

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

March 3, 2014—7:00 p.m.

AGENDA

I. INVOCATION

Jake Morrill of the Universalist Unitarian Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating Tuesday, April 8, 2014 as *Equal Pay Day* in the City of Oak Ridge, Tennessee.

VI. SPECIAL REPORTS

(NONE)

VII. CONSENT AGENDA

- a. Approval of the February 10, 2014 City Council meeting minutes.
- b. Adoption of a resolution granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving the residency requirement for nonresident applicants.
- c. Adoption of a resolution to apply for and accept set-aside Emergency Solutions Grant (ESG) program funds from the Tennessee Housing Development Agency, through the U.S. Department of Housing and Urban Development Emergency Solutions Grant Program, in the estimated amount of \$52,492.00, to fund ESG activities.

VIII. RESOLUTIONS

- a. A JOINT RESOLUTION BETWEEN THE OAK RIDGE CITY COUNCIL AND THE OAK RIDGE BOARD OF EDUCATION RELATIVE TO RETIREMENT OF THE DEBT FOR THE OAK RIDGE HIGH SCHOOL DEBT AND FUTURE INITIATIVES INVOLVING OAK RIDGE AND ANDERSON COUNTY LOCAL OPTION SALES TAXES.
- b. Redflex Traffic Solutions, Inc. Agreement:
 - Option 1) A RESOLUTION EXTENDING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS FOR AN ADDITIONAL TWO-YEAR TERM ENDING APRIL 21, 2016.
 - Option 2) A RESOLUTION TERMINATING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS ON APRIL 21, 2014.

- c. A RESOLUTION TO AUTHORIZE THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF THE OAK RIDGE TURNPIKE AND THE OAK RIDGE HIGH SCHOOL SUBJECT TO APPROVAL OF THE TRAFFIC SIGNAL DESIGN BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT), AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND TDOT TO ASSIGN PERPETUAL MAINTENANCE RESPONSIBILITY OF SAID TRAFFIC SIGNAL TO THE CITY.
- d. A RESOLUTION AWARDED A BID IN THE ESTIMATED AMOUNT OF \$154,620.00 TO GUTHRIE SALES & SERVICES, INC., BRENTWOOD, TENNESSEE, FOR THE FURNISHING OF TWO REPLACEMENT MOTORS FOR THE EAST PLANT PUMP STATION.
- e. A RESOLUTION AWARDED A CONTRACT (FY2014-103) TO DAVIS H. ELLIOT COMPANY, INC., LEXINGTON, KENTUCKY, TO PROVIDE AS NEEDED LABOR AND EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE OF UNDERGROUND AND OVERHEAD ELECTRIC POWER LINES IN THE ESTIMATED AMOUNT OF \$3,357,782.00.
- f. A RESOLUTION APPROVING AN ADMINISTRATIVE HEARING OFFICER AGREEMENT.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of an Ordinance

AN ORDINANCE TO AMEND TITLE 5, TITLED "MUNICIPAL FINANCE AND TAXATION," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 5-102, TITLED "WHEN DUE, DELINQUENT," AND SUBSTITUTING THEREFOR A NEW SECTION 5-102, WITH THE SAME TITLE, TO CHANGE THE DUE DATE AND DELINQUENT DATE FOR TAXES.

X. FINAL ADOPTION OF ORDINANCES

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," TO CREATE AN ADMINISTRATIVE HEARING OFFICER POSITION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §6-54-1001 ET SEQ.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Elections/Appointments
- b. Announcements
- c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

- a. CITY MANAGER'S REPORT

Grant to Promote the Oak Ridge Farmers Market

b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM

14-10

DATE: January 24, 2014

TO: Honorable Mayor and Members of City Council

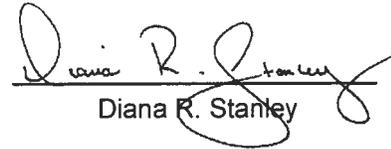
FROM: Diana R. Stanley, City Clerk

SUBJECT: PROCLAMATIONS AND PUBLIC RECOGNITIONS

The following proclamation is presented for the March 3, 2014 City Council meeting:

Equal Pay Day

A proclamation for City Council's consideration is in response to a request received from Ms. Virginia Jones noting that April 8, 2014 was National Equal Pay Day and wishing for City Council to consider honoring this recognition in Oak Ridge.


