and the East Tennessee Preservation Alliance (ETPA). While all of the consulting parties shared the goal of commemorating K-25's historic legacy, each brought to the consultation process a distinctly different perspective. Not surprisingly, these unique perspectives produced recommendations that varied greatly in scale, cost, and the approach to preserving K-25's history. Some recommendations were projects confined to the K-25 site. Within this group were proposals to retain substantial portions of existing buildings, along with options to build an interpretive center on the site of the existing K-25 Building. Other consulting parties sought to link the commemoration of K-25 to the broader story of Oak Ridge's role in the Manhattan Project, an effort that would include the preservation or construction of buildings not located on the K-25 site. As advocated and embraced by the consulting parties in the past, the broader history of the Manhattan Project in Oak Ridge will use a "hub and spoke" approach. This approach will link

the stories of each of the DOE facilities in a thorough interpretive effort. The Department will work on this effort with other DOE programs in Oak Ridge, as well as the National Park Service, American Museum of Science and Energy and other consulting parties.

All of the recommendations were considered and have contributed to the Memorandum of Agreement and Final Mitigation Plan. For over a decade, the collective input resulted in a process of rethinking both the goals and strategies for commemorating K-25 and its contribution to our history. Against the backdrop of this input, the Final Mitigation Plan represents an effort to align these priorities with national financial constraints. A sustained effort to restrain federal spending means that proposals that only 6 years ago appeared viable today have little chance of obtaining funding. In this context, previous agreements were weighed against the need to acknowledge this new fiscal environment and the Final MOA reflects the present fiscal limitations.

The Final Memorandum of Agreement and Mitigation Plan reflect DOE's commitment to begin immediate implementation of a project to pass on the K-25 legacy to our children. If we tell it well, the story is one that will introduce them to our history, and connect them to our country and our achievements.

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1.0 INTRODUCTION

The Final Mitigation Plan for Site Interpretation of the East Tennessee Technology Park (ETTP) is the product of the Bridge Memorandum of Agreement executed in 2010 by the U.S. Department of Energy's Oak Ridge Office (DOE ORO). Signatories to the 2010 agreement included the Department of Energy Federal Preservation Officer, the Tennessee State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation. The agreement stipulated that DOE ORO of Environmental Management prepare a Final Mitigation Plan for interpretation of the history of the former K-25 complex, a component of the Manhattan Project located in the ETTP.

The Final Mitigation Plan incorporates extensive comment from a variety of stakeholders interested in the historic preservation of K-25. A draft plan, along with a Memorandum of Agreement directing the plan's implementation, was circulated to consulting parties for review. DOE hosted an all-day consulting parties meeting on November 17, 2011, at which attendees were encouraged to share questions and comments about the draft plan. Additional written comments were accepted through November 30, 2011. The Final Mitigation Plan reflects consideration of these comments.

2.0 PROJECT HISTORY

2.1 2005 Memorandum of Agreement

Acting in accordance with Section 106 of the National Historic Preservation Act (NHPA), the DOE ORO in 2000 determined that decontamination and decommissioning activities at the former K-25 complex would have an adverse impact on historic resources eligible for inclusion in the National Register of Historic Places. Since that initial determination, the Department has sought input of consulting parties and members of the public, commissioned studies, and hosted numerous public meetings in an effort to identify among competing recommendations the most appropriate method of commemorating K-25's historic legacy.

In 2005, the parties agreed, "the use of the North End of the K-25 Building" was "the best and most cost-effective mitigation to permanently commemorate, interpret, and preserve the significance of the East Tennessee Technology Park (former K-25 Site)." As a result, DOE, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation entered into a Memorandum of Agreement that included the retention of the North End of the K-25 Building as well as numerous additional mitigation measures.

Subsequent to the execution of the 2005 Memorandum of Agreement, DOE began the demolition of the K-25 Building, with the exception of the North End. The following mitigation measures contained in the 2005 Agreement have been completed:

- Collection and storage of approximately 700 K-25 artifacts determined to be historically significant through a process agreed upon by consulting parties and documented in consultation meeting minutes

- Retention of Portal 4, also known as K-1028-45
- Feasibility evaluation of retaining the low chimneys of the S-50 Boiler House
- Transcription of approximately 70 oral history interviews conducted with former K-25 workers
- Production of two documentary videos utilizing oral history interviews and historic photographs
- Documentation of the K-25 and K-27 Buildings with the use of 360° IPix-type photographs
- Collection and storage of a complete set of unclassified architectural and engineering plans and specifications of the K-25 and K-27 Buildings

2.2 “Bridge” Memorandum of Agreement

In 2006, as demolition of the K-25 Building continued in compliance with the 2005 MOA, an employee fell 30 ft through the floor at the K-25 Building. Although the worker survived the fall, the incident called into question both the safety of the facility and the plans to retain the facility’s North End. Work halted while DOE reevaluated the path forward for demolition of the K-25 Building.

During several subsequent meetings with the consulting parties, DOE described in detail the deteriorated conditions that presented serious safety concerns at the K-25 Building, including the North End. In 2009, the Department advised the consulting parties that both prohibitive costs and safety considerations would render three stipulations of the 2005 Memorandum of Agreement no longer feasible. The three stipulations were preserving the North End of the K-25 Building, salvaging and preserving portions of the Roosevelt Cell, and retaining 10 feet of the interior walls of the U-shaped K-25 Building.

As efforts proceeded to implement the remaining stipulations of the 2005 Memorandum of Agreement, DOE requested that the consulting parties consider other potential mitigation measures that might serve as alternatives to the three deleted stipulations. The parties offered a number of distinctly different alternatives that varied greatly in scope and cost. The Oak Ridge Heritage and Preservation Association/ Partnership for K-25 Preservation presented “Option K,” otherwise referred to as the “stand-alone history center.” In addition to the construction of a new 33,000 sf facility, Option K included the following mitigation measures:

- Demarcation and preservation of the K-25 footprint in perpetuity
- Display of authentic equipment in the history center
- Construction of a viewing tower
- Renovation of Portal 4
- Installation of historic markers throughout ETPP

Some of the consulting parties expressed concern that the proposed “Option K History Center” would prove too costly and requested consideration of other options, including a smaller and potentially open-air structure that would not require permanent staffing. Other parties continued to advocate for the preservation of a section of the K-25 Building. Although many suggestions were made, no consensus emerged.

In the absence of consensus on how best to commemorate the K-25 Building, DOE, the SHPO, and the Advisory Council on Historic Preservation in 2009 entered into a Bridge Memorandum of Agreement. The Bridge Memorandum of Agreement enabled DOE to remain in compliance with the NHPA until the parties could reach agreement on a Final Memorandum of Agreement. DOE agreed to continue consultation with the parties while undertaking two feasibility studies designed to evaluate the various proposals for interpreting K-25’s historical significance to the Oak Ridge community. The feasibility studies included a structural evaluation of the North End of the K-25 Building by Degenkolb Engineers and a review of potential interpretation options conducted by Informal Learning Experiences, Inc.

A key goal of the evaluation studies was to validate the structural integrity of the North End of the K-25 Building. Although DOE engineers had determined safety and cost considerations arising from contamination and deteriorated conditions prevented the retention of the North End of the K-25 Building, some of the consulting parties continued to advocate strongly for the preservation of a portion of the building. To address this issue, Degenkolb Engineers was directed to conduct a structural evaluation of four basic schemes for the preservation of a portion of the North End of the K-25 Building. The four schemes included the following:

- Retention of approximately one-third of the North End of the K-25 Building, including process equipment, primary piping, and the historic structure representing one operating unit of equipment
- Retention of two cells of the North End of the K-25 Building, including process equipment, primary piping, and the historic structure representing about one-twelfth of the structure
- Demolition of the entire North End of the K-25 Building and construction of a new visitor’s center with a recreated stage that would display original equipment
- Demolition of the entire North End of the K-25 Building except for a portion of the face frame and wall and a small portion of the original Cell Floor retained to support one stage or one converter of original equipment, and provide adjacent space for additional exhibits

Degenkolb noted that the four schemes examined in the study were arbitrary in the sense that parts of each scheme might prove viable in a final option. While their task was to compare the cost and viewer experience of the four independent alternatives, the firm predicted that the ultimate proposal would likely vary somewhat from any of the specific alternatives evaluated in the study. Degenkolb also emphasized that conceptual budgets were prepared

for comparative purposes only and should not be assumed to reflect total project costs. For example, the conceptual budgets did not include “soft” costs for exhibit design, installation, or maintenance; the cost of removing, decontaminating, or reinstalling equipment; the cost for addressing safety issues; or the cost for additional mitigation measures that might be implemented in addition to retaining a portion of the building. Degenkolb was not asked to evaluate the historic integrity of building remnants, worker safety issues, or mitigation options other than the four specified schemes.

In addition to the structural evaluation, Informal Learning Experiences examined two commemoration and interpretation approaches to Oak Ridge’s Manhattan Project Experience. One option included reservation-wide interpretation that would incorporate each of the Oak Ridge Reservation’s three signature facilities (the K-25 Gaseous Diffusion Process Building, the Graphite Reactor at Oak Ridge National Laboratory, and the Beta 3 Racetracks and Pilot Plant at the Y-12 National Security Complex). The second option focused solely on K-25. The study concluded that the visitor would receive the best experience if all three signature facilities were interpreted through a “hub and spoke” concept that provided a location in the city’s center (the hub) to learn the broader story of Oak Ridge’s contribution to the Manhattan Project. This would be combined with physical or visual access to each of the three facilities (the spokes), including a portion of the K-25 Building and its equipment. The study also concluded the following:

- A new museum facility or a faithful replica would be less desirable than preservation of the original structure.
- The National Park Service should be involved in developing interpretive programming.
- Multiple stakeholders also should be engaged in developing the interpretive program.
- Visitors could be offered a more personalized experience using modern technologies.
- The footprint of the K-25 Building should be marked to delineate scale and shape.

2.3 Preferred Memorandum of Agreement

In January 2011, DOE distributed the Degenkolb and Informal Learning Experiences feasibility studies to the consulting parties accompanied by an invitation for comment. The Department received written comments from representatives of eight agencies and organizations (Informal Learning Experiences, Oak Ridge Reservation Local Oversight Committee, Advisory Council on Historic Preservation, National Trust for Historic Preservation, Randall Travel Marketing, City of Oak Ridge, Oak Ridge Heritage and Preservation Association/Partnership for K-25 Preservation, and Atomic Heritage Foundation). The comments confirmed that despite a variety of opinions and perspectives on some major issues, consensus had emerged in a number of areas. The Department merged the

areas of consensus into a draft Preferred Mitigation Plan. The plan's key elements included the following:

- Support for the adoption of the "hub and spoke" concept
- Consultation with the National Park Service for sitewide interpretation
- Delineation of the K-25 footprint for commemoration and interpretation activities

Comments reflected significant disagreement on the two proposals to retain a remnant of the K-25 Building and to construct a history center (Option K). Despite the lack of agreement, the comments and ensuing discussions provided DOE with excellent suggestions concerning the priorities of interpretation for each proposal. DOE incorporated several of these priorities, as well as the following factors, in preparing the Preferred Mitigation Plan:

- Feasibility study recommendations
- Public interest
- Visitor experience
- Accessibility
- Historic integrity
- Safety
- Cost

3.0 RESPONSE TO COMMENTS RECEIVED REGARDING THE PREFERRED MITIGATION PLAN

DOE distributed the Preferred Mitigation Plan to the consulting parties in October 2011. The Department hosted an all-day consulting parties meeting on November 17, 2011, to provide an opportunity for the parties to share questions and comments. Sixty individuals, including the consulting parties as well as other parties, completed the sign-in sheet. Each party was invited to provide comments through transcribed oral testimony at the meeting, comment cards provided at the meeting, or comments submitted by letter or email through November 30, 2011. DOE received written comments from 24 organizations and/or individuals. Copies of all comments are available upon request from the DOE Oak Ridge Information Center. The comments and related DOE responses are organized into six general categories:

1. The "hub and spoke" concept and consultation with the National Park Service
2. Demarcation of the K-25 Building footprint
3. Retention of a remnant of the K-25 Building
4. Preservation of equipment
5. Display of authentic equipment and other artifacts at the History Center
6. Restoration of the Alexander Inn

3.1 The "Hub and Spoke" Concept and National Park Service

DOE concluded that most parties supported the decision to adopt a "hub and spoke" concept for a coordinated and comprehensive reservation-wide interpretation program. Some, but not all, of the parties requested that DOE include language in the Final Mitigation Plan that

would express a commitment to use the American Museum of Science and Energy, or an expanded library and city civic center that incorporated the museum, as the “hub.”

As envisioned under the “hub and spoke” concept, visitors would begin their tour at a “hub” located in the center of Oak Ridge, where they would receive an overview of Oak Ridge’s three Manhattan Project “signature” facilities and their linkages with other Manhattan Project facilities in Hanford, Washington, and Los Alamos, New Mexico. From the “hub,” visitors would be directed to the “spokes” or the location of the three signature facilities at the Y-12 Nuclear Security Complex, Oak Ridge National Laboratory, and the East Tennessee Technology Park to receive a more detailed interpretation. Because the three signature facilities are located at sites that are managed respectively by DOE’s National Nuclear Security Administration, the Office of Science, and the Office of Environmental Management, approval for the “hub and spoke” option will require coordination with each departmental element.

One version of the “hub and spoke” proposal would be contingent upon a decision by Congress and the President on whether to implement the National Park Service’s recommendations contained in the *Manhattan Project Sites Special Resource Study*. A decision to designate, and fund, Oak Ridge as part of a new national park would play a major role in determining the potential location and character of the “hub.”

Whether Congress ultimately will approve Oak Ridge as part of a new national park is uncertain, making it impossible at present to finalize decisions regarding both the size and specific location of the “hub.” The Oak Ridge Office of Environmental Management supports the “hub and spoke” concept and will continue discussions with other DOE Programs, the National Park Service, the City of Oak Ridge, and others to implement the concept for reservation-wide historic interpretation. Because of the uncertainty associated with the new national park as well as the need to consider the input from the range of Departmental programs and the various stakeholders, the final Memorandum of Agreement for the interpretation of ETTP does not include the adoption of the hub and spoke concept. DOE recognizes that K-25 is a “spoke”, but acknowledges that additional development of the overall “hub and spoke” approach is needed. Provided the other parties support the “hub” concept, the location will be determined as the discussions for the other signature facilities proceeds.

3.2 Marking the K-25 Building Footprint

Comments at the November 17 meeting included requests that DOE expand the area around the K-25 Building associated with interpretive activities. Upon completion of current missions, DOE will designate exclusively for commemoration and interpretation activities all of the area located inside the road that currently surrounds the K-25 Building (exclusive of mission-essential property). Subsurface development, such as for utilities, would be permitted. Aboveground easements may also be permitted for utilities provided there is no interference with the viewscape. The road will continue to be open for access to this area as well as for other potential uses to support the brownfield industrial park being established.

Some parties requested that the Final Mitigation Plan include additional detail about how the K-25 Building footprint will be marked. DOE will employ the services of a professional design team to determine a design solution that best interprets the scale, proportion, and height, and the unique mile-long “U” shape of the structure, including how the scale and shape of the building was influenced by the repetitive nature of the uranium enrichment process. The design team will be instructed to consider all design solutions previously recommended by consulting parties. A final design for the K-25 Building footprint will include a viewing tower to enable observation of the entire K-25 Building footprint. The tower may be new or use an existing facility; the design team will make recommendations on how best to integrate this important aspect of the Building’s interpretation.