Diana R. Stanley

Attachment:

Equal Pay Day

PROCLAMATION

WHEREAS, the Equal Pay Act was signed into law by President John F. Kennedy in 1963 aimed at prohibiting discrimination of wages based on gender; and

WHEREAS, when the Equal Pay Act was signed into law, women were earning an average 59 cents on the dollar compared to men; and

WHEREAS, women today are still experiencing a gap in pay earning approximately 81 cents on the dollar compared to men even while holding nearly half of the jobs in today's market; and

WHEREAS, a woman's earnings account for a significant portion of the household income that sustains the financial well-being of her family; and

WHEREAS, over a working lifetime, wage disparity costs the average American woman hundreds of thousands to millions of dollars in lost wages, ultimately impacting Social Security benefits and pensions; and

WHEREAS, fair pay strengthens the security of families today and eases future retirement costs, while enhancing the American economy; and

WHEREAS, each year, National Equal Pay Day reflects how far into the current year women must work to match what men earned in the previous year; and

WHEREAS, on National Equal Pay Day, citizens rededicate themselves to carrying forward the fight for true economic equality for all.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that Tuesday, April 8, 2014 be proclaimed

EQUAL PAY DAY

in the City of Oak Ridge, Tennessee, and that all citizens recognize the full value of women's skills and significant contributions to the labor force and join in efforts to help achieve equal pay.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 3rd day of March in the year 2014.

THOMAS L. BEEHAN
MAYOR

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING**

February 10, 2014

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on February 10, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

Pastor Robert May with Family Bible Church delivered the Invocation.

PLEDGE OF ALLEGIANCE

Ms. Annie Cacheiro, Executive Director of Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC), led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

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

APPEARANCE OF CITIZENS

NONE

PROCLAMATIONS AND PUBLIC RECOGNITIONS

NONE

SPECIAL REPORTS

NONE

CONSENT AGENDA

Councilmember Baughn requested to remove two (2) items: the January 13, 2014 City Council Meeting minutes and the resolution titled "a resolution authorizing Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC) to submit on the City's behalf a grant application, including all understandings and assurances contained therein, to the Tennessee Housing Development Agency (THDA) for 2014 Home Grant Program Funds to promote the rehabilitation of housing for low-income households in Oak Ridge, in the not to exceed amount of \$500,000.00." Additionally, Councilmember Garcia Garland requested to remove the resolution titled "a resolution authorizing the City to apply for a grant from the Tennessee Department of Transportation through the Knoxville Transportation Planning Organization for Federal Congestion Mitigation and Air Quality improvement (CMAQ) program funds, in the estimated amount of \$250,000.00 to \$300,000.00, and accepting said grant if awarded."

Following the removal of the aforementioned items, Councilmember Hope moved, seconded by Councilmember Hensley to approve the remainder of the Consent Agenda, as amended, thereby:

- Approving the January 27, 2014 City Council Special Meeting minutes.
- Approving the January 27, 2014 Work Session Meeting minutes.

- Approving a proclamation declaring March 7, 2014 as “Arbor Day” in the City of Oak Ridge.
- Adopting **Resolution No. 02-09-2014** approving bylaws of the Oak Ridge Land Bank Corporation.
- Adopting **Resolution No. 02-10-2014** authorizing the transfer of tax equivalents from the Electric and Waterworks Funds to the General Fund for the fiscal year ending June 30, 2014, and to authorize its distribution between the City of Oak Ridge and Anderson and Roane counties in accordance by state law.

Items Removed from the Consent Agenda

Approval of the January 13, 2014 City Council Meeting minutes

Councilmember Baughn moved to amend the January 13, 2014 meeting minutes, specifically with regards to her vote for Resolution No. 01-05-2014, by correcting her vote from “Nay” to “Aye” as there were some audio confusions as to her intended vote for this item. The motion was seconded by Councilmember Hope and approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Resolution No. 02-11-2014

A resolution authorizing the City to apply for a grant from the Tennessee Department of Transportation through the Knoxville Transportation Planning Organization for Federal Congestion Mitigation and Air Quality improvement (CMAQ) program funds, in the estimated amount of \$250,000.00 to \$300,000.00, and accepting said grant if awarded.

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

The City Manager provided an overview of the grant and noted that the City’s focus is an intelligent traffic system as it relates to improvement in air quality. Additionally, Community Development Director Kathryn Baldwin added that the grant was a mechanism for address air quality in the Knoxville Transportation Planning Organization. Mr. Watson and Ms. Baldwin responded to inquiries of the City Council regarding the grant.

Ms. Ellen Smith, 116 Morningside Drive, described the effects of air pollution in the Oak Ridge area and the effects of idle vehicles and that an opportunity to study traffic congestion would improve both the community and air quality.

The resolution was unanimously approved by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Resolution No. 02-12-2014

A resolution authorizing Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC) to submit on the City’s behalf a grant application, including all understandings and assurances contained therein, to the Tennessee Housing Development Agency (THDA) for 2014 Home Grant Program Funds to promote the rehabilitation of housing for low-income households in Oak Ridge, in the not to exceed amount of \$500,000.00.

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

Following brief discussions amongst the City Council regarding the resolution, the item was approved by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye,” and Councilmember Baughn abstaining.

RESOLUTIONS

Resolution No. 02-13-2014

A RESOLUTION AWARDING A BID IN THE ESTIMATED AMOUNT OF \$486,808.00 TO SPILLMAN TECHNOLOGIES, INC., SALT LAKE CITY, UTAH, FOR THE FURNISHING OF INTEGRATED HARDWARE, SOFTWARE, AND TECHNICAL SUPPORT SERVICES FOR THE POLICE DEPARTMENT.