Comments regarding the K-25 building also included consideration of leaving the structure’s concrete pad intact after demolition of the facility. While the Comprehensive Environmental Response Compensation Liability Act Record of Decision calls for the concrete floor or slab of the K-25 Building to be removed or covered, DOE will leave the concrete pad in place during demolition of the building. After demolition, DOE will examine contamination levels on and beneath the slab and attempt to determine short- and long-term costs associated with removing the slab, covering the slab, or leaving the slab as is. While DOE agrees that retaining the slab would improve site interpretation, a decision concerning the slab’s role as part of the facility’s historic interpretation will depend upon whether the slab can be safely and cost-effectively left in place and exposed for public access. A feasibility study evaluating the aforementioned factors will take place as large components of the K-25 demolition (e.g., the west wing) are completed. DOE will make the findings of the study available to the public and implement the recommended action pursuant to the schedule in the Execution Plan, appended to the Final Memorandum of Agreement.

3.3 Retention of a Remnant of the K-25 Building

Some consulting parties recommended the complete demolition of the K-25 Building and its replacement with an interpretive history center. Others requested adoption of Degenkolb’s Scheme 2, which would retain a two-cell portion of the structure, or approximately one twelfth of the North Tower. (Degenkolb was not asked to provide cost estimates for decontamination and declassification of building remnants left in place.)

At a 2009 consultation meeting, DOE described deteriorated conditions and contamination issues that presented serious safety concerns at K-25:

- Structural deterioration, including damage to more than 160 corbels and beams, roof deterioration, water damage that had weakened concrete precast panels where workers walked, and rusted rebar
- Operations floor conditions, including concrete panel failure that restricted access and hazardous falling panel material that had collected on the Cell Floor whose replacement was constrained by lack of access

- Safety conditions resulting from wartime code exemptions, including concrete columns and vault walls not anchored to footers, inadequate fire protection, and a 60-year-old electrical system

DOE noted additional worker safety issues associated with some of the preservation work stipulated in the 2005 Memorandum of Agreement. The issues included additional corbel repairs that require more elevated work, fall potential during roof replacement, risk from falling debris during equipment removal, radiological exposure during decontamination, and removal of transite siding that would require asbestos protection.

In 2009, DOE engineers concluded that due to the safety issues caused by the deteriorated conditions and contamination as well as the resultant costs for addressing the issues, retaining a portion of the K-25 Building would be cost prohibitive. In response to several requests from the consulting parties, the DOE reconsidered Degenkolb Scheme 2 to retain a two-cell portion of the structure. Although Degenkolb engineers demonstrated the structural feasibility of retaining a remnant of the K-25 Building, significant costs associated with visitor safety, security, and historic integrity rendered the proposals to retain a portion of the K-25 Building financially unfeasible.

Working with all of this information, DOE developed a comprehensive mitigation plan that, without retaining a remnant of the building, would seek to illustrate the structure's enormous scale and unique "U" shape. The plan also sought to emphasize the repetitive nature of the diffusion process by providing visitors access to authentic equipment, artifacts, and oral histories. The Final Mitigation Plan adopts a number of measures recommended by Degenkolb, including demarcation of the building footprint, construction of a viewing tower, and a structure on or near the original footprint for exhibiting authentic equipment.

In light of fiscal constraints, several consulting parties requested that DOE implement the mitigation plan in phases to accommodate the possibility of additional funds in the future. In response to these requests, the Final Mitigation Plan contains a number of contingencies, including a building scaled to house a single cell that will be suitably sized space for interpretation, miscellaneous storage, viewing, ingress and egress. The structure will be designed to replicate the scale and shape of a single cell of the original structure and, along with the design solution for demarcating the footprint, will demonstrate to visitors how the single cell, six converters, a basic unit of the enrichment process, was repeated approximately 500 times inside the unique mile-long "U" shaped footprint. Should additional funds become available following a future decision by the National Park Service to designate Oak Ridge as part of a Manhattan Project National Park, the structure will be designed to be expandable to house additional authentic equipment. The building will be proximate to the Fire Station, where additional authentic equipment, artifacts, and oral histories will be made available to visitors. The Viewing Tower will be constructed nearby and will reinforce the scale and dimension of the K-25 Building and the unique "U" shape of the footprint. The design team will work to create a cohesive interpretive experience for visitors to the various points of interest.

3.4 Mitigation Measures for the K-25 North End Demolition

DOE replaced the retention of the North End contained in the 2005 Memorandum of Agreement with the following mitigation measures contained in the Final Memorandum of Agreement:

- Dedication of all land inside the road that surrounds the K-25 Building footprint to commemoration and interpretation activities
- Assessment of the feasibility of leaving the original concrete slab exposed
- Construction of a viewing tower that oversees the building footprint
- Commitment to decontaminate and display a Size 2 Cell similar to the Roosevelt Cell as well as additional equipment and artifacts identified by an inventory team selected to perform this function
- Agreement to utilize, when appropriate, salvaged materials such as the bricks from S-50 Boiler House Chimneys
- Retain and restore Portal 4
- Design and establishment of the K-25 History Center on the second level of the Fire Station, overlooking the footprint of the K-25 building. (This is in addition to the separate structure for the Size 2 Cell.)
- Design, development, and maintenance of an interactive K-25 Virtual Museum (to be available on line)
- Display or interpretation, through the Virtual Museum, of equipment previously identified for preservation
- Design, fabrication, and installation of 12 National Park Service-quality wayside exhibits throughout the site to commemorate points of historic significance
- Design and make available print copies of a self-guided tour brochure that utilizes Quick Response Codes to provide additional information and links to the Virtual Museum
- Appointment of a K-25 Historic Preservation Coordinator to oversee implementation of the Memorandum of Agreement

3.5 Preservation and Display of Equipment

Recommendations in the 2005 Memorandum of Agreement presumed that the North End of the K-25 Building would be retained. Some of the building's original equipment was identified for retention until a determination was made whether it was feasible to include the

equipment as part of historic interpretation inside the facility. Subsequent to the decision documented in the 2009 Memorandum of Agreement that it was not feasible to retain the North End of the building, the Oak Ridge Heritage and Preservation Association presented an option, referred to as Option K, for displaying a portion of the equipment. Option K included construction of a new, approximately 33,000 sf structure to display equipment identified in the 2005 Memorandum of Agreement. Association volunteers donated their time to develop exhibits that commemorate ETTP's history. Their remarkable knowledge of K-25's history and their contributions to the mitigation plan recommendations were invaluable. Various parties expressed concern, however, with the costs for the construction, operation, and maintenance of the History Center proposed by the Association. One less costly alternative proposed was a smaller center, possibly a pavilion. The equipment identified for temporary retention in the Bridge Memorandum of Agreement was based largely on equipment identified by the Association for use in the exhibits they had designed. DOE agreed to retain all of the equipment previously held for potential future interpretation during preparation of a Final Mitigation Plan that would determine what equipment could be cost effectively interpreted.

The Department's Preferred Mitigation Plan included an unstaffed open-air pavilion as well as a K-25 History Center to be housed on the second level of the Fire Station. The plan would house large authentic pieces of equipment in the pavilion, with smaller equipment and artifacts displayed in the Fire Station.

Numerous consulting parties voiced concern about the potential for weather damage to equipment as well as the discomfort of visitors in an open-air pavilion. In response, the Final Memorandum of Agreement includes a provision that DOE will obtain the services of a design team to evaluate the best option for an enclosed structure that will house an authentic Size 2 Cell, similar to the Roosevelt Cell, and enable suitable space for interpretation, miscellaneous storage, ingress, egress, and visitor viewing.

Since 2002, DOE has collected, catalogued, photographed, and stored approximately 700 artifacts identified with both the Manhattan Project and Cold War eras of K-25's history. A team selected by the consulting parties identified the artifacts chosen to convey the history of K-25, which included machinery, equipment, photographs, newspapers, models, phones, and bicycles. The artifacts are being stored in dedicated Sea-land containers inside K-25 or at the Office of Science and Technical Information. The storage location is based on the size, material, classification, and contamination level of the artifacts.

To identify the equipment and artifacts most appropriate for public display, DOE will conduct an inventory of all the objects identified for preservation in prior Memoranda of Agreement, including those already salvaged from K-25. The inventory shall be conducted in a manner consistent with Section 110(a) (2) of the NHPA, the U.S. Department of Interior's "guidelines for Archaeology and Historic Preservation." The inventory will be designed to record the condition of the artifacts as well as the appropriate methods for preservation. The inventory will begin with the establishment of historic contexts and a database system that can be used to evaluate the significance of each artifact. The database will be designed so that similar artifacts can be grouped by type to avoid duplication. An evaluation statement

that makes clear the significance of the artifact within one or more historic contexts will be included. The inventory will include information for any activities required to make the artifacts accessible to the public.

Some confusion existed about the preservation of equipment from K-25. A number of parties expressed concern that the absence of specifically listed equipment in the Preferred Mitigation Plan did not conform to the commitments of the Bridge or prior Memoranda of Agreement. These stipulations specified what equipment should be preserved while DOE determined which items could practically and cost effectively be displayed. The stipulations did not contain commitments to display specific equipment or any of the other 700 artifacts that have been collected and stored. DOE addresses equipment stipulations from the 2005 Bridge Memoranda in the Final Memorandum of Agreement.

DOE will decontaminate a Size 2 Cell, similar to the Roosevelt Cell, for public display. As noted above, DOE will also conduct an inventory designed to identify the equipment and artifacts most appropriate and feasible for display in the structure to be built to display the authentic process equipment and the History Center. The inventory will be completed by a team that will include a museum professional, a professional historian, subject matter experts with information about the history and use of the artifacts, a photographer, and a representative of DOE. A museum professional will also be retained to work with members of the Oak Ridge Heritage and Preservation Association/Partnership for K-25 Preservation to design the exhibits, displays, and other means to interpret the site's history within the context of a museum setting.

DOE will decontaminate equipment and artifacts that the inventory team determines are appropriate and feasible for display. The team will consider what additional equipment and artifacts might be appropriate for display if additional funds become available in the future to expand the areas used for display of equipment and artifacts. A portion of the equipment and artifacts not identified by the inventory team for display will be interpreted in the Virtual Museum.

In response to consulting party comments, the Final Memorandum of Agreement stipulates that after the equipment and artifacts not selected for display in the History Center at K-25 are documented for interpretation in the Virtual Museum, DOE may offer them to third parties such as the Smithsonian or the National Park Service or others for use in museum collections if the equipment or artifacts are determined to be an appropriate, safe, and secure repository for the artifacts.

The discussion of how best to display the artifacts included concerns about the appropriateness of using the second level of the Fire Station as the K-25 History Center. Most of the concerns were associated with the 7,500 sf of space available in the Fire Station compared to the 33,000 sf proposed by the Oak Ridge Heritage and Preservation Association/Partnership for K-25 Preservation as Option K for the History Center. DOE concluded that the combination of the Fire Station and an additional building is the most viable and affordable method for displaying authentic equipment and artifacts. The Fire Station has no contamination issues; is Americans with Disabilities Act accessible; has

heating, ventilation, and air condition and restroom facilities; and has 24-hour security. In addition, the facility offers opportunities for use as a history center. For example, a classified conference room located in the second floor and used during the Cold War era could be used as a theater for presentations. Since the Fire Station building was originally constructed to house the K-25 plant protection facilities during the Cold War era, the Fire Station is located within short walking distance of the K-25 Building site, providing easy access to the building's footprint, displays, wayside markers, etc. The Fire Station also provides important historic context.

The History Center will be located on the second level of the Fire Station. If additional funds become available, the History Center could be expanded to the first level to utilize more of the building's features for interpretation.

DOE currently leases the second level of the Fire Station from the city of Oak Ridge, which owns the building. While DOE will own and be responsible for the design, development, installation, and maintenance of the History Center exhibits, the city of Oak Ridge will retain ownership and maintenance responsibilities for the structure. The History Center will be operated and maintained by volunteers. Although there will be costs associated with reconfiguring the non-load-bearing walls and raising the drop ceilings to accommodate exhibits, the rehabilitation of the Fire Station provides an affordable solution that includes the preservation of a structure directly associated with K-25's Cold War era.

The History Center exhibits will be designed by museum professionals who will utilize a wide range of authentic artifacts, oral histories, interactive opportunities, and social media. The integration of personal digital devices likely will be combined with more traditional interpretive strategies. The exhibits will interpret K-25's full history, from the Manhattan Project era through demolition, and will commemorate both the scientific and social history of K-25, including Happy Valley, an area near the site where construction workers were housed.

In addition to the equipment, artifacts, and oral histories displayed in the History Center, additional artifacts will be available for viewing through the K-25 Virtual Museum. The Virtual Museum will provide a web presence that will offer users easy, 24-hour access to oral histories, photographs, video footage, photographs of material objects, architectural drawings, and sound recordings. DOE will work with representatives of the Oak Ridge Heritage and Preservation Association/Partnership for K-25 Preservation in the development of the Virtual Museum content. The time that visitors to Oak Ridge have to explore the K-25 site may be limited. With virtual access to these materials, they can enrich their experience by exploring K-25's history at their leisure and at any location with internet access. Since the Virtual Museum's information may be continually updated, visitors will have access to materials and exhibits unavailable at the time of their visit. The Virtual Museum also will give individuals who cannot physically visit the site access to resources that will help them gain a better understanding of K-25's history. The Virtual Museum also offers appeal to younger visitors more accustomed to electronic and interactive learning opportunities.

The Virtual Museum will cover the plant's history from construction through demolition. The Museum will provide interpretation of the K-25 gaseous diffusion building as well as the broader plant complex. A unique, three-dimensional archive interface will enable visitors to navigate through a 3D recreation of the K-25 complex and the K-25 gaseous diffusion process building in particular. The 3D recreation will combine both education and exploration in interpreting the places and people of K-25's history. The reproduction of K-25's historical setting will immerse the visitor in the environment of the actual processing building, cafeteria, portals, and other day-to-day aspects of the complex. The Virtual Museum's goal is an interactive, multimedia engagement that enables users to experience, with the support of primary and secondary archival materials, a historically recreated environment.

In summary, the Final Memorandum of Agreement includes a number of stipulations that address equipment inventory, decontamination, preservation, interpretation, and display by various means, including physical displays on site as well as via a Virtual Museum. The combination of the new structure to display equipment, the History Center in the Fire Station, the wayside markers, Virtual Museum, and the overall measures to interpret the dedicated building footprint will provide both excellent display space and a diversity of opportunities for DOE to tell the story of the K-25 Site. The support of historic interpretive design and museum professionals are also stipulated to best achieve a cohesive interpretive experience for visitors, students, researchers, and others with an interest in this important aspect of our national and technological history.

3.6 The Alexander Inn

A proposed grant to help restore the historic Alexander Inn was the only recommendation contained in the Preferred Mitigation Plan that did not represent a request from the consulting parties. Off-site mitigation is a technique commonly used in the Section 106 process when an agency determines that it is not feasible to avoid adverse effects to an historic property, such as a necessary demolition. In many instances, agencies have provided preservation funds for endangered historic properties to partially compensate the public for the loss of a historic property. On occasion, as is the case with the Alexander Inn and the K-25 Site, the two properties are connected historically.

DOE added a number of mitigation measures to the Preferred Plan to compensate for the three measures that were removed from the 2005 Memorandum of Agreement. DOE also sought to strengthen the plan by assisting with the preservation of another endangered Manhattan Project facility known to be important to the preservation interests of the larger Oak Ridge community. DOE also believes that preservation of the Alexander Inn is important.

DOE heard varying perspectives about the appropriate level of funding for the Alexander Inn, ranging from nothing to approximately \$900,000, the amount the ETPA indicated at the consulting parties meeting in November 2011, would be needed to purchase and stabilize the structure, address code violations, and ready the exterior of the building for transfer to a

developer. Other parties urged a smaller grant of approximately \$500,000 to purchase and stabilize the structure from further deterioration.

Given the number of competing interests for limited funds, DOE never entertained the idea of providing all of the money needed to prepare the Alexander Inn for use or transfer. As an alternative, DOE wished to provide the preservation community with “seed money” needed to leverage additional funds needed for the Inn’s renovation. Following consultation with the ETPA, the two parties determined that the following measures would be appropriate for the Alexander Inn:

Following the execution of the MOA by all signatory parties, DOE shall provide a grant in 2012 to East Tennessee Preservation Association (ETPA) or its fiscal agent, Knox Heritage, Inc., for purchase and stabilization of the Alexander Inn as partial mitigation for the adverse effects at the ETPP site during the site remediation. The purpose of the grant is to support the preservation of the Alexander Inn and to transition the Alexander Inn to a private developer for economic benefit to the community. Within 180 days of receipt of the grant, ETPA will finalize the purchase or other acquisition of the Alexander Inn by ETPA or Knox Heritage or by a private owner. The funds may be used to acquire the Alexander Inn, including payment of any closing costs related thereto, or for acquisition and foreclosure of the first mortgage on the property. Furthermore, the funds may be used to stabilize the building. The sale of the Alexander Inn to private ownership or end user shall include or require a historic preservation easement for the external building to protect the historic and cultural values of the building. The City of Oak Ridge agrees to work with ETPA and the private owner in developing an acceptable schedule, not to exceed 365 days from date of purchase, for bringing the Alexander Inn into compliance with all city ordinances. In the event the ETPA is unable to finalize the purchase and sale of the Alexander Inn in the agreed upon amount of time or any extended period approved by DOE, the grant will be refunded in full to DOE (less, in the event of foreclosure, any funds paid or costs incurred in connection with the foreclosure).

3.7 Mitigation Plan Costs

DOE to date has expended approximately \$3 million on K-25 mitigation measures. DOE estimates that implementation of the additional final mitigation measures will cost approximately \$9.3 million, for a total of cost of approximately \$12.3 million. Further information on the cost estimate is found in the Execution Plan appended to the Final Memorandum of Agreement.

DOE currently has approximately \$1 million available to begin implementation of the Final Mitigation Plan. Mitigation measures that will be implemented from these funds are noted in the Execution Plan appended to the Final Memorandum of Agreement. The Execution Plan also includes DOE’s plans for requesting funds until 2017 when implementation of the mitigation measures is estimated to be complete. Funding for the remaining mitigation items will be subject to Congressional appropriations.

4.0 IMPLEMENTING, MONITORING, AND FUNDING THE MITIGATION PLAN

As noted in the Bridge MOA Stipulation 8, the Final MOA and its appended Execution Plan include specific stipulations dealing with the order of completion, commitment to seek firm funding, timetables for completion, and methods for monitoring and progress tracking. In order to support the timely implementation of the mitigation plan, DOE EM will appoint a K-25 Historic Preservation Coordinator upon execution of the MOA. The Coordinator will be responsible for carrying out the stipulated provisions noted above and in the MOA. Twice per year, the K-25 Historic Preservation Coordinator will submit a progress report to all signatories. The report will summarize all work accomplished during the reporting period and identify concerns with future efforts. At the completion of all mitigation measures, the Coordinator will submit a final report to all signatories.

The K-25 Historic Preservation Coordinator will continue to develop scopes of work and estimated costs for the mitigation stipulations. DOE shall submit on an annual basis, through established channels, appropriate budget requests to the Director of the Office of Management and Budget that adequately address agreed upon schedules for implementation of this MOA. The stipulations identified in the MOA shall be recognized by DOE as measures necessary to comply with the NHPA. The completion of all stipulations contained in the Final Mitigation Plan is subject to annual Congressional appropriations.

RESOLUTION

A RESOLUTION AUTHORIZING TRANSMITTAL OF COMMENTS AND AUTHORIZATION TO SIGN THE MEMORANDUM OF AGREEMENT AMONG THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE, THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE PURSUANT TO 36 CFR PART 800.6(B)(2) REGARDING SITE INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK, ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE.

WHEREAS, the U.S. Department of Energy, Oak Ridge Office (DOE ORO) is in the process of decontaminating, decommissioning, and demolishing the K-25 Building located at the East Tennessee Technology Park (ETTP), formally known as the K-25 site, located in the City of Oak Ridge; and

WHEREAS, the building and associated appurtenances are eligible for inclusion in the National Register of Historic Places; and

WHEREAS, pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (U.S.C. Part 470f) DOE ORO, the Advisory Council on Historic Preservation (ACHP), and the Tennessee State Historic Preservation Office (SHPO), (hereinafter collectively referred to as "the Signatories") have determined that the demolition of the buildings/structures at the ETTP will have an adverse effect on the historical character of the buildings/structures, as well as on the K-25 Site Main Plant Historic District and the Powerhouse Historic Districts; and

WHEREAS, the City of Oak Ridge supports the preservation of key historical artifacts from the ETTP site, and the interpretation of the significance of these facilities and the gaseous diffusion process at the a K-25 History Center to be located at Oak Ridge Fire Station #4, and in the hub of the City Center at locations such as the Oak Ridge Public Library and the American Museum of Science and Energy, and other locations within the City limits; and

WHEREAS, the City of Oak Ridge also supports the accelerated cleanup of the ETTP in order to reduce risk and to promote reindustrialization of the site for economic diversification; and

WHEREAS, the DOE ORO has developed a final memorandum of agreement (MOA) entitled *Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee*; and

WHEREAS, the MOA describes the measures DOE will undertake to mitigate the adverse impacts associated with the demolition of buildings/structures as ETTP; and

WHEREAS, the DOE is seeking comments on the final MOA the City of Oak Ridge desires to transmit comments; and

WHEREAS, the DOE is requesting that the City participate in the MOA as an "Invited Signatory;" and the City of Oak Ridge desires to participate and an "Invited Signatory;" and

WHEREAS, the City Manager recommends that the City (1) transmit the attached document entitled *City of Oak Ridge Comments on the Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology*

Park, on the Oak Ridge Reservation, Roane County, Tennessee to the U.S. Department of Energy as the official comments of the City of Oak Ridge; and (2) agree to sign the *Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee* as an Invited Signatory.

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

That the first recommendation of the City Manager is approved and the City shall transmit the attached document entitled *City of Oak Ridge Comments on the Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee* to the U.S. Department of Energy as the official comments of the City of Oak Ridge; and

BE IT FURTHER RESOLVED, that the second recommendation of the City Manager is approved and the City shall sign the attached *Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee* as an Invited Signatory.

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

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

City of Oak Ridge Comments on the Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee

1. The City of Oak Ridge commends the Department of Energy for the agency's dedication and commitment to the Oak Ridge community in bringing forth a final mitigation plan to permanently commemorate, interpret and preserve the significance of the K-25 site. The plan is creative, and is based on partnerships with the city, along with federal, state, and local stakeholders. The addition of an execution plan with a Work Breakdown Structure (WBS) provides a good step-by-step description of when and how the MOA stipulations will be implemented. The Final Mitigation Plan provides a good overview of the history of the consultation process, addresses a number of issues raised by the parties during recent meetings, and reflects DOE's commitment to begin immediate implementation of the plan to preserve, interpret, and commemorate the K-25 mission.
2. The City believes the mitigation plan lays a strong foundation for the proposed Manhattan Project National Historical Park, and by contributing exhibits that meet National Park Service standards, DOE is demonstrating that a national park is indeed both feasible and cost effective. The comprehensive list of work performed to-date illustrates that significant progress has already been made. Together with the stipulations set forth in the MOA—including the designation of a Historic Preservation Coordinator--DOE is demonstrating its commitment to historical preservation and the overall interpretation of the Manhattan Project in Oak Ridge.
3. Stipulation 8 states that "equipment and artifacts not selected for retention and/or display may be offered to third parties." The City discourages transfer of ownership of Oak Ridge artifacts to third parties; rather, the MOA and mitigation plan should recognize that the equipment and artifacts should be rotated in Oak Ridge-based venues. DOE should maintain permanent ownership and only "loan" assets to third parties for temporary display in third party museum collections.
4. With regard to the K-25 History Center to be located at the Oak Ridge Fire Station #4 at ETRP (Stipulation 9) the City anticipates the mitigation plan will provide sufficient flexibility should the parties agree to utilize additional space at the facility. In addition to the 7500 square feet of display area on the second level floor of the fire station, ~4000 square feet of space down stairs could provide support space for the History Center. Approximately 2300 square feet of truck bay with 14 foot ceilings could accommodate a large display area.
5. As noted in the "Conclusion" section of the Execution Plan, the City is pleased to see that discussions regarding work for the design of the History Center and Viewing Tower will commence within 120 days of the signed MOA. The City anticipates being engaged in those discussions from the outset to ensure open communications and involvement with the appropriate planning staff. The MOA Execution Plan Schedule, WBS, and conceptual cost estimate summary should be adjusted to reflect the initiation of this work in FY12 and continuing in FY13.
6. As stated in Stipulation 13, the City of Oak Ridge supports the transition of the Alexander Inn to a private developer for economic benefit to the community, and pledges to work with the parties pursuant to the language in the stipulation.
7. The City is disappointed that the MOA does not specifically address the role of the Center for Oak Ridge Oral History located at the Oak Ridge Public Library. However, the City is pleased that DOE supports the "hub and spoke" concept, where visitors would begin their tour at a hub located in the center of Oak Ridge. The City will work to ensure availability of oral histories at COROH and the K-25 History Center, and to pursue the possible expansion of the Library in support of the "hub" concept as a means to implement reservation-wide and NPS historic interpretation.

CITY COUNCIL MEMORANDUM
12-05

DATE: February 8, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: GUIDELINES FOR APPROPRIATIONS OF FUNDS TO NONPROFITS

An item for the agenda is a resolution approving an updated set of guidelines for appropriations of funds to nonprofit organizations.

On June 4, 1979, City Council adopted Guidelines for Disbursement of Funds to Charitable Not-to-Profit Organizations (copy attached). When this document was adopted, State law set forth requirements for disbursements of funds to charitable nonprofit organizations only. This statute has since been amended to include civic nonprofit organizations and City Council has, in the past, interpreted the approved guidelines to also include civic nonprofit organizations as provided by statute.

Tennessee Code Annotated §6-54-111 (copy attached) sets forth the minimum requirements for legislative bodies to appropriate funds for the financial aid of nonprofit organizations. Appropriation of funds for financial aid may be made to a nonprofit charitable organization that provides year-round services benefitting the general welfare of the residents of the municipality or to a nonprofit civic organization working to maintain and increase employment opportunities in the municipality. Charitable nonprofit organization and civic nonprofit organization are both defined terms under the statute and organizations seeking financial assistance must meet the statutory definition.

While the guidelines need revision to address civic nonprofit organizations, there is also a current request to amend the guidelines to address the issue of audits. By Council's approved guidelines, a nonprofit organization must employ a Certified Public Accountant (CPA). Due to this specification in the guidelines, the City has required nonprofits receiving financial aid and those providing limited services for receipt of public funds to provide an annual audit conducted by a CPA. The CPA-conducted audit requirement has recently been a hardship on at least one nonprofit organization to comply with this provision.

Tennessee Code Annotated §6-54-111(c) states:

Any nonprofit organization that desires financial assistance from a municipality shall file with the city clerk a copy of an annual report of its business affairs and transactions, which includes, but is not limited to, a copy of an annual audit, a description of the program that serves the residents of the municipality and the proposed use of the municipal assistance. Such report will be open for public inspection during regular business hours of the city clerk's office. (Underline added)

In determining whether to recommend relaxation of the CPA-conducted audit requirement as currently provided by Council's guidelines, Tennessee Attorney General Opinions on Tennessee Code Annotated §6-54-111 were reviewed. In Tennessee Attorney General Opinion 91-52 (copy attached) the term "audit" is discussed. In this opinion, the Tennessee Attorney General's Office opined as follows:

The statute nowhere specifies the appropriate auditor to conduct the audit, or the level of formality of the report to be submitted. The statute contains no requirement that such audit be prepared or certified by a certified public accountant or a licensed public accountant. Whether any particular report would contain sufficient financial information and be prepared with sufficient formality to satisfy the requirement of T.C.A. § 6-54-111(c) would appear to

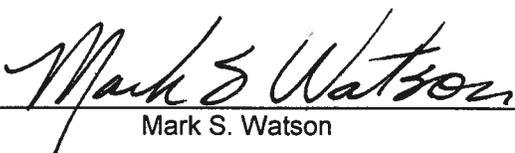
depend upon a variety of facts and circumstances surrounding the organization and the appropriation of municipal funds. Municipal guidelines could address this issue. In the absence of such guidelines, it is suggested that the municipality consult with its own financial officers or independent financial consultants for further guidance.

The opinion also referenced Black's Law Dictionary (5th edition, 1979) for interpretation which, at the time, defined "audit" in part as a "systematic inspection of accounting records involving analysis, tests, and confirmations." The current version of Black's Law Dictionary (9th edition, 2009) defines "audit" as "a formal examination of an individual's or organization's accounting records, financial situation, or compliance with some other set of standards. See generally accepted auditing standards."

My recommendation to Council is a revision the current guidelines to allow nonprofits receiving \$25,000.00 or less in financial aid from the City to submit an informal audit conducted by an accounting professional in lieu of a CPA-conducted audit. Under the current guidelines, a nonprofit organization receiving \$5,000.00 from the City would be required to expend \$2,000.00-\$3,000.00 for a CPA-conducted audit. This process is not cost-beneficial for the City or the organization. Changing the audit guidelines as recommended will allow smaller organizations, who may not have the funds to pay for a CPA-conducted audit, to still be eligible to receive financial aid from the City should City Council choose to appropriate funds. To that end, a new document, *Guidelines for Appropriations of Funds for Nonprofit Organizations*, dated February 13, 2012, is provided for Council's consideration. If approved, this document would replace the 1979 guidelines.

Councilmember Anne Garcia Garland has submitted a memorandum for Council's consideration on this subject as well. In Councilmember Garcia Garland's memorandum, she suggests changing the audit requirements from employing a CPA to employ an accounting professional and allowing the audit to be satisfied by receipt of documentation such as an IRS 990 Form or signed treasurer's report. It is my opinion that such information may not be satisfactory in all cases to examine an organization's accounting practices. However, Councilmember Garcia Garland's concerns are appreciated and understood. The recommendation to change the audit provisions for organizations receiving \$25,000.00 or less in financial aid from the City addresses the concern of smaller organizations not having the funds sufficient to employ a CPA.

Approval of the attached resolution is recommended.