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

Oak Ridge Police Chief James Akagi provided some brief explanations to City Council regarding the software's citation issuing capabilities, compatibility upgrades, improved records efficiencies, and bidders contacted for the proposal.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of an Ordinance

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," TO CREATE AN ADMINISTRATIVE HEARING OFFICER POSITION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §6-54-1001 ET SEQ.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the ordinance be approved on first reading.

The City Attorney explained that the Administrative Hearing Officer was a component of the *Not in Our City* initiatives and reviewed the timeline of implantation of this position moving forwarded. Additionally, Mr. Krushenski responded to several inquiries and clarifications of City Council and explained the different components of the Administrative Hearing Officer as listed in the ordinance.

The ordinance was approved on first reading by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Appoint one (1) applicant to the Trade Licensing Board for a term of office ending on December 31, 2016.

Councilmember Hensley moved, seconded by Councilmember Hope to appoint Mr. Danny Scott by acclamation to the Trade Licensing Board for a term of office ending on December 31, 2016. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Appoint three (3) members of City Council to both the City Attorney Evaluation Committee and City Manager Evaluation Committee.

Mayor Pro Tem Miller moved, seconded by Councilmember Baughn, to accept the City Clerk's recommendation of committee compositions for fiscal year 2014 which was coordinated in accordance with past policies and procedures. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye;" thereby, establishing that the City Attorney Evaluation Committee will be comprised of Trina Baughn, Chair; David N. Mosby; and Thomas L. Beehan; and that the City Manager Evaluation Committee will be comprised of D. Jane Miller, Chair; L. Charles Hensley; and Anne Garcia Garland

Appoint one (1) member of City Council to the Youth Advisory Board (YAB) Screening Panel.

Councilmember Garcia Garland moved, seconded by Mayor Pro Tem Miller to accept the Councilman Hope's volunteer request to serve as the council representative on the YAB Screening Panel. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

In request to an inquiry from Councilmember Baughn regarding the joint meeting between the Oak Ridge City Council and the Oak Ridge School Board, the City Manager explained that he has been working with Superintendent Dr. Bruce Borchers to confirm a date and time for the two (2) groups to convene.

Councilmember Garcia Garland remarked that Council could consider meeting more frequently, but for a shorter duration.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

The City Manager noted that the City was reviewing the condition of the Friendship Bell. Mr. Watson explained that the City was seeking a study from TetraTech regarding the condition of the bell and for safety reasons, the bell would be closed until such time that the City could repair the deterioration.

CITY ATTORNEY'S REPORT

(NONE)

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

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

LEGAL MEMORANDUM
14-08

DATE: February 19, 2014
TO: Honorable Mayor and Members of City Council
FROM: Kenneth K. Krushenski, City Attorney
SUBJECT: RETAIL PACKAGE STORE RENEWAL APPLICATIONS

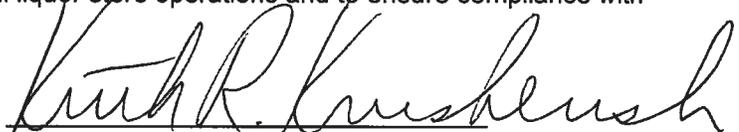
The accompanying resolution authorizes the granting of permits for the retail sale of alcoholic beverages in the city for the year 2014-2015. All applications are for renewal of current permits. A list of permitted stores and any significant changes in the applications from last year is provided below:

Store Number

- | | |
|-----|---|
| 131 | <u>Ridge Liquor's, Inc.</u> Two applicants, Donald R. Knight and Brenda S. Roach, reside outside the city limits of Oak Ridge, Tennessee. One applicant, Michael L. Knight, resides inside the city limits. No changes. |
| 149 | <u>Turnpike Wine & Spirits, Inc.</u> Two applicants, Patricia B. Gettys and Catherine D. Pattison, reside outside the city limits of Oak Ridge, Tennessee. No changes. |
| 151 | <u>JB's Wine & Spirits, Inc.</u> The applicant, Jeanette Bowen, resides outside the city limits of Oak Ridge, Tennessee. No changes. |
| 152 | <u>Lizz's Wine & Spirits.</u> The applicant, Kenneth Montgomery, resides outside the city limits of Oak Ridge, Tennessee. No changes. |
| 154 | <u>Hilltop Wine & Spirits.</u> The applicant, Troy Joseph Howe, resides inside the city limits of Oak Ridge, Tennessee. No changes. |

In accordance with Council's previous instructions, all nonresident applicants have been requested to be present at the March 3, 2014 Council meeting.

Each store is required to renew its city retail permit annually. This enables the city to learn of any changes that have occurred in local retail liquor store operations and to ensure compliance with applicable laws and regulations.