Mark S. Watson

Attachments: Current Guidelines for Disbursement of Funds to Charitable Not-to-Profit Organizations
Tennessee Code Annotated §6-54-111
Tennessee Attorney General Opinion 91-52
Councilmember Anne Garcia Garland's Memo
Proposed Resolution
Proposed Guidelines for Appropriations of Funds to Nonprofit Organizations

CITY OF OAK RIDGE, TENNESSEE

GUIDELINES FOR DISBURSEMENT OF FUNDS TO CHARITABLE NOT-FOR-PROFIT ORGANIZATIONS

1. All applications for funds shall be submitted to the City Manager prior to December 31, 1979, and applications for funds in succeeding years shall be likewise submitted prior to December 31 for consideration in the City's appropriation ordinance.
2. Each application shall state the purpose for which the funds are sought and shall further state that any funds provided shall be used solely for the purpose(s) stated.
3. The applicant shall state that the organization is a charitable not-for-profit organization and is qualified to receive funds from the City of Oak Ridge. The term "not-for-profit" shall mean that no portion of the revenue or income inures to the benefit of any member, individual or stockholder. The applicant shall submit with each application a copy of its charter of incorporation and in addition provide such other evidence in support of its application which would support its eligibility to receive a contribution.
4. The applicant shall state that the services to be performed are for the benefit of and will be available to all citizens of Oak Ridge and that such services are to be provided on a year-round basis.
5. The applicant shall state that the organization employs a Certified Public Accountant and that an annual audit shall be provided the City prior to December 31 each year.
6. The applicant shall further state that it will provide quarterly reports describing its activities and such other reasonably required report(s) when requested by the City.
7. The application shall state that it will make available for inspection all of its books and records by the City Manager or his designated representative at all reasonable times.
8. The applicant shall submit with its annual audit a statement which reflects a comparison of services rendered residents of Oak Ridge and all other persons served.

T.C.A. §6-54-111. Appropriation of funds for nonprofit organizations.

- (a) (1) The legislative body of each municipality may appropriate funds for the financial aid of any nonprofit charitable organization or any nonprofit civic organization in accordance with the guidelines required by subsection (b).
 - (2) (A) For the purposes of this section, "nonprofit charitable organization" is one in which no part of the net earnings inures or may lawfully inure to the benefit of any private shareholder or individual and that provides year-round services benefiting the general welfare of the residents of the municipalities.
 - (B) For the purposes of this section, "nonprofit civic organization" means a civic organization exempt from taxation pursuant to § 501(c)(4) or (c)(6) of the Internal Revenue Code of 1954, codified in 26 U.S.C. § 501(c)(4) or (c)(6), which operates primarily for the purpose of bringing about civic betterments and social improvements through efforts to maintain and increase employment opportunities in the municipality by promoting industry, trade, commerce, tourism and recreation by inducing manufacturing, industrial, governmental, educational, financial, service, commercial, recreational, and agricultural enterprises to locate in or remain in the municipality. The statement of public policy set forth in Acts 1955, ch. 209, § 3 is hereby incorporated into and made a part of this section, and it is hereby determined and declared that appropriations authorized by this section are needed to relieve the emergency created by the continuing migration from Tennessee and its municipalities of a large number of its citizens in order to find employment elsewhere, and to enable the municipalities of the state to assist nonprofit organizations in furthering the economic development, social welfare, and common good of its residents.
- (b) The comptroller of the treasury shall devise standard procedures to assist a municipality in the disposition of funds that are appropriated under the provisions of this section. Each legislative body of a municipality shall devise guidelines directing for what purpose the appropriated money may be spent. These guidelines shall provide generally that any funds appropriated shall be used to promote the general welfare of the residents of the municipality. Any funds appropriated under the provisions of this section shall be used and expended under the direction and control of the legislative body of a municipality in conjunction with the guidelines and procedures of the comptroller of the treasury.
 - (c) Any nonprofit organization that desires financial assistance from a municipality shall file with the city clerk a copy of an annual report of its business affairs and transactions, which includes, but is not limited to, a copy of an annual audit, a description of the program that serves the residents of the municipality and the proposed use of the municipal assistance. Such report will be open for public inspection during regular business hours of the city clerk's office.
 - (d) Appropriations to nonprofit organizations other than charitable organizations may be made only once notices have been published in a newspaper of general circulation in the municipality of the intent to make an appropriation to a nonprofit, but not charitable, organization specifying the intended amount of the appropriation and the purposes for which the appropriation will be spent.



1 of 8 DOCUMENTS

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TENNESSEE

91-52

1991 Tenn. AG LEXIS 58

May 29, 1991

SYLLABUS:

[*1]

Filing annual audit under T.C.A. § 6-54-111(c)

REQUESTBY:

CHARLES W. BURSON, Attorney General and Reporter (JOHN KNOX WALKUP, Solicitor General; ANN LOUISE VIX, Assistant Attorney General)

OPINION:

QUESTION

Whether T.C.A. § 6-54-111(c) may be satisfied by submission of an annual report in lieu of an audit.

OPINION

It is the opinion of this Office that T.C.A. §§ 6-54-111(c) requires a non-profit organization receiving financial assistance from a municipality to file an annual report of its business affairs, including a copy of its annual audit, with the city clerk. Thus, the statute cannot be satisfied by filing an annual report which does not include an annual audit. However, the statute does not require that such audit be prepared by an independent certified public accountant or an independent public licensed accountant. The type of audit that will satisfy the requirement may vary, depending on the size of the non-profit corporation and the complexity of its finances. The financial officers of the municipality, or other appropriate officials, might be consulted in this regard. Guidelines established by the municipal legislative body could also clarify the requirement.

ANALYSIS

This opinion concerns [*2] an interpretation of the power of a municipality to appropriate funds for non-profit organizations. This power, and the restrictions on it, are described in T.C.A. § 6-54-111. T.C.A. § 6-54-111(c) provides as follows:

Any non-profit organization which desires financial assistance from a municipality shall file with the city clerk a copy of an annual report of its business affairs and transactions which includes, but is not limited to, a copy of an annual audit, its program which serves the residents of the municipality and their proposed use of the municipal assistance. Such report will be open for public inspection during regular business hours of the city clerk's office.

T.C.A. § 6-54-111(c) (1985) (emphasis added). Thus, the statute, by its terms, clearly requires such a non-profit corporation to file an annual report which includes a copy of its annual audit. A report which does not contain such an audit would clearly not satisfy this requirement.

The statute contains no further definition of "annual audit." Pursuant to T.C.A. § 6-54-111(b), each legislative body of a municipality appropriating funds under this statute must devise guidelines directing for what purpose [*3] such funds may be spent. Reference should be made to applicable municipal guidelines to determine whether they contain any more detailed description of the required documentation.

In addition, the Comptroller is authorized to devise standard procedures to assist a municipality in the disposition of such funds. T.C.A. § 6-54-111(b) (1985). The Comptroller has promulgated regulations describing standard procedures for appropriating and disbursing municipal funds to non-profit charitable organizations, which appear at Tennessee Rules and Regs Ch. 0380-3-7, et seq. These regulations, however, contain no more detailed description of an "annual audit" to be filed under the statute.

The Tennessee Supreme Court has defined an "audit" as, ". . . the methodical examination of records with intent to verify their accuracy." *National Health Corporation v. Snodgrass*, 555 S.W.2d 403, 405 (Tenn. 1977). *Black's Law Dictionary* defines "audit," in part, as a, "systematic inspection of accounting records involving analysis, tests, and confirmations." *Black's Law Dictionary*, 120 (5th Ed. 1979). An audit may be independent or internal, depending on whether it is conducted by an [*4] outside firm, or by inside personnel. *Id.*

The statute nowhere specifies the appropriate auditor to conduct the audit, or the level of formality of the report to be submitted. The statute contains no requirement that such audit be prepared or certified by a certified public accountant or a licensed public accountant. Whether any particular report would contain sufficient financial information and be prepared with sufficient formality to satisfy the requirement of T.C.A. § 6-54-111(c) would appear to depend upon a variety of facts and circumstances surrounding the organization and the appropriation of municipal funds. Municipal guidelines could address this issue. In the absence of such guidelines, it is suggested that the municipality consult with its own financial officers or independent financial consultants for further guidance.

Requested by: Ronnie Davis, Nashville, Tennessee

Legal Topics:

For related research and practice materials, see the following legal topics:
Business & Corporate LawNonprofit Corporations & OrganizationsFormationBusiness & Corporate LawNonprofit Corporations & OrganizationsManagement Duties &

LiabilitiesGovernmentsLocal GovernmentsFinance

From: Anne Garcia Garland
Councilwoman

To: City Council
Mark Watson, City Manager
Ken Kruschenski, City Attorney

I have reviewed the materials provided to me by Mr. Kruschenski's office concerning the Guidelines for Disbursement of Funds to Charitable Not-for-profit Organizations. From the city clerk's memorandum 99-78 it is clear that the guidelines were based on TCA Section 6-54-111. It is also clear that these guidelines were written to create a process for making gifts, i.e. donations or grants, to charitable organizations, a practice suspended some years ago by the city/council. I believe these guidelines are, for the moment, irrelevant to the conduct of city business. Nevertheless, at the request of Mr. Watson, I am submitting a proposed revision to the guidelines in order to remove any doubt about the use of the word "audit" in the TCA.

In conversation with Mr. Dennis Dycus, Director of Municipal Audit, Comptroller of the Treasury, State of Tennessee, on January 21, 2012, I was told that in the referenced TCA section the use of the word "audit" does not refer to a "certified audit," or it would specify such. He told me that the expectation of the Tennessee Code was that a reasonable means of determining that funds had been used appropriately was expected and sufficient. He specifically suggested a signed Treasurer's report or, in the case of a 501(c)3 organization, for instance, copies of the organization's annual 990 form to the federal government should suffice in most cases. It is this conversation upon which I based the suggested amendment to the Guidelines.

This discussion arose out of concern that the city required a certified audit of a contract with a total value of \$12,000. By the graciousness of one of the only two CPA's in Anderson County authorized by the state to do certified audits, the city obtained an audit for only \$2000. This kindness will not be repeated. Mr. Watson felt constrained by advice from the city attorney's office to require the audit. I believe council needs to be supportive of Mr. Watson's intentions to run the city efficiently as well as effectively and that we should collectively acknowledge that contracts with any entities should follow the city code governing contracts. Contracts such as those the city creates with the Convention and Visitors Bureau, the Arts Council, Jackson Square Merchants, or the Oak Ridge Revitalization Effort should be treated as contracts and reviewed appropriately.

If Mr. Watson believes it would be supportive, council could also create a resolution setting dollar amounts or some other criteria. We could ask Mr. Watson if he would like staff to investigate writing additional guidelines for contracts. We could also propose adding a definition to the city codes to define "audit" as "reasonable investigation of the appropriateness of use" as distinguished from "certified audit" which is an accounting term regarding a specific and complex level of endeavor.

Sincerely,
Anne Garcia Garland

RESOLUTION

A RESOLUTION TO REPLACE THE "GUIDELINES FOR DISBURSEMENT OF FUNDS TO CHARITABLE NOT-FOR-PROFIT ORGANIZATIONS," ADOPTED BY CITY COUNCIL JUNE 4, 1979, WITH A NEW SET OF GUIDELINES FOR APPROPRIATIONS OF FUNDS FOR NONPROFIT ORGANIZATIONS IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §6-54-111.

WHEREAS, at the June 4, 1979 meeting, City Council adopted "Guidelines for Disbursement of Funds to Charitable Not-for-Profit Organizations"; and

WHEREAS, Tennessee Code Annotated §6-54-111 sets forth minimum requirements for legislative bodies to appropriate funds for the financial aid of any nonprofit charitable organization that provides year-round services benefitting the general welfare of the residents of the municipality or any nonprofit civic organization working to maintain and increase employment opportunities in the municipality; and

WHEREAS, nonprofit charitable organization and nonprofit civic organization are defined terms in the statute and any organization requesting financial aid must be qualified under the statute; and

WHEREAS, the guidelines are in need of revision for compliance with state law due to amendments to the statute since the guidelines were adopted in 1979; and

WHEREAS, City Council also desires to update the audit requirements.

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 *Guidelines for Appropriations of Funds for Nonprofit Organizations*, dated February 13, 2012, is hereby adopted.

BE IT FURTHER RESOLVED that said guidelines immediately replace the "Guidelines for Disbursement of Funds to Charitable Not-for-Profit Organizations" previously approved by City Council on June 4, 1979.

This the 13th day of February 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk



**GUIDELINES FOR APPROPRIATIONS OF FUNDS TO
NONPROFIT ORGANIZATIONS IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §6-54-111**

Tennessee Code Annotated §6-54-11 authorizes municipal governing bodies to appropriate funds for the financial aid of any nonprofit charitable organization that provides year-round services benefitting the general welfare of the residents of the municipality or any nonprofit civic organization working to maintain and increase employment opportunities in the municipality. Nonprofit charitable organization and nonprofit civic organization are defined terms in the statute and any organization requesting financial aid must be qualified under the statute.

For consideration by City Council, a nonprofit charitable organization or nonprofit civic organization requesting financial aid from the City shall comply with the following:

1. A written request for funds shall be submitted to the City Manager prior to December 31 for consideration in the budget of the upcoming fiscal year.
2. The written request shall state that the nonprofit organization is a charitable or civic organization as defined by Tennessee Code Annotated §6-54-111, as may be amended. A copy of the organization's charter of incorporation shall be submitted along with such other evidence in support of its eligibility to receive financial aid.
3. A copy of the organization's annual report of its business affairs and transactions shall be filed with the City Clerk's Office. The annual report must include, at a minimum, a copy of an annual audit, a description of the program that serves the residents of Oak Ridge, and the proposed use of the requested financial aid. Generally speaking, any funds appropriated must be used to promote the general welfare of the residents of Oak Ridge. The written request, however, shall state specifically the purpose for which the funds are sought and shall further state that any funds provided shall be used solely for the purpose(s) stated.
4. The written request shall acknowledge that the organization's books and records will be made available for inspection by the City Manager or the City Manager's designee at all reasonable times, and that the organization's annual report is open for public inspection in the City Clerk's Office.

Prior to appropriating funds, the City shall publish in the official newspaper a notice of the intent of make an appropriation, specifying the organization's name, the proposed appropriation amount, and the purpose for which the appropriation will be spent.

If an appropriation of funds is approved by City Council in the budget process, the following provisions apply:

1. The organization shall provide quarterly reports and a mid-year report describing its activities and such other reports pertaining to the appropriation of funds to the Finance Director. A year-end report shall be delivered to the Finance Director within thirty days of the organization's year-end.
2. The organization's financial statements shall be audited, with a copy of the annual audit provided to the Finance Director within four months of the organization's year-end. If the appropriation exceeds \$25,000.00, the audit must be conducted by a Certified Public Accountant (CPA). If the appropriation is \$25,000.00 or less, an informal audit may be conducted by an accounting professional in lieu of a CPA-conducted audit.

Should Tennessee Code Annotated §6-54-111 be amended to require minimum standards not met above, the City shall comply with said standards prior to appropriation of funds to nonprofit organizations.