Kenneth R. Krushenski

lm

Attachment

RESOLUTION

A RESOLUTION GRANTING RENEWAL PERMITS TO PERSONS ENGAGED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR ONE YEAR AND WAIVING THE RESIDENCY REQUIREMENT FOR NONRESIDENT APPLICANTS.

WHEREAS, the individuals listed hereinafter were granted a permit to engage in the retail sale of alcoholic beverages in accordance with the ordinance of the City of Oak Ridge, and

WHEREAS, said permits will expire on March 31, 2014, and it is necessary that renewal permits be issued before that date, and

WHEREAS, the individuals listed hereinafter have made application for permits for the year 2014-2015, and

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

WHEREAS, the City Council is authorized to waive the residency requirement for those applicants who possess sufficient contacts with the City which would permit Council to verify the good moral character of those nonresident applicants.

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

That the following persons are hereby granted a permit to engage in the retail sale of alcoholic beverages in the City at the indicated locations, for the year 2014-2015, and that the Mayor is authorized to sign said permits on behalf of the City:

<u>City Permit No.</u>	<u>Name of Applicant</u>	<u>Store and Location</u>
131	Donald R. Knight Brenda S. Roach Michael L. Knight	Ridge Liquor's, Inc. 858 Oak Ridge Turnpike
149	Patricia B. Gettys Catherine D. Pattison	Turnpike Wine & Spirits, Inc. 331 Oak Ridge Turnpike
151	Jeanette Bowen	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue
152	Kenneth Montgomery	Lizz's Wine & Spirits 1505 Oak Ridge Turnpike
154	Troy Joseph Howe	Hilltop Wine & Spirits 346 N. Illinois Avenue

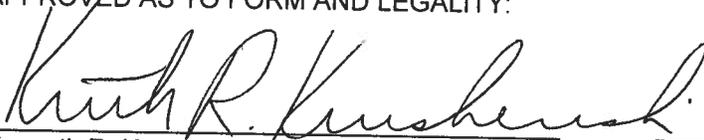
BE IT FURTHER RESOLVED that the Council does hereby waive the residency requirement for the following nonresident applicants:

Donald R. Knight
Patricia B. Gettys
Jeanette Bowen

Brenda S. Roach
Catherine D. Pattison
Kenneth Montgomery

This the 3rd day of March 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

COMMUNITY DEVELOPMENT MEMORANDUM

14-06

DATE: February 14, 2014
TO: Mark S. Watson, City Manager
FROM: Athanasia Senecal Lewis, Community Development Specialist
THROUGH: Kathryn G. Baldwin, Community Development Director *KGB*
SUBJECT: EMERGENCY SOLUTIONS GRANT PROGRAM APPLICATION AND ACCEPTANCE

Introduction

An item for City Council's consideration is a resolution authorizing the City of Oak Ridge to apply for and receive an Emergency Solutions Grant (ESG) from the Tennessee Housing Development Agency (THDA) for the period of July 1, 2014 through June 30, 2015.

Funding

The Tennessee Housing Development Agency has allocated \$52,492 to the City of Oak Ridge for the 2013 ESG program year; THDA is spending funds from fiscal year 2013. Although funds are set aside for Oak Ridge, the City must submit a grant application describing the proposed activity by March 14, 2014. Eligible activities are as follows: 1) Street Outreach, 2) Emergency Shelter, 3) Prevention Activities, 4) Rapid Re-Housing Activities, and 5) Homeless Management Information System costs.

The grant application proposes that the City will make an estimated \$50,130 of these funds available to Trinity Outreach Center of Hope (TORCH) to provide homeless rapid re-housing activities within the City of Oak Ridge. The ESG program requires dollar-for-dollar matching funds with cash or in-kind services, which TORCH will provide. The ESG program will reimburse the City 4.5 percent of the set-aside funds, which is an estimated \$2,362 to be utilized by staff for grant administration costs.

Background

The Trinity Outreach Center of Hope (TORCH) provides services that assist clients in attaining self-sufficiency. TORCH will use the aforementioned funds for rapid re-housing. Rapid re-housing involves activities that place clients in stable housing. Examples of assistance provided by the ESG program are payments for rent, deposits, mortgage and utilities.

TORCH is a member of the Tennessee Valley Coalition to End Homelessness (TVCEH), and they have the required Certification of Participation with Continuum of Care, certifying that their application is aligned with the Continuum of Care's strategies for preventing and ending homelessness and creating housing stability. More information about TORCH is available at: <http://www.oakridgetorch.org/our-story/>.

Agencies using ESG grant funds to provide services must coordinate with other agencies by entering information into the Homeless Management Information System (HMIS). Among other benefits, the HMIS helps prevent the duplication of services.

As an entitlement city for the Community Development Block Grant (CDBG) program, the City of Oak Ridge is required to assist persons at risk of becoming homeless. If the City does not utilize ESG funds for homeless program(s), CDBG entitlement funds will have to be allocated for this activity, which will reduce the amount of funds available for other housing needs.

Recommendation

Staff recommends that the City apply for and accept the 2013 set-aside funds in the estimated amount of \$52,492. Staff recommends approval of the attached resolution as submitted.

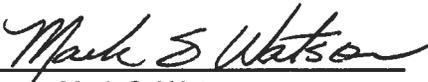
Attachment(s)



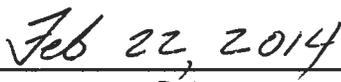
Athanasia Senecal Lewis

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 APPLY FOR AND ACCEPT SET-ASIDE EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM FUNDS FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY, THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SOLUTIONS GRANT PROGRAM, IN THE ESTIMATED AMOUNT OF \$52,492.00, TO FUND ESG ACTIVITIES.

WHEREAS, the provision of emergency assistance to very low and low income people threatened with displacement is a requirement for U.S. Department of Housing and Urban Development (HUD) funding; and

WHEREAS, the Tennessee Housing Development Agency, through HUD's Emergency Solutions Grant (ESG) Program, has budgeted funds which will be available Statewide for set-aside and competitive ESG applications; and

WHEREAS, Trinity Outreach Center of Hope (TORCH) is willing to provide the necessary matching funds; and

WHEREAS, TORCH has received the required Certification of Participation with Continuum of Care certifying that the application is aligned with the Continuum of Care's strategies for preventing and ending homelessness and creating housing stability; and

WHEREAS, the City Manager recommends submittal of an application for set-aside ESG funds from the Tennessee Housing Development Agency in the estimated amount of \$52,492.00 to fund ESG activities, and acceptance of the grant if approved.

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

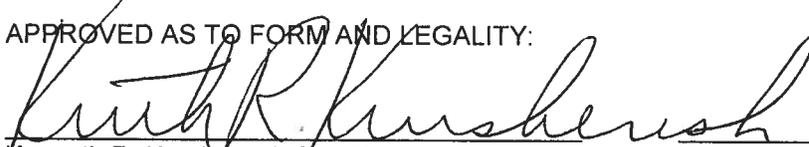
That the recommendation of the City Manager is approved and the City is hereby authorized to submit an application for set-aside Emergency Solutions Grant (ESG) Program funds from the Tennessee Housing Development Agency, through the U.S. Department of Housing and Urban Development Emergency Solutions Grant Program, in the estimated amount of \$52,492.00, to fund ESG activities.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are authorized to accept said funds for the City if the application is approved.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are authorized to execute the appropriate instruments to accomplish the same, including a subrecipient agreement with Trinity Outreach Center of Hope (TORCH).

This the 3rd day of March 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

CITY COUNCIL MEMORANDUM
14-08

DATE: February 24, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: JOINT RESOLUTION FOR CITY/SCHOOLS REGARDING DEBT

Introduction

An item for the agenda is a joint resolution between the Oak Ridge City Council and the Oak Ridge Board of Education relative to retirement of the debt for the Oak Ridge High School and future initiatives involving Oak Ridge and Anderson County Local Option Sales taxes.

Background

In June 2012, the Oak Ridge City Council and the Oak Ridge Board of Education took divergent positions regarding finances associated with the 2004 financing of the Oak Ridge High School. A financing plan had been developed at that time where \$58,000,000 in improvements would be accomplished without a projected tax increase. This included the approval of an additional one-half-cent sales tax with the full city portion going for high school debt and the full education portion from Oak Ridge going for the high school debt.

In 2008, Anderson County called for a vote on the same one-half-cent sales tax that was successful and "superseded" the original Oak Ridge vote. After this vote, the sales tax requirement was spread countywide reducing the amount of sales tax collections received directly by the City. The allocation of education sales tax was divided among three Anderson County education groups: Anderson County schools, Clinton schools, and Oak Ridge schools. Although expanded in its coverage, the impact resulted in a reduction in sales tax collections to be applied toward funding of the Oak Ridge High School debt service. After 5 years of debt fund transfers, the Oak Ridge Board of Education questioned whether sales taxes collected in the County were included under the transfer responsibility of the original Oak Ridge education sales tax. In fiscal 2012, the Schools reduced their sales tax transfer to be based on Oak Ridge only sales tax collections.

In the meantime, the City of Oak Ridge continued to meet bond payments and took action to reserve the full amount of the estimated education sales taxes outlined for bond payments. At that point, the Board of Education ceased further transfers until the matter was resolved. Withholding of these amounts by the City for two fiscal cycles resulted in conflicts with state school funding provisions, resulting in calculation shortfalls at the Tennessee Department of Education levels.

With the hiring of the new Superintendent of Schools Bruce Borchers, the City Manager and he have met on a weekly basis to develop a solution forward as the highest of priorities by the Board of Education and the City Council. The resolution being considered is a product of those meetings and is supported by both executives. With approval of the resolution, "out-of-City" education sales taxes will be eligible for use in five categories through as long as 2041 (current high school bond timetable).