**PUBLIC HEARING
AND
FIRST READING
OF
ORDINANCES**

**FINANCE DEPARTMENT MEMORANDUM
12-02**

DATE: February 3, 2012
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: Fiscal Year 2012 Budget Appropriation Amendment

Attached is a request from Keys Fillauer, Chairman of the Oak Ridge Board of Education, and Dr. Thomas Bailey, Superintendent, requesting that the fiscal year 2012 budget appropriation for the General Purpose School Fund be amended to \$57,512,313. This is a \$937,091 increase over the General Purpose School Fund appropriation of \$56,575,222 adopted by City Council in budget ordinance amendment number 11-11 on July 25, 2011. The attached correspondence outlines the reasons for the School's request. The amendment does not change the fiscal year 2012 operating transfer from the City to the Oak Ridge Schools and has no impact on the property tax rate.

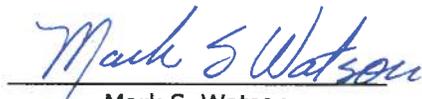
Staff recommends approval of the attached ordinance amendment.



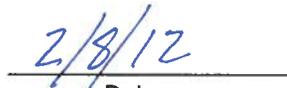
Janice McGinnis

City Manager's Comments:

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



Mark S. Watson



Date



Oak Ridge Schools

OFFICE OF
Superintendent of Schools

Telephone (865)425-9011
Fax: (865)425-9070

January 19, 2012

Honorable Mayor and Members of City Council
City of Oak Ridge Schools
P.O. Box 1
Oak Ridge, TN 37831

Dear Mayor and Members of City Council:

The purpose of this letter is to request an amendment to the Schools FY 2012 Appropriations Ordinance to reflect budget adjustments that have been approved by the Board to date. The following summarizes those amendments.

FUND		APPROVED	AMENDED	CHANGE
141	General Fund	\$49,713,720	\$50,652,800.92	939,080.92
142	Federal Projects Fund	\$3,262,254	\$3,199,066.97	(63,187.03)
143	Central Cafeteria Fund	\$1,919,685	\$1,919,685	-0-
145	Special Revenue Fund	\$101,624	\$97,637.65	(3,986.35)
146	Extended School Program	\$463,521	\$463,521	-0-
147	ARRA	-0-	\$2,350.55	2,350.55
148	First To The Top	\$178,165	\$230,484.14	\$52,319.14
149	Employee Jobs Bill	\$936,253	\$946,766.83	\$10,513.83
GRAND TOTAL - ALL FUNDS		\$56,575,222	\$57,512,313.06	\$937,091.06

The majority of the change in the General Fund (\$766,843.55 of \$939,080.92) is an accounting entry to reflect the full value of the technology lease this first year. The second largest change in the General Fund is a transfer from fund balance in the amount of \$159,126.96. These funds were budgeted in FY'11 for the Data Center project and were unspent. They are needed in FY'12 to finish the first phase of the project.

The requested amendment does not impact the amount appropriated by Council to the Schools or the local tax rate but does impact the overall budget appropriation and must be authorized by ordinance.

Thank you for your prompt attention to this matter.

Sincerely,

Keys Fillauer
Chairman, Board of Education

Thomas E. Bailey, Ed.D.
Superintendent of Schools

TEB/KLG/tv

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 8-11, AS AMENDED BY ORDINANCE 11-11, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, BY AMENDING SAID APPROPRIATIONS.

WHEREAS, there exists a need to amend the original appropriations for Fiscal Year 2012 and for the accomplishment of the same, a public hearing has been held before the City Council after ten (10) days' notice thereof published in The Oak Ridger, the official newspaper, as provided by law; and

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

Section 1. Ordinance No. 8-11, which adopts appropriations for Fiscal Year 2012, is hereby amended by revising Section 3 so that the same, as revised, will read as follows:

Section 3. In accordance with Article V, Section 14, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2012:

General Fund, Municipal Operations	\$19,453,250
Debt Service (Bond and Interest Redemption Fund)	8,142,000
State Street Aid Fund	1,784,000
Streets and Public Transportation Fund	260,000
Drug Enforcement Program Fund	350,000
Grant Fund	4,000,000
General Purpose School Fund	57,512,313
Golf Course Fund	1,335,000
Capital Projects Fund	4,500,000
Solid Waste Fund	2,531,170
Economic Diversification Fund	2,131,000
West End Fund	2,893,000
Special Programs Fund	1,243,000
Housing Fund	850,000

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: _____
 First Reading: _____
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-02

DATE: February 3, 2012

TO: Mark Watson, City Manager

FROM: Kathryn Baldwin, Community Development Director 

SUBJECT: AMENDMENTS TO THE CITY CODE AND ZONING ORDINANCE THAT INCORPORATE NOT IN OUR CITY (NIOC) PRINCIPLES

An item for the February City Council agenda is adoption on first reading of two ordinances which are components of the "Not In Our City" (NIOC) program. In June 2010, the Planning Commission hosted a Housing Summit titled "Housing: Identifying a Path Forward." Since then City Manager Mark Watson, with support from city staff, has been working on a "Not in Our City" plan to address blight within our neighborhoods, improve structural housing conditions, reduce the incidence of crime and drugs, and to establish the City of Oak Ridge as a great place to live, work, and invest.

The two ordinances presented for first reading have a specific focus on parking and environmental concerns. The companion ordinances address citizen concerns expressed for commercial/oversized vehicles, recreational vehicles, utility trailers and storage located in on-street parking spaces within city right-of-way. This mis-use of on-street spaces creates parking shortages for personal vehicles and potential sight distance issues. In addition, many of the recreational vehicles are not operational and therefore contribute to the blighted aesthetics of the overall streetscape. Secondly, staff is proposing an ordinance regarding parking on private property to address concerns regarding utilization of front and side yards while permitting specific, temporary parking needs. The goal of these companion ordinances is to insure that vehicles removed from the right-of-way (ROW) are not prominently placed on private property, exacerbating an aesthetic problem which currently exists in many of our older neighborhoods.

The details of the ordinances are discussed individually below:

Amendments to the Code of Ordinances, Section 1. Titled "Motor Vehicles, Traffic and Parking"

Add three new definitions:

- **Commercial/Oversized Vehicles:** Any motor vehicle, trailer, or semi-trailer exceeding twenty-two (22) feet in length and/or eight (8) feet in width that is designed or used to transport commodities, produce, freight, animals, passengers for a fee, or merchandise in the furtherance of any commercial enterprise, including but not limited to any vehicle used to generate income or which has the appearance that it is used for business
- **Recreational Vehicles:** Any vehicle-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal watercraft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles
- **Utility Trailers:** Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property

The second section of the City Code ordinance amends Title 15, Chapter 6, titled "Stopping, Standing and Parking." In essence this section clearly states that the vehicles, newly defined above, are prohibited from parking within marked or unmarked street right-of-way. The intent in this section is not to prohibit residents from utilizing these types of vehicles but rather to limit storage of the vehicles within city street right-of-way. Exceptions for operational vehicles will be made for periods of up to three consecutive days for the purpose of loading, unloading, or minor repairs.

These code amendments are designed to clear city streets of vehicles which are not related to residential uses, are too large for on-street parking, and tend to overhang onto sidewalks or travel lanes. In addition, the proposed ordinance eliminates the continual storage of materials which are the responsibility of private property owners and do not belong within street right-of-way. Streetscapes within Oak Ridge have become plagued with unsightly vehicles which have limited the availability of on-street parking for residents and contributed to the blighted appearance of our neighborhoods.

Amendments to the Zoning Ordinance: This is a companion ordinance to amendments in the City Code in an effort to insure proper parking of vehicles on private property, establish parking on approved surfaces, and limit parking of vehicles within yards, which has a negative impact on neighboring property. In addition, exceptions to these criteria are identified to specifically allow parking on a temporary basis during periods of construction, remodeling or repairs, as well as family gatherings and parties. A grace period of 90 days is established to allow ample notification of city residents and allow time to relocate vehicles which may be in violation of the proposed ordinance changes. Details are as follows:

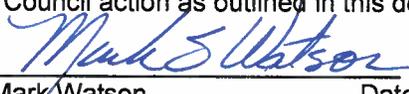
- Residential Parking Regulations
 - Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as "approved parking surface")
 - To prevent material from entering the right-of-way, the entrance to the parking surface (driveway) is required to be paved an additional ten (10) feet into private property from the edge of public right-of-way.
 - Residential Parking Regulations Approved Surface
 - For single-family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised of either gravel, asphalt, concrete, pavers, or some combination thereof. For single-family attached dwellings with three (3) or more contiguous units and multiple family dwellings, all approved parking surfaces shall be paved
 - Residential Parking Regulations Location
 - Under no circumstances may a vehicle parked or stored in a residential district be occupied for permanent living purposes
 - Commercial/oversized vehicles are prohibited in residential districts
- Required Yard Parking Regulations
 - It is unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface
 - No more than 50% of the required front yard shall be utilized for the approved parking space

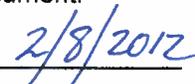
- Exceptions to Front Yard Parking Regulations
 - Temporary loading and unloading
 - When construction, remodeling, maintenance, or repairs are being performed on the property, provided a *Temporary Use Permit* is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the *Temporary Use Permit*
 - Parking for isolated, non-recurring gatherings or parties or for visitors. This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles
 - Side and Rear Yard Parking
 - Residential off-street parking for single-family detached dwellings and duplexes is permitted outside of an approved parking surface **only** in the side and rear yard, provided side and rear yard setbacks are met and remain clear of all vehicles.
 - For single-family attached dwellings with three (3) or more contiguous units and multiple family dwellings, **all** off-street parking shall be on a paved approved parking surface
- There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the public on the requirements of the ordinance

These ordinance amendments comprise two primary elements of the "Not in Our City" campaign. Collectively, the intent is to clean up the streetscapes within the City of Oak Ridge which is the primary view of our town to residents and visitors. The streetscape forms the framework of our neighborhoods. Many community activities occur here, such as neighbors engaging in conversation; travel of pedestrians; and children riding bikes. These areas, while providing parking for our residents, should be clear of clutter and impingements which may create safety hazards. Streetscapes establish an aesthetic stage for neighborhoods and speak to the quality of adjacent homes. Lawn areas, in addition to travel lanes, are a common thread which ties neighborhoods together with the larger community. The lack of attention to this community asset mars the reputation of our residents and contributes to the assumption that the City of Oak Ridge is largely becoming a blighted city. This issue has continued unabated for years and has been allowed to contribute to the deterioration of our housing stock, our schools, and our reputation in the greater Knoxville region. Many potential residents choose not to live here, leading to absentee landlords who fail to invest in their property or our community which contributes to a lost sense of civic pride. We can no longer afford to sit idly by and allow this downward spiral to continue to compromise the quality, vitality, and livability of our neighborhoods and our community as a whole.

City Manager's Comments:

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


Mark Watson


Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (D), TITLED "RESIDENTIAL PARKING," TO ADD PROVISIONS PERTAINING TO CURB CUTS FOR OFF-STREET RESIDENTIAL PARKING, TO ALLOW PARKING IN SIDE AND REAR YARDS IN RESIDENTIAL DISTRICTS PROVIDED SUCH PARKING OUTSIDE THE REQUIRED SETBACK, AND TO PROHIBIT PERMANENT LIVING INSIDE A PARKED OR STORED VEHICLE IN A RESIDENTIAL DISTRICT, AND TO AMEND RESERVED SUBSECTION (E) TO DEDICATE SAID SUBSECTION TO FRONT YARD PARKING REGULATIONS.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to update provisions and make it more understandable to the general public; and

WHEREAS, the current provisions pertaining to off-street parking are in need of modification and clarification; and

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

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.02, titled "Required Off-Street Parking," is hereby amended by deleting Subsection (d), titled "Residential Parking," in its entirety and substituting therefor a new Subsection (d), titled "Residential Parking," which new subsection shall read as follows:

Section 11.02. Required Off-Street Parking

(d) Residential Parking

1. Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as "approved parking surface"). All approved parking surfaces shall be located on the lot it is intended to serve and there shall be vehicular access from each approved parking surface to the public street via a curb cut. All curb cuts must be approved and permitted by the City of Oak Ridge Public Works Department (see City Code §16-102). All approved parking surfaces and accesses to the public street shall meet the requirements of Article XI of the Zoning Ordinance. The portion of the vehicular access to the public street (approved parking surface such as driveway, parking strip, etc.) that is located on the street right-of-way shall have a hard paved surface meeting the requirements of the City Public Works Department. For vehicular access that slopes down to the street, the City requires paving the approved parking surface an additional ten (10) feet from the street right-of-way line (property line) into the lot to prevent siltation from erosion into the street. The City Manager or the City Manager's designee shall have the authority to review cases for possible changes to the requirements where enforcement of this section will cause an undue hardship to the owner of the property.

For single-family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised of either gravel, asphalt, concrete, pavers, or some combination thereof. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all approved parking surfaces shall be paved.

2. Under no circumstances may a vehicle parked or stored in a residential district be occupied for permanent living purposes.
3. Commercial/oversized vehicles are prohibited in residential districts except as allowed by City Code §15-617. For the purposes of this section, a commercial/oversized vehicle is any motor vehicle, trailer, or semi-trailer exceeding twenty-two (22) feet in length and/or eight (8) feet in width that is designed or used to transport commodities, produce, freight, animals, passengers for a fee, or merchandise in the furtherance of any commercial enterprise, including but not limited to any vehicle used to generate income or which has the appearance that it is used for business.
4. The provisions of this subsection (d) are not intended to and shall not be used to permit the parking of junked vehicles as regulated by City Code Title 13, Property Maintenance Regulations, Chapter 2, Oak Ridge Property Maintenance Code, and Chapter 3, Junked Vehicles.
5. The provisions of subsection (d)(1) above pertaining to paving the street right-of-way portion of the vehicular access to the public street an additional ten (10) feet do not apply to approved parking surfaces that were properly permitted by the City prior to the effective date of this ordinance [insert date here] unless and until such time as a siltation and/or erosion problem exists as determined by the City Manager or the City Manager's designee.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.02, titled "Required Off-Street Parking," is hereby amended by dedicating reserved Subsection (e) to front yard parking regulations, which new subsection shall read as follows:

Section 11.02. Required Off-Street Parking

(e) Required Yard Parking Regulations

1. Parking in Front Yard.
 - a. It is unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface. It is also unlawful for the registered owner of any such vehicle or trailer to allow another person to park or store a vehicle or trailer within the front yard in any residential district unless such vehicle is parked on an approved parking surface. No more than fifty percent (50%) of the required front yard shall be utilized for an approved parking space.

- b. Parking in a front yard off of an approved parking surface will be allowed under these special circumstances:
 - i. Temporary loading or unloading.
 - ii. When construction, remodeling, maintenance, or repairs are being performed on the property, provided a *Temporary Use Permit* is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the *Temporary Use Permit*.
 - iii. Parking for isolated, non-recurring gatherings or parties or for visitors. *This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles.*
- 2. Parking in Side and Rear Yard.
 - a. For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only in the side and rear yard provided side and rear yard setbacks are met and remain clear of all vehicles.
 - b. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all off-street parking shall be on a paved approved parking surface.
- 3. The provisions of this subsection (e) are not intended to and shall not be used to permit the parking of junked vehicles as regulated by City Code Title 13, Property Maintenance Regulations, Chapter 2, Oak Ridge Property Maintenance Code, and Chapter 3, Junked Vehicles.
- 4. For the purposes of this section, the following definitions apply:
 - a. "Recreational vehicles." Any vehicular-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal watercraft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles.
 - b. "Utility trailers." Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property.

Section 3. There are no "grandfathered" rights associated with this ordinance except as specifically set forth in the ordinance.

Section 4. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the public on the requirements of the ordinance.

Section 5. 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:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: _____
Publication Date: _____
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

TITLE

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 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD THREE NEW DEFINITIONS: "COMMERCIAL/OVERSIZED VEHICLES," "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES, COMMERCIAL/OVERSIZED VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains provisions for on-street parking but does not currently address parking concerns regarding recreational vehicles, commercial/oversized vehicles, and utility trailers; and

WHEREAS, the City desires to amend the City Code to address those concerns.

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 15-101, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by correcting the introductory language and by adding three new definitions in alphabetic order and accordingly renumbering all definitions within this section, which introductory language and new definitions shall read as follows:

Sec. 15-101. Definitions.

The following words and phrases, when used in this title, having the meanings respectively ascribed to them in this section:

...

- (7) "Commercial/oversized vehicles." Any motor vehicle, trailer, or semi-trailer exceeding twenty-two (22) feet in length and/or eight (8) feet in width that is designed or used to transport commodities, produce, freight, animals, passengers for a fee, or merchandise in the furtherance of any commercial enterprise, including but not limited to any vehicle used to generate income or which has the appearance that it is used for business.
- (31) "Recreational vehicles." Any vehicular-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal watercraft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles.
- (55) "Utility trailers." Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new section 15-617, titled "Parking of recreational vehicles, commercial/oversized vehicles and utility trailers in marked and unmarked on-street parking spaces," which new section shall read as follows:

Sec. 15-617. Parking of recreational vehicles, commercial/oversized vehicles and utility trailers in marked and unmarked on-street parking spaces.

It is unlawful for any person to park or store any recreational vehicle, commercial/oversized vehicle, or utility trailer within marked or unmarked on-street parking on any public street. It is also unlawful for the registered owner of a recreational vehicle, commercial/oversized vehicle, or utility trailer to allow another person to park or store such vehicle or trailer within marked or unmarked on-street parking on any public street.

Notwithstanding any provisions to the contrary, an operational recreational vehicle, commercial/oversized vehicle, or utility trailer may be temporarily legally parked or stored within marked or unmarked on-street parking on any public street for a period not to exceed three (3) consecutive days for the purpose of loading, unloading, trip preparation, or minor, routine maintenance and repair. However, at no time shall any un-mounted camper enclosure, personal watercraft carrier, or boat not mounted on a utility trailer be parked or stored within any designated on-street parking space.

Section 3. There are no "grandfathered" rights associated with this ordinance.

Section 4. There shall be a thirty (30) day grace period from the effective date of the ordinance to allow City Staff time to educate the public on the requirements of the ordinance.

Section 5. 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:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

FINANCE DEPARTMENT MEMORANDUM

12-04

DATE: February 3, 2012

TO: Mark S. Watson, City Manager

FROM: Janice E. McGinnis, Finance Director

SUBJECT: Ordinance Amendment for Water and Wastewater Rates

Adoption of the attached ordinance amendments will establish rate adjustments for the City's water and wastewater systems effective April 1, 2012. The public hearing and first reading of the ordinances is scheduled for the February 13, 2012 City Council meeting with second reading of the ordinances scheduled for the March City Council meeting.

The Water and Wastewater Rate Study was prepared by Lamar Dunn and Associates. Mr. Dunn presented an overview of the rate study to City Council at the January 9, 2012 City Council meeting and conducted a more in-depth review of the rate study with City Council at the January 23, 2012 work session.

Capital and system maintenance funding is a major driver for the water and wastewater rate adjustments. The Administrative Order by the US Environmental Protection Agency (EPA) mandates the City perform major improvements to the wastewater system. It is anticipated that over \$18,000,000 in debt will be issued over the next 4 years to make the mandatory capital improvements. There will also be significant increases in maintenance costs related to this mandate. The water system has similar problems with major improvements that will require additional borrowing in the estimated amount of \$16,000,000 over the next 4 years, including capital improvements to the City's water plant and raw water intake systems.

Other drivers for both the water and wastewater rate adjustments include the attainment and maintenance of adequate cash reserve levels in the Waterworks Fund and lack of system growth. Both water and wastewater usage by the US Department of Energy (DOE) continues to decline. DOE's water consumption has declined over 750,000,000 gallons annually from their consumption levels when the City took over operations of the water plant in 2000. Negotiations for the DOE water contract will begin in the near future as the contract ends on June 30, 2012.

As a part of the rate adjustment, it is recommended that the City's current rate structure philosophy be changed. The current water rate structure used by the City is known as a declining schedule, which means as a customer's usage increases, the rate per gallon decreases. EPA has encouraged uniform rates, which means that the rate per gallon stays the same no matter how many gallons are used. Uniform rates will also encourage conservation when compared to declining rates.

The other structural change in comparison to the City's current water and wastewater rates is for minimum bills. The rate structure recommended by the study includes a 2,000 gallon minimum bill for both water and wastewater services for which the monthly charge increases based on meter size. The current rate structure does not contain a minimum bill structure based on meter size for wastewater services. The current minimum bill for wastewater service applies to all meter sizes. While the current water rate structure did contain a minimum bill by meter size, it did not limit the minimum to only 2,000 gallons of consumption. This meant that the larger customers did not pay for their usage until their usage charges exceeded the minimum bill amount.

Although these changes in the rate structure will mean higher increases for the larger volume customers, it will be an additional incentive for conservation.

Excluding DOE and a small amount of fire contribution, the projected amount of cash that must be funded by residential and commercial customers is \$7,767,165. Based on these projections, a base rate of \$12.00 for the first 2,000 gallons provided through a 5/8" meter, with an escalator of the base rate depending on meter size, and a fixed rate of \$7.35/1,000 gallons for all flow over 2,000 gallons will produce approximately \$7,797,798.

The wastewater system needs to produce enough cash to fund a projected amount of \$10,178,118 in cash outlays annually. In order to produce that amount of cash, the proposed rates are a minimum bill of \$18.50 per month for the first 2,000 gallons provided through a 5/8" meter, with an escalator of the base rate depending on meter size. There is a flat rate of \$7.75 for each 1,000 gallons per month above the 2,000 gallon minimum. This proposed rate structure, including projected DOE usage, will produce \$10,183,510.

Section XI of the rate study includes a comparison of the proposed rates with neighboring utilities for the City's minimum users. Even with the proposed rate adjustments the City will be competitive with surrounding utilities. Table XII-1 on page XII-3 shows that the City's water rate is still competitive in both the 2,000 and 5,000 gallon/month category. Table XII-2 on page XII-4 also shows that the City's wastewater rate is competitive with surrounding utilities.

Water:

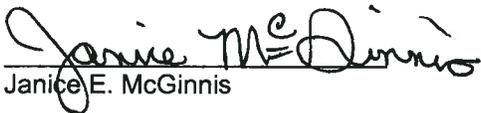
	Current Rates	Proposed Rates	Percent Change
2,000 Gallons	\$11.50	\$12.00	4.34%
5,000 Gallons	\$25.15	\$34.05	35.38%

Wastewater:

	Current Rates	Proposed Rates	Percent Change
2,000 Gallons	\$13.50	\$18.50	37.03%
5,000 Gallons	\$28.95	\$41.75	44.21%

Finally, it is anticipated that the City will be issuing debt before the end of fiscal 2012 to begin funding the capital outlays that are included in the rate study.

Staff recommends approval of the two attached ordinance amendments.


 Janice E. McGinnis

Attachments

City Manager's Comments:

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


 Mark S. Watson


 Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 19-82, AS AMENDED, BY DELETING THE PROVISION OF SECTION 2 PERTAINING TO THE SCHEDULE OF WATER RATES FOR COMMODITY CHARGES AND MINIMUM MONTHLY BILLING IN THEIR ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WATER RATES.

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

Section 1. Ordinance No. 19-82, as amended, is hereby amended by deleting the provisions of Section 2 pertaining to the schedule of water rates for commodity charges and minimum monthly billing in their entirety, as of midnight March 31, 2012, and substituting therefor a new Section 2, so that said section, as amended shall read as follows:

SCHEDULE OF TREATED WATER RATES FOR METERED BILLING
OAK RIDGE, TENNESSEE

Section 2. The following schedule of rates for metered billing of water furnished to consumers by the water system of the City of Oak Ridge is hereby established and adopted, effective with April 1, 2012, water billings.

1. Commodity Charge

First 2,000 gallons or any part thereof, minimum billing as outlined in subsection 2 below.

Over 2,000 gallons @ 7.35 per thousand gallons

2. Minimum Monthly Billing includes first 2,000 gallons or any part thereof

For customers using 5/8"	\$ 12.00 per month
For customers using 3/4" meter	16.80 per month
For customers using 1" meter	30.00 per month
For customers using 1-1/2" meter	69.00 per month
For customers using 2" meter	123.00 per month
For customers using 3" meter	276.00 per month
For customers using 4" meter	480.00 per month

For customers using meters in excess of 4", the rate will be at the same as that for a 4" meter or at a minimum monthly amount as determined by the City at the time the service is established.

The above rates are net, the gross rates being five percent higher.

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:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY DELETING SECTION 13, SEWER RATE SCHEDULE, IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SECTION PERTAINING TO SEWER RATES.

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

Section 1. Ordinance No. 21-82, as amended, is hereby amended by deleting the provisions of Section 13 pertaining to the schedule of wastewater rates in its entirety, as of midnight March 31, 2012, and substituting therefor a new Section 13, so that said section, as amended, shall read as follows:

Section 13 - Wastewater Rate Schedule

All references to usage (gallons) or to meter readings shall mean water meter readings.

The following wastewater rate schedule shall apply to each user of the wastewater facilities, effective with the April 1, 2012, wastewater billings.

- 1. Sanitary sewer disposal charge for all customers except those applicable to subsection 3 below.

First 2,000 gallons or any part thereof, minimum billing as outlined in subsection 2 below.

Over 2,000 gallons at	\$7.75 per thousand gallons
-----------------------	-----------------------------

- 2. Minimum Monthly Billing includes first 2,000 gallons or any part thereof for all customers except those applicable to subsection 3 below.

For customers using 5/8"	\$ 18.50 per month
For customers using 3/4" meter	27.75 per month
For customers using 1" meter	46.25 per month
For customers using 1-1/2" meter	106.50 per month
For customers using 2" meter	190.00 per month
For customers using 3" meter	425.00 per month
For customers using 4" meter	740.00 per month

For customers using meters in excess of 4", the rate will be at the same as that for a 4" meter or at a minimum monthly amount as determined by the City at the time the service is established.

- 3. Customers whose single-meter usage averages over 10,000,000 gallons per month for a contiguous 12 month period, will be charged a flat monthly rate of \$120,000.00 for the first 10,000,000 gallons or any part thereof and \$7.75 per thousand gallons thereafter each month for the succeeding 12 month period.

Minimum Charge per Month

The total wastewater charge shall be no less than \$18.50 per month.

Maximum Charge per Month

The following terms are defined:

Winter Period – November 2 through May 1.
Summer Period – May 2 through November 1.

Single-family residential meter readings shall be subject to a maximum monthly billable wastewater consumption of 20,000 gallons during the Summer Period. Single-family residential customers that have maintained water service at the metered location continuously during the preceding Winter Period will have a maximum billable monthly wastewater consumption during the Summer Period using the highest monthly meter reading taken during the immediately preceding Winter Period, not to exceed 20,000 gallons per month.

The above rates are net, the gross rate being five percent higher.

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:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

ELECTIONS
&
APPOINTMENTS
ANNOUNCEMENTS
SCHEDULING

CITY COUNCIL MEMORANDUM
12-06

DATE: February 8, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

This past week, a request was forwarded to the City Council from EQAB Chairman Jimmy Groton advising of the resignation of one of its members. Councilwoman Ellen Smith quickly responded that since we were one month into the New Year, we should appoint using the October/November 2011 applications for a quick replacement. There is also a possible opening on the Recreation & Parks Advisory Board in coming months.

One of the purposes of the recent change in Board policy was to eliminate the constant recruitment and election process associated with each meeting of the Council. The adopted policy allowed for the Council to focus on a group of applications to get the best mix of appointments to the various boards only one time of the year or as "needed" to ensure the presence of a quorum. The present policy does not provide for continually opening and re-opening the appointment process. Additionally, the Boards are able to anticipate when new members will join their groups at the beginning of each year for updates and briefings.

The loss of a Board member on the Recreation & Parks Advisory Board and the EQAB at this time will not affect a quorum, so the appointment is not needed as per policy. In the interest of transparency and the availability of new talent to join our boards, the point at which we may call for new applications also needs to be considered.

In communication with the City Clerk and, if there is a Council desire to have full complements on our boards as much as possible, we would suggest only a one time, mid-year filling of vacancies due to resignations, leaves of absence, or attendance matters. This is suggested for your July meeting, allowing a short window for public solicitation of new applicants for specific board positions due to the above reasons and re-contact with pending applicants. If concurred with, the City Clerk will modify the attached resolution at the next meeting. Please remember that if a quorum problem develops, we could address outside of this schedule.

The temptation for Council will be to act outside of your established policy and December appointment timeframe. I anticipate that the period would only be extended for a January timeframe if a decision were deferred in December or if an appointee changed his mind at that time. If not in this period, I would advise that we address at the mid-year timeframe as proposed above.


Mark S. Watson

Attachment

RESOLUTION

A RESOLUTION TO SIMPLIFY THE ELECTION PROCESS FOR CERTAIN BOARDS AND COMMISSIONS BY SETTING ALL TERMS OF OFFICE (WITH THE EXCEPTION OF STUDENT MEMBERS) TO COMMENCE ON JANUARY 1, BY EXTENDING CURRENT MEMBERS' TERMS OF OFFICE THROUGH TO THE DECEMBER 31 FOLLOWING THEIR CURRENT TERM, AND BY ESTABLISHING ALL OFFICERS TO BE ELECTED EACH JANUARY.

WHEREAS, Article III, Section 5, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall create by ordinance a personnel advisory board and may create by ordinance, resolution, or motion other long- or short-term advisory boards to the Council or to the City Manager with respect to specific municipal functions as may be deemed necessary; and

WHEREAS, Article III, Section 5, of the Charter of the City of Oak Ridge, Tennessee, further provides that each board shall be prescribed a number of members, the manner of appointment, length of term, and advisory duties; and

WHEREAS, City Council has established various boards and commissions under this authority; and

WHEREAS, the City Manager seeks to simplify the election process for certain boards and commissions by setting all terms of office (with the exception of student members) to commence on January 1, thereby allowing City Council to consider elections for all expired terms of office at one meeting per year except for elections needed to fill vacancies occurring prior to the expiration of a term.

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

That the recommendation of the City Manager is hereby approved and the terms of office (with the exception of student members) for the following City Council created boards and commissions shall commence on January 1, with all boards and commissions retaining their respective term lengths and staggered appointments: Oak Ridge Beer Permit Board, Board of Building and Housing Code of Appeals, Convention and Visitors Bureau, Elder Citizens Advisory Board, Board of Electrical Examiners, Environmental Quality Advisory Board, Health and Educational Facilities Board, Highland View Redevelopment Advisory Board, Oak Ridge Housing Authority, Industrial Development Board of the City of Oak Ridge, Personnel Advisory Board, Oak Ridge Municipal Planning Commission, Board of Plumbing Examiners, Traffic Safety Advisory Board, and the Board of Zoning Appeals.