Reconciliation will be developed by the Finance Directors of the respective bodies and completed at the end of the fiscal year, while coordinating with necessary bond payments and reserves and coordinated with the County Trustee with respect to "in-City" and "out-of-City" generated education sales taxes. Keep

in mind that set asides by the City for the full Schools sales tax contributions were estimated in the \$750K to \$790K range. Actual receipts (in City) are estimated in the \$450K to \$500K range. Additional contributions to the State will also need to be reconciled. The City withholding most likely will be larger than the Schools withholding since June 2012.

The City Manager and the Superintendent of Schools have recognized in their discussions that there are too many needs for both the Schools and the City. It is believed that a strong community based priority Capital Improvements Program (CIP) must be established to meet the needs of the City as a whole and the needs of the Schools. Major needs like new schools must be examined outside of general maintenance dollars.

The City Council should consider the approval of a resolution outlining the intent and actions of the Oak Ridge City Council and the Oak Ridge Board of Education with respect to the 2004 Oak Ridge High School Debt issue, establishing an annual joint CIP as prioritized by the City Manager and the Superintendent of Schools, and establish of a City/Schools Education Committee for purposes of long-term strategic planning and capital needs prioritization.

The proposed resolution is to be considered by both bodies and must be approved by both to be in effect. This action will also signify an agreement between the bodies allowing for the County Trustee to distribute educational sales tax funds accordingly.

Recommendation

Approval of the attached resolution is recommended.



Mark S. Watson

Attachment

RESOLUTION

A JOINT RESOLUTION BETWEEN THE OAK RIDGE CITY COUNCIL AND THE OAK RIDGE BOARD OF EDUCATION RELATIVE TO RETIREMENT OF THE DEBT FOR THE OAK RIDGE HIGH SCHOOL DEBT AND FUTURE INITIATIVES INVOLVING OAK RIDGE AND ANDERSON COUNTY LOCAL OPTION SALES TAXES.

WHEREAS, the Oak Ridge City Council (City Council) and the Oak Ridge Board of Education (Board of Education) desire to clarify for present and future city councils and boards of education the responsibilities and intentions for the retirement of all debt related to the Oak Ridge High School; and

WHEREAS, by Ordinance No. 13-04, City Council called for a referendum on a proposed 0.5% increase in the local option sales tax "provided, however, 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, the sales tax proceeds collected as a result of this increase shall be distributed as prescribed by state law"; and

WHEREAS, the referendum was held on August 5, 2004, and voters overwhelming approved the 0.5% increase in sales tax (from 2.25% to 2.75%) for the purposes set forth in the ordinance; and

WHEREAS, on May 30, 2006, Anderson County voters overwhelming passed a referendum raising the county's local option sales tax to 2.75%, which effectively created a new formula for the distribution of sales tax proceeds to Oak Ridge, Clinton, and Anderson County schools; and

WHEREAS, the City has continued to use the additional revenue from the local option sales tax increase for high school debt payments as transferred through the Oak Ridge Schools General Fund, however, due to changing community economics and increasing educational needs as required by the State of Tennessee, a review of current financial distribution is needed by the Oak Ridge Board of Education and the City of Oak Ridge and clarification is desired by City Council and the Board of Education for future governing bodies to understand the intent and use of this revenue; and

WHEREAS, the City of Oak Ridge recognizes debt retirement and debt servicing as one of its highest municipal responsibilities, while the Board of Education recognizes that consistent and progressive education of our school children is a key responsibility and function, while both governing bodies wish to honor the voter approval for Oak Ridge High School bonds with no property tax increase; and

WHEREAS, City Council and the Board of Education desire to enter into this joint resolution setting forth the responsibilities and intentions with respect to existing debt, finances, and future capital expenditures for Oak Ridge Schools.

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

That the Oak Ridge City Council (City Council) and the Oak Ridge Board of Education (Board of Education) agree to use the revenues generated in the city limits of Oak Ridge by the 0.5% increase in the local option sales tax as approved by Oak Ridge voters on August 5, 2004, and modified by Anderson County votes on May 30, 2006, for the retirement of the debt issued for the 2006 Oak Ridge High School project.

BE IT FURTHER RESOLVED that City Council and the Board of Education agree said revenues will be dedicated solely for that purpose and will not and cannot be used except for the purposes set forth in Ordinance No. 13-04, as approved by Oak Ridge voters on August 5, 2004, specifically: "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, the sales tax proceeds collected as a result of this increase shall be distributed as prescribed by state law."

BE IT FURTHER RESOLVED that the City Council and the Board of Education concur and define each governing body's intent that sales tax proceeds collected in Anderson County at .25% and proportionately provided to each Anderson County educational institution shall be further defined by sales tax generated in the Oak Ridge city limits and the remainder of Anderson County, with that portion generated in Oak Ridge city limits being fully applied to payment of the Oak Ridge High School debt and the Anderson County portion being applied according to state law to Oak Ridge Schools.

BE IT FURTHER RESOLVED that the Anderson County Trustee is approved and directed to transfer the above said revenues from within the city limits of Oak Ridge directly to the City or its designated bond trustee for the specific purposes set forth above, and in accordance with the present bond schedule expiring in 2041 or as paid in full earlier than said schedule adopted at the time of this joint resolution.

BE IT FURTHER RESOLVED that the City Council and the Board of Education agree that the local option sales tax revenues generated outside the city limits of Oak Ridge shall be designated and reserved for and invested by the Board of Education at its discretion in accordance with City Charter and state law in Technology Enhancements, Capital Repairs/Equipment, Educational Innovation Projects/Grants Match and Debt Reduction. At such time as high school related debt is paid in full earlier than said schedule or no later than Calendar Year 2041, the terms of this agreement and resolution shall cease.

BE IT FURTHER RESOLVED that after the debt is paid in full, the sales tax proceeds will revert to direct payment in accordance with applicable state law.

BE IT FURTHER RESOLVED that the City Council will delineate the use of its local option sales tax revenues and any other sources in its annual audit and provide said financials/reports to the Board of Education on debt retirement status.

BE IT FURTHER RESOLVED that the City Council and the Board of Education shall establish their intent to develop an annual joint Capital Improvements Program (CIP) establishing a priority based system for needed replacement, rehabilitation, new services, technology enhancement, and public safety as decided upon between the Superintendent of Schools and the City Manager.

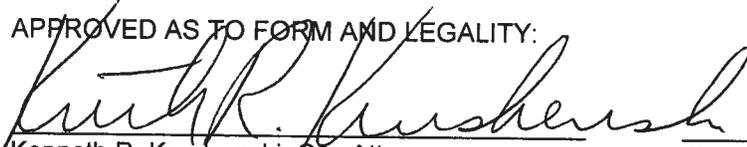
BE IT FURTHER RESOLVED that a joint City/Education Committee be established between both bodies that will cause overall review of City/School priorities, legislation, anticipation of future bonding needs, and coordination with necessary support entities such as the Oak Ridge Education Foundation or state agencies.

BE IT FURTHER RESOLVED that a certified copy of this joint resolution shall be delivered to the Anderson County Trustee upon execution by City Council and the Board of Education.

This the 3rd day of March 2014.

FOR THE CITY OF OAK RIDGE, TENNESSEE:

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

FOR THE OAK RIDGE SCHOOLS

Bruce Borchers, Superintendent

OAK RIDGE BOARD OF EDUCATION:

W. Keys Fillauer, Chairman

CITY COUNCIL MEMORANDUM 14-06
LEGAL DEPARTMENT MEMORANDUM 14-09

DATE: February 19, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
Kenneth R. Krushenski, City Attorney
SUBJECT: AGREEMENT (COR 08-01) WITH REDFLEX TRAFFIC SYSTEMS, INC.

Introduction

An item for the agenda is a resolution pertaining to the agreement with Redflex Traffic Systems, Inc., for automated red light and speed cameras.

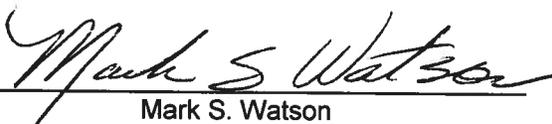
Background

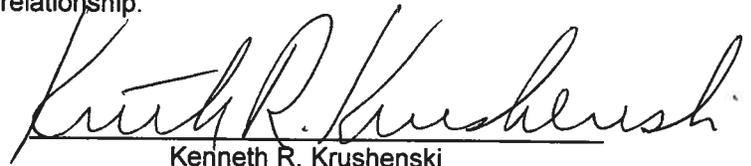
By Resolution 8-78-08, City Council approved an agreement with Redflex Traffic Systems, Inc., (Redflex) for automated red light and speed cameras (COR 08-01). This agreement provided for an initial five year term commencing on the date the first camera was constructed, installed, and ready for operation. The initial term ends April 21, 2014. Pursuant to the agreement, Redflex installed four automated cameras within Oak Ridge. Two of the cameras are red light only and two of the cameras are combined red light and speed. Three of the camera locations are placed in school zones.

City Council has asked for significant data to determine the effect of the cameras on the community and school safety. Information has been previously submitted to Council and current report data is also available on the City's website at <http://www.oakridgetn.gov/content.aspx?article=2230>. Financially, proceeds from the cameras have dropped since the program's inception. Funds from the cameras have been used for community safety improvements. Most recently, funds were approved by Council for use in pedestrian safety improvements at various Oak Ridge Turnpike locations, accessibility improvements to the parking lot at Jackson Square (Farmer's Market site), and pedestrian crosswalk safety improvements at Emory Valley Road near the Emory Valley Center, approved by Resolutions 8-80-2013 and 9-86-2013 respectively.