BE IT FURTHER RESOLVED that existing members' terms of office (with the exception of student members) for said boards and commissions shall be extended through to the December 31 following their current term.

BE IT FURTHER RESOLVED that officers for said boards and commissions shall be extended through to the December 31 following their current term as an officer.

BE IT FURTHER RESOLVED that said boards and commissions shall elect new officers at their first meeting in January of each year.

BE IT FURTHER RESOLVED that this resolution does not affect the term of office for the Mayor or the Mayor's designee's seat on any existing board or commission, which term shall remain consistent with the Mayor's term of office on City Council as Mayor.

BE IT FURTHER RESOLVED that this resolution does not affect any Councilmember's term of office on any existing board or commission, which term shall remain consistent with the Councilmember's term of office on City Council.

BE IT FURTHER RESOLVED that this resolution amends the following resolutions which establish definite term dates for their respective boards: Resolution 7-75-77, as amended (Elder Citizens Advisory Board), and Resolution 8-112-85, as amended (Traffic Safety Advisory Board).

BE IT FURTHER RESOLVED that bylaws and/or rules and procedures for said boards and commissions which specify a different term of office commencement date and/or a different timeframe for election of officers are hereby amended accordingly for compliance with this resolution without further City Council action.

BE IT FURTHER RESOLVED that this resolution shall become effective on April 1, 2011 to coincide with the necessary ordinance amendments to accomplish the same.

This the 14th day of February 2011.

APPROVED AS TO FORM AND LEGALITY:

Kurt R. Kushelush Thomas J. Beehan
City Attorney Mayor

Janne S. Patterson
City Clerk

**Environmental
Quality Advisory
Board**



2011 APPLICATION FOR BOARDS AND COMMISSIONS

DEADLINE FOR APPLICATIONS IS 5:00 P.M. MONDAY, NOVEMBER 21, 2011

Instructions: This form will be used for City Council appointments to Boards and Commissions for terms beginning January 1, 2012.

Please review the qualifications for the Boards at the City Clerk's Departmental Website (www.oakridgetn.gov) or contact the City Clerk's Office. If you do not satisfy the qualifications for a particular board, you will not be listed on the ballot for that board.

Please apply for no more than **three (3) Boards. You may rank your choices from 1 – 3 with 1 being your top preference; however, ranking does not guarantee selection.*

Ranking	Check Box	Board, Commission, or Committee
	<input type="checkbox"/>	Anderson County Community Action Commission
	<input type="checkbox"/>	Anderson County Economic Development Association
	<input type="checkbox"/>	Beer Permit Board
	<input type="checkbox"/>	Board of Building and Housing Code Appeals
	<input type="checkbox"/>	Board of Zoning Appeals
	<input type="checkbox"/>	Convention and Visitors Bureau
	<input type="checkbox"/>	Elder Citizens Advisory Board
1	<input checked="" type="checkbox"/>	Environmental Quality Advisory Board
	<input type="checkbox"/>	Health and Educational Facilities Board
	<input type="checkbox"/>	Personnel Advisory Board
	<input type="checkbox"/>	Oak Ridge Housing Authority
	<input type="checkbox"/>	Traffic Safety Advisory Board

Prefix (*please check*): Mr. Ms. Mrs. Dr. Name: Gray Dean

Address: 106 Westlook Circle, Oak Ridge, Tn 37830

Telephone: (865) 425-9836

Email: wgdean@pstcc.edu

Occupation: Adjunct faculty – Introductory geology

Position/Title:

Retired: yes no Company/Organization Retired from:

Do you currently serve on any other City board, commission or committee? If so, please list:

- 1) None
- 2) None
- 3) None

Please answer the questions below. If you are applying for more than one (1) Board then you will be required to answer these questions for each of your board choices (see pages 3 and 4).

List Education, Professional and/or Current Community Activities:

Education:

Ph.D. – Geology, 2003, University of Tennessee, Knoxville

M.S. – Geology, 1997, University of Tennessee, Knoxville

B.S. – Geology, 1994, Georgia Southern University, Statesboro, GA

B.S. – Communication Arts, 1987, Georgia Southern University, Statesboro, GA

Explain why you are interested in being appointed to this board, commission, or committee:

I recently relocated to Oak Ridge after working out of state for 6 years. I enjoy east Tennessee and am impressed and fond of the outdoor opportunities in Oak Ridge and surrounding areas. As you will note from my resume, my training and work is focused on earth science and environmental concerns. I hope to use my skills, training and personal interests towards my community and improve/maintain the excellent environment, lifestyle and wildlife opportunities that exist here.

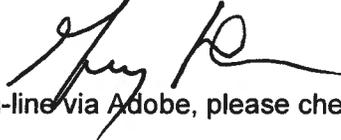
Describe any special knowledge or past experience qualifying you for this appointment:

I have a terminal degree in Geology focusing on environmental issues, including biodiversity and hydrology. I also have been in Knoxville area for 17 years and have a personal knowledge of local environmental issues as well as local geology and ecology. I am an avid hiker and have an excellent understanding and appreciation of the importance of trail/wilderness areas.

All information provided is considered public pursuant to the Tennessee Public Records Act.

Applicant Statement: I understand that I am applying for appointment to a Board, Commission or Committee of the City of Oak Ridge; that I will be required to provide proof of my Oak Ridge residency; that I will be required to take an oath of office to uphold the United States and Tennessee Constitutions and the laws of the same if appointed. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in the application are true to the best of my knowledge.

Signature of Applicant:



Date:

11/20/2011

If submitting the form on-line via Adobe, please check the box below to serve as your signature and add your initials.

You may submit a resume as an attachment to your application to provide additional information for City Council's review.

Please return completed application by 5:00 p.m. on Monday, November 21, 2011 to:

Diana R. Stanley
Acting City Clerk
P.O. Box 1,
Oak Ridge, TN 37831-0001
Fax: 865-425-3409
Email: dstanley@cortn.org

Clicking the submit button below will send this PDF to the Acting City Clerk.
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Submit Form

W. Gray Dean

wgdean@pstcc.edu

106 Westlook Circle
Oak Ridge, TN 37830
(865) 425-9836

Skills, Knowledge and Abilities

- Diverse educational background – two undergraduate BS degrees; MS & PhD in Geology
- Knowledge of local geology and ecology
- Understanding of hydrology and the relationship of water issues to environmental changes
- Familiarity with local and regional environmental issues
- Experienced and dedicated trail user
- Interest and desire to explore/implement improved energy and transportation options at local to regional scales

Current status (Fall 2011)

Adjunct faculty – Introductory geology
Department of Behavioral and Natural Sciences
Pellissippi State Community College, Knoxville, TN

Education:

- Ph.D. – Geology, 2003**, University of Tennessee, Knoxville
Dissertation: “Biodiversity Trends of the Cenozoic Caribbean”
- M.S. – Geology, 1997**, University of Tennessee, Knoxville
Thesis: “Evolutionary Flux in Fossil Echinoids: New Metrics for Old Dogmas”
- B.S. – Geology, 1994**, Georgia Southern University, Statesboro, GA
Senior Thesis: “Wetland Delineation and Mitigation, Wilkinson County, Georgia”
- B.S. – Communication Arts, 1987**, Georgia Southern University, Statesboro, GA
Emphasis: Radio and Television Production

Work History:

2010-2011 – Five Introductory geology courses

1) Lecturer, part time

(Physical and Environmental Geology - 3 lecture sections)
Department of Earth and Planetary Sciences
University of Tennessee, Knoxville

2) Adjunct Faculty

(Physical and Historical Geology - 2 lecture sessions)
Department of Behavioral and Natural Sciences
Pellissippi State Community College, Knoxville

- 2004 – 2010. Geology Lecturer and Introductory Lab Supervisor (Full time faculty)**
Clemson University, Clemson, SC
Responsibilities: Lecturer for Introductory and Upper division Geology courses; New course development; supervising and training Graduate Teaching Assistants; scheduling labs and teaching assignments; maintaining lab samples and equipment; organizing and leading introductory geology field trips.
Taught 300+ students per semester
Supervised 7-9 graduate teaching assistants per semester
- 2002 – 2004. Lecturer and Introductory Lab Supervisor (Full time faculty)**
University of Tennessee, Knoxville
Responsibilities: Lecturer for Physical, Environmental and Historical Geology courses; Supervising and training Graduate Teaching Assistants; scheduling labs and teaching assignments; maintaining lab samples and equipment; organizing and leading introductory geology field trips.
Taught 150+ students per semester
Supervised 20 – 24 graduate teaching assistants per semester.
- 1998 – 2002. Instructor (Summer Sessions), University of Tennessee**
Environmental and Historical Geology Lecturer.
Taught 6 sections of 30-40 students
- 1994 – 2002. Graduate Teaching Assistant, University of Tennessee**
Taught a wide variety of Introductory and upper-division labs, including extra assignments for Field Camp, Night School and Summer sessions.
Taught 60-70+ lab students per semester
- 1993 – 1994. Television Producer, WBH-TV Statesboro, GA**
Contributed to the start-up of low-power community TV station, including technical direction of local programming, commercial production, and staff training.
- 1993 – 1994. Geology Tutor and Research assistant, Georgia Southern University**
Tutored introductory labs and research assistant
- 1991 – 1994. Free-Lance Video Producer – Videographer for a variety of tape-delayed**
Sportscasts including Georgia Southern football games with coach's show.
- 1987 – 1991. Video Production Manager, Statesboro CATV, Statesboro, GA**
Responsible for all facets of commercial and news production, including: scriptwriting, video acquisition and editing, technical broadcast, scheduling, and billing. Produced approximately 1100 commercials and assisted in the creation and development of a daily newscast. Duties included talent, creative and technical directing, supervising and training of reporters/news photographers.

1986 – 1987. Station Manager, WVGS – FM 91.9 Statesboro, GA (Campus Radio)
Responsible for the hiring and training of DJ's and paid staff, supervision of daily activities, broadcast content and FCC compliance.

References: The following individuals will provide information concerning my abilities as an effective communicator, mentor, teacher and geoscientist directly to you. More references can be provided upon request.

1. Dr. Thomas Broadhead
Earth and Planetary Sciences
University of Tennessee, Knoxville
Knoxville, TN 37996
twbroadhead@utk.edu
(865) 974-1151

2. Dr. Michael L. McKinney
Director, Environmental Studies Program
Professor of Earth & Planetary Sciences and
Ecology/Evolutionary Biology
University of Tennessee
Knoxville, TN 37996
mmckinne@utk.edu
(865) 974-6359

3. Dr. Larry McKay,
Department Chair &
Jones Prof. of Hydrology
Department of Geological Sciences
1412 Circle Drive
University of Tennessee
Knoxville, TN 37996-1410
lmckay@utk.edu
(865) 974-0821

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 2011 NOV 18 PM 12:55
 OFFICE OF THE CITY CLERK



2011 APPLICATION FOR BOARDS AND COMMISSIONS

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	<input type="checkbox"/>	Personnel Advisory Board
2	<input checked="" type="checkbox"/>	Oak Ridge Housing Authority
	<input type="checkbox"/>	Traffic Safety Advisory Board

Prefix (please check): Mr. Ms. Mrs. Dr. Name: Perry Jones

Address: 195 Latimer Rd., Oak Ridge, TN 37830

Telephone: (540) 3970455

Email: perryj@slind.net

Occupation: Street Legal Industries, Inc

Position/Title: Project Manager

Retired: yes no Company/Organization Retired from:

Do you currently serve on any other City board, commission or committee? If so, please list:

- 1) None
- 2) None
- 3) None

Please answer the questions below. If you are applying for more than one (1) Board then you will be required to answer these questions for each of your board choices (see pages 3 and 4).

List Education, Professional and/or Current Community Activities:

Graduate of the University of Tennessee - 1988 Business Degree in Information Management.
Lived and worked in Oak Ridge since moving back to the East Tennessee area in 2006.
Volunteered for Secret City Festival through Street Legal and Keep Anderson County Beautiful.
Own rental property in Oak Ridge, Knoxville and Chattanooga. Please see attached resume.

Explain why you are interested in being appointed to this board, commission, or committee:

Since moving back to East Tennessee, I have settled in Oak Ridge. I have made a commitment to live in the community, and I would like to do my part to make sure the area grows and prospers. The company I work for, Street Legal, is involved with several other entities aimed at energy management and savings. There are opportunities that have barely been tapped.

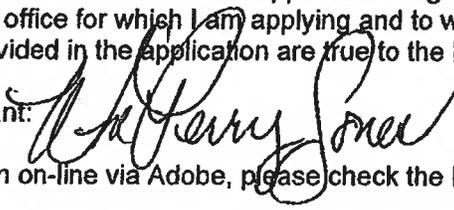
Describe any special knowledge or past experience qualifying you for this appointment:

I have 3 years in the finance industry, and 15 years as a project manager. I currently work for an environmental company in Oak Ridge. We are focused on the continuation of energy efficient ideas and products. There are many potential solutions to save the city money through energy saving products.

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Signature of Applicant:



Date: 11-18-11

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[Submit Form](#)

William Perry Jones, PMP
865-483-6373
540-397-0455
perryj@slind.net

**Clearances/
Education/**

Certifications: Department of Energy Q Clearance (Inactive)
Bachelor of Science, Information Management; University of Tennessee; Knoxville, TN (1988)
Project Management Professional (PMP) Certification (2009)
Advanced Training Certifications (Achieve Global and Edmond Howard) (2005)
OSHA 10 (2009)
RADWORKER II (2009)
HAZWOPER 40 (2009)
Hazardous Materials Instructor Training (2009)
Project Management Institute (PMI.ORG) (Active Member, 2009)
East Tennessee Chapter of PMI (Active Member, 2009)
American Society of Training and Development (ASTD) (Active Member, 2009)

Professional Overview:

As a Project Manager and Training Manager with more than fifteen (15) years of experience directing business project outcomes and technical training projects for major government and commercial organizations

- Remarkable record of success in the planning and execution of advanced projects, including Digital CDMA and TDMA Network and Information Technology implementation and support five state region.
- Lead cross-functional teams through all stages of the project lifecycle; delivering exceptional results on time and under budget through expert strategic planning, benchmarking, and issue resolution.
- Dynamic facilitator of project management, leadership, sales and management groups utilizing Brainstorming, Delphi and Nominal Group techniques.
- Expertise in the design of employee training and enrichment protocols, propelling workforce excellence by developing highly effective curricula, instructional materials, and in-class methodologies.
- Proven ability to implement, analyze, and improve training programs and courses to ensure professional knowledge in compliance with company and regulatory requirements.
- Demonstrated skill preparing and presenting technical documentation and lessons while improving training policies and processes to build successful personnel teams.

Mr. Jones' core competencies include:

- Project Life Cycle Management
- Training Management
- Procedure Writing
- Problem Solving
- Program Design & Management
- Product Development & Education
- Account Acquisition
- Scheduling
- Technical Training
- Productivity/Performance Improvement
- Group & Individual Training Courses
- Call Center, Inside Sales and Sales Training
- Budgeting & Forecasting
- Purchasing and vendor contract negotiations
- Client & Employee Relations
- Knowledge Testing
- Team Building & Leadership
- Strategic Planning
- Process Improvement
- Conflict Resolution

Professional History:

2009 -
Present

**Street Legal Industries, Inc.
Certified Project Manager; Oak Ridge, TN**

As a Project Manager and Trainer, is responsible for the following:

- Project manager supporting DOT FMCSA Safety Technologies Electronic On-Board Recorders (EOBR), Commercial Vehicle Information Systems Network (CVISN) and Collision Warning Systems (CWS)
- Project Manager interfacing with client and subcontractor managing and controlling deliverables, scope, schedule according to contract for the Department of Interior Smoky Mountain National Park Integrated Waste Management project
- Project Manager managing deliverables, scope, schedule and cost according to contract language for the 19th Squadron Command Little Rock Air Force Base Integrated Waste Management project
- Managing company training projects in both the government and private industry utilizing SAT model
- Internally auditing accounts payable, accounts receivable and invoices for errors or process improvement opportunities
- Specializing in training for PMP Exam and Process Improvement
- Creating proposals and writing procedures for conducting business utilizing ISMS and PMI protocols
- Conducting Project Management (PMP), Risk Management and Sales and Process Improvement training for The Training Associates, ExecuTrain, Connecticut Computer Services, Army Corp of Engineers, Army, DOE, Pro2Serve, AECOM and Agile Engineering

2006 -
2009

**Bank of America
Manager & Trainer; Oak Ridge, TN**

While serving as Manager & Trainer, performed the following:

- Propelled sales team success by developing pioneering training, leadership, and product education protocols.
- Assessed operating procedures and implemented strategic improvements as needed to enhance productivity, efficiency, and service quality.
- Oversaw accounts for United States' largest bank to ensure solvency, efficiency, profitability, and operational integrity.
- Accelerated account acquisition and sales in diverse categories with commercial and consumer clients.

Key Contributions:

- Improved company performance by implementing Six Sigma management strategies.
- Galvanized sales and exceeded revenue goals across 3 locations.
- Generated 33% year over year sales growth in 2007 and 22% increase at new institution in 2008 utilizing needs based sales approach and product bundling techniques.
- Received National Award of Excellence for quality of service.

2002 -
2006

**Ntelos Wireless
Project Manager & Training Manager; Waynesboro, Virginia**

Responsibilities, as Project & Training Manager, were as follows:

- Spearheaded development and launch of sales training department.
- Established new hire and sales associate training procedures and objectives.
- Oversaw manager and trainer education, led management and training teams, and assessed leadership performance.

- Strategically modified training and enrichment programs as needed. Provided cost justification and secured approval from senior leadership and stakeholders.
- Training Program Project \$325K- Reported to Denise Ramey VP of Sales and Carl Rossberg President of Wireless Division utilized Excel and Word to report research results and milestones

Key Contributions:

- Earned certification to teach advanced training courses, including Sales: The Other Side of Service (Achieve Global) and Edmond Howard Sales Skills courses.
- Won numerous honors for outstanding performance, including 4 Circle of Excellence Awards, 2 President's Club Awards, and the Spirit of Ntelos Award.

1995 -
2001

US Cellular Corporation

Project & Product Manager; Knoxville, TN

As Project and Product Manager, performed the following:

- Analog to Digital CDMA/TDMA Network Conversion (Excess of \$100M) - Reported to Dick Geihring VP of Engineering used Excel, Primavera Software, Word and Conference Calls for reporting progress. Coordinated with Engineering, Data Services, Network Support, Sales Directors, Marketing, Nortel Vendors, Nokia and Motorola hardware providers throughout project
- Paging Reseller Program (\$300K) - Reported to Michael Mutz VP Sales for East Region utilized Primavera, Excel and Word for tracking and reporting
- Voice Mail Conversion from Comverse to Nortel (\$1.5M) - Reported to Dick Geihring VP of Engineering used Excel, Primavera software, Word and Conference Calls for reporting progress. Coordinated with Engineering, Data Services, Network Support, Sales and Marketing throughout project
- Planned, developed, and launched new products and services in collaboration with corporate product services, engineering and data services
- Coordinated management, representative, and support staff training
- Designed job aids and facilitated new product/service education
- Advanced sales, service, and customer loyalty through product and procedural innovation
- Provided technical support for Southeast Region, including implementing and testing wireless technologies
- Outlined product and service offerings, pricing plans, and marketing strategies
- Acted as buyer negotiating contracts with major clients and vendors for products and services
- Provided technical support and training on Panasonic and SpectraLink Wireless PBX phone systems

Key Contributions:

- Led the planning, installation, and support of advanced digital systems for the Southeast Region.
- Orchestrated Digital TDMA/CDMA Network development and installation to ensure market dominance through competitor analysis, market needs assessment, and competitive positioning.
- Coordinated Voice Mail and Billing System conversion to optimize customer service.

1991 -
1994

Analysis Corporation

Project & Department Manager; Oak Ridge, TN

As Project & Department Manager, responsibilities included:

- Initial spearheading of the installation of a 300 node Novell Ethernet Network

- Purchasing negotiation of vendor contracts for servers, workstations, Ethernet and phone installation
- Development and facilitation of training for end users on network applications, accessing network applications and Microsoft applications
- Managing and monitoring server and maintained hardware and software
- Oversight of daily operation of Information Technology department
- Devised training, implementation, and support policies for workstations, servers, and end users
- Orchestrated special projects and technical support for diverse clientele, including the Department of Energy (DOE). Earned Q clearance.
- Ethernet Network Project (\$350K) - Reported to Director David Job utilized Primavera software and Excel for progress management and reporting milestones.
- Support of Transcom Project (\$1.25M) - Maintained system hardware and software

Key Contributions:

- Project Manager for 300 node IT Network
- Drove project development as member of Department of Energy (DOE) TRANSCOM Project Team.
- Provided technical support for Oak Ridge National Laboratory's Y-12 and K-25 departments.
- Earned Can-Do Award for performance excellence



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	<input type="checkbox"/>	Personnel Advisory Board
	<input type="checkbox"/>	Oak Ridge Housing Authority
	<input type="checkbox"/>	Traffic Safety Advisory Board

Prefix (please check): Mr. Ms. Mrs. Dr. Name: Rick Lyon

Address: 10 Palisades Pkwy, Oak Ridge, TN 37830

Telephone: (865) 604-3401

Email: ricklyon09@gmail.com

Occupation: Exec Mgmt

Position/Title: Director of Contracts & Procurement

Retired: yes no Company/Organization Retired from:

Do you currently serve on any other City board, commission or committee? If so, please list:

- 1) None
- 2) None
- 3) None

Please answer the questions below. If you are applying for more than one (1) Board then you will be required to answer these questions for each of your board choices (see pages 3 and 4).

List Education, Professional and/or Current Community Activities:

MBA – Finance, University of MD
BS – Industrial Engineering, VA Tech
Member, NCMA

Explain why you are interested in being appointed to this board, commission, or committee:

Environmental Quality Advisory Board -

I have been a resident of Oak Ridge since 1993, leaving twice, but always finding my way back. I consider this to be my hometown, even though I wasn't born here. I feel that it is time to give something back to the city and serving on this board would be a good start.

As an avid recycler and owner of a Toyota Prius, this Board position is of great interest to me. I believe that if each one of us recycles, reuses or reduces our consumption, the world's resources will last much longer and there will be less of a footprint left by all of us. Applying this to the City of Oak Ridge would be a challenging, but rewarding endeavor. And as a committed long-term resident, I am looking forward to lending my background and experience to this Board to assist in the successful achievement of its goals and objectives.

Describe any special knowledge or past experience qualifying you for this appointment:

I have been an officer of both a large business (\$2B+) and a small business (<\$200M), spending most of the last twenty years in the nuclear industry. My background in contracts and procurement activities offers experience in preparing any kind of official documentation necessary in fulfilling the Board's goals. I am also personally interested in reducing consumption and reusing/recycling items to reduce the strain on natural resources and to save money for the City of Oak Ridge.

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Signature of Applicant:

Date: 11/20/11

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RAL

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P.O. Box 1,
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Fax: 865-425-3409
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City of
Oak Ridge
Achieving Excellence

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Please review the qualifications for the Boards at the City Clerk's Departmental Website (www.oakridgetn.gov) or contact the City Clerk's Office. If you do not satisfy the qualifications for a particular board, you will not be listed on the ballot for that board.

**Please apply for no more than three (3) Boards. You may rank your choices from 1 – 3 with 1 being your top preference; however, ranking does not guarantee selection.*

	<input type="checkbox"/>	Anderson County Community Action Commission
	<input type="checkbox"/>	Anderson County Economic Development Association
	<input type="checkbox"/>	Beer Permit Board
	<input type="checkbox"/>	Board of Building and Housing Code Appeals
	<input type="checkbox"/>	Board of Zoning Appeals
	<input type="checkbox"/>	Convention and Visitors Bureau
	<input type="checkbox"/>	Elder Citizens Advisory Board
2	<input checked="" type="checkbox"/>	Environmental Quality Advisory Board
1	<input checked="" type="checkbox"/>	Health and Educational Facilities Board
	<input type="checkbox"/>	Personnel Advisory Board
	<input type="checkbox"/>	Oak Ridge Housing Authority
	<input type="checkbox"/>	Traffic Safety Advisory Board

Prefix (please check): Mr. Ms. Mrs. Dr. Name: Sylvia Milanez

Address: 108 Winchester Circle, Oak Ridge

Telephone: (865) 482-1771

Email: sylviamilanez@yahoo.com

Occupation: Toxicologist

Position/Title: Senior staff

Retired: yes no Company/Organization Retired from:

Do you currently serve on any other City board, commission or committee? If so, please list:

- 1) None
- 2) None
- 3) None

Answer the questions on this page *only* if you have selected a second (2nd) Board choice.

List Education, Professional and/or Current Community Activities:

Education: B.S. in Biology, M.S. in Biochemistry, and PhD in Biochemistry/Molecular Biology
Professional: Employed since 1991 at Oak Ridge National Laboratory (ORNL), during which time I became trained in the field of Toxicology, and became certified by the American Board of Toxicology. I have served for 6 years as ORNL's representative to the Oak Ridge Site-Wide Institutional Review Board for human studies, which is tasked with ensuring that humans are protected when they are subjects in research projects.

Activities: While my children were in the Oak Ridge schools, I volunteered in the PTA at Linden and Robertsville schools; the ORHS girls volleyball team, the tennis team, and the swim team; ORHS graduation celebration, and the CISV (Children's International Summer Village, Smoky Mountain Chapter). I have volunteered for various church activities. Since I moved to Oak Ridge in 1983, I have consistently participated in various exercise classes, including at the Oak Ridge YWCA, the OR Children's Museum, OR Grace Lutheran Church, OR Civic Center, and most recently, I take yoga classes at the OR Rush. For the past 8 years I have participated in the OR City Volleyball leagues.

Explain why you are interested in being appointed to this board, commission, or committee:

I am interested in being on the Environmental Quality Advisory Board because of my concern about the quality of the air we breathe, and the water that we drink, in Oak Ridge. The City of Oak Ridge has provided myself and my family with a wonderful quality of life, and I would like to give back to the community with skills that I have (my background in biology and in toxicology) to help address the unique environmental issues that Oak Ridge faces.

Describe any special knowledge or past experience qualifying you for this appointment:

Knowledge/past experience that qualifies me to be on the EQAB includes my education (B.S. in Biology, M.S. in Biochemistry, and PhD in Biochemistry/Molecular Biology) and work experience as a toxicologist at ORNL. I have worked on numerous projects that involve setting exposure limits of environmental air and water pollutants that are safe for humans. I have also participated for the past 6 years as ORNL's representative to the Oak Ridge Site-Wide Institutional Review Board, which reviews research that involves human subjects to ensure they are treated safely.

All information provided is considered public pursuant to the Tennessee Public Records Act.

Applicant Statement: I understand that I am applying for appointment to a Board, Commission or Committee of the City of Oak Ridge; that I will be required to provide proof of my Oak Ridge residency; that I will be required to take an oath of office to uphold the United States and Tennessee Constitutions and the laws of the same if appointed. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in the application are true to the best of my knowledge.

Signature of Applicant:

Date: November 16, 2011

If submitting the form on-line via Adobe, please check the box below to serve as your signature and add your initials.



SM

You may submit a resume as an attachment to your application to provide additional information for City Council's review.

Please return completed application by 5:00 p.m. on Monday, November 21, 2011 to:

Diana R. Stanley
Acting City Clerk
P.O. Box 1,
Oak Ridge, TN 37831-0001
Fax: 865-425-3409
Email: diana.stanley@cityoakridge.com

Clicking the submit button below will send this PDF to the Acting City Clerk.
If there are any issues that need to be addressed with your application, the City Clerk's Office will contact you.

Submit Form

CITY CLERK MEMORANDUM
12-03

DATE: January 24, 2012
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: ESTABLISHING CITY MANAGER'S EVALUATION COMMITTEE AND CITY ATTORNEY'S EVALUATION COMMITTEE

As outlined in the employment agreements, City Council shall complete performance evaluations for both the City Manager and the City Attorney on an annual basis.

The City Attorney's Evaluation should be completed by May 30th of each year, and the City Manager's Evaluation should be completed by July 31st of each year.

Historically, the selection of councilmembers for the Evaluation Committees for the City Attorney and City Manager has been based on a rotation schedule among councilmembers that is coordinated by the City Clerk. Upon review of past service of councilmembers on said committees, I am recommending the following councilmembers to serve on the committees these upcoming evaluations:

City Attorney's Evaluation

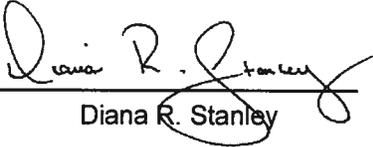
L. Charles Hensley (Chair)
Anne Garcia Garland
Thomas L. Beehan

City Manager's Evaluation

David N. Mosby (Chair)
Ellen D. Smith
Charles J. Hope

These recommended appointments are in keeping with our policy which provides that each member of Council will be given the opportunity to serve on all of our regular committees, moving upward until all have served as chair.

Following the established membership of the Committees, the City Clerk will begin working with the Committees to develop a procedure and a timeline that will be sent by the respective committees and members of City Council.



Diana R. Stanley

**SUMMARY
OF
CURRENT EVENTS**

**CITY COUNCIL MEMORANDUM
12-04**

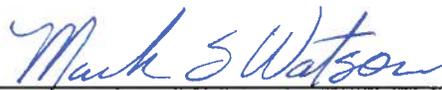
DATE: February 3, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CITY MANAGER'S REPORT

Grant to Promote the Oak Ridge Farmers Market

Council Action Recommended: None, for information only.

The East Tennessee Farmers Association for Retail Marketing (East Tennessee FARM) recently received notification that its grant application to the Tennessee Department of Agriculture was approved in the amount of \$1,000 to promote the Oak Ridge Farmers Market adjacent to Jackson Square. The East Tennessee FARM is a non-profit organization that works with area farmers markets to promote their local markets. The grant will help pay for advertisements for the Oak Ridge Farmers Market, which opens on Saturday, April 14, 2012. The grant is the maximum awarded under this year's program.

A requirement of the program is that the local government in the jurisdiction of the farmers market serves as the official Grantee. City staff has worked with the East Tennessee FARM for several years to secure funding, and is pleased to work with the organization again this year to increase the public's awareness of the Oak Ridge Farmers Market. Strict reporting requirements are implemented to ensure that funds are applied to approved activities. Additional information about the Oak Ridge Farmers Market is available at www.easttnfarmmarkets.org.



Mark S. Watson