By the terms of the agreement, the City may extend the term for up to two (2) additional consecutive two-year terms. The City may exercise this option by providing written notice to Redflex not less than thirty (30) days prior to the expiration of the current term. Failure to take any action on the option to extend will result in the agreement expiring by its terms on April 21, 2014.

This item is scheduled for discussion at the February 24, 2014 work session. Two resolutions are provided for Council's consideration. One resolution exercises the renewal option set forth in the agreement. The other resolution ends the contractual relationship.


Mark S. Watson


Kenneth R. Krushenski

Attachment: Resolution to Exercise Extension
Resolution to Not Exercise Extension

RESOLUTION

A RESOLUTION EXTENDING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS FOR AN ADDITIONAL TWO-YEAR TERM ENDING APRIL 21, 2016.

WHEREAS, by Resolution 8-78-08, City Council approved an agreement with Redflex Traffic Systems, Inc., Scottsdale, Arizona, for automated red light and speed camera enforcement systems; and

WHEREAS, the agreement provides up to fifteen (15) enforcement systems over an initial five-year term (calculated once the first camera was installed and ready for operation), with the City's option to extend for two (2) additional consecutive two-year terms; and

WHEREAS, the initial five-year term is set to expire in April 21, 2014; and

WHEREAS, City Council desires to exercise the option to extend the agreement for an additional two-year term ending April 21, 2016.

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

That City Council hereby exercises the City's option to extend the agreement (COR 08-01) between the City of Oak Ridge, Tennessee, and Redflex Traffic Systems, Inc., for an additional two-year term ending April 21, 2016, all other terms and conditions of the agreement remaining the same.

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

This the 3rd day of March 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTION

A RESOLUTION TERMINATING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS ON APRIL 21, 2014.

WHEREAS, by Resolution 8-78-08, City Council approved an agreement with Redflex Traffic Systems, Inc., Scottsdale, Arizona, for automated red light and speed camera enforcement systems; and

WHEREAS, the agreement provides up to fifteen (15) enforcement systems over an initial five-year term (calculated once the first camera was installed and ready for operation), with the City's option to extend for two (2) additional consecutive two-year terms; and

WHEREAS, the initial five-year term is set to expire in April 21, 2014; and

WHEREAS, City Council desires to not exercise the option to extend the agreement and allow the agreement to terminate by its terms on April 21, 2014.

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

That City Council hereby elects to not exercise the City's option to extend the agreement (COR 08-01) between the City of Oak Ridge, Tennessee, and Redflex Traffic Systems, Inc., and, therefore, the agreement will terminate by its terms on April 21, 2014.

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

This the 3rd day of March 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
14-04

DATE: February 21, 2014
TO: Mark S. Watson, City Manager
FROM: Steven R. Byrd, P.E., City Engineer
THROUGH: Gary M. Cinder, P.E., Director of Public Works 
SUBJECT: Proposed Oak Ridge Turnpike(SR 95)/Oak Ridge High School Traffic Signal

Introduction

An item for City Council's consideration is a resolution approving the installation of a traffic signal at the Oak Ridge Turnpike (SR95)/Oak Ridge High School intersection subject to (1) the removal of the speed limit enforcement cameras or the school crossing guards at the intersection, and (2) the State's approval of the traffic signal design and execution of a Memorandum of Understanding between the Tennessee Department of Transportation and the City of Oak Ridge that assigns the perpetual maintenance responsibility to the City.

Funding

Oak Ridge City Council Resolution No. 4-30-11 authorized approval of expenditures from the Special Programs Fund for transportation enhancement projects for traffic capacity/safety, school crossing, and bicycle/pedestrian safety. The Special Programs Fund is proposed for funding the traffic signal.

Background

Over the years there have been pedestrian safety concerns at the High School/Turnpike access crossing. Several traffic controls measures have been implemented at the crossing to improve safety and includes flashing school speed limit signs, speed limit enforcement cameras and the presence of school crossing guards during the AM and PM school peak traffic hours.

Per the City Manager's request, in September 2012 the Traffic Safety Advisory Board (TSAB) reviewed the possibility of installing a traffic signal at the intersection. Staff presented to the Board the following facts for review:

- Intersection turning movement traffic count
- Pedestrian crossing count
- Traffic vehicle gap study
- 3-year vehicle crash history (No crashes reported)
- Summary of the nine traffic signal warrants used to justify a signal installation as referenced in the Manual on Uniform Traffic Control Devices (MUTCD).
- Existing traffic control measures

Based on a review of the signal warrants it was determined that only one of the nine warrants was met, the Signal Warrant for School Crossing. This Warrant requires that there be at least one adequate gap in traffic per minute for school students to cross the roadway during any one hour time period of the day. Based on a vehicle gap study during the period when school was dismissing students, there were only 2 adequate gaps observed. After a lengthy discussion of the facts, the Board passed a motion that the intersection remain as not signalized, given the condition that a crossing guard be present during peak periods of pedestrian activities. The Board felt that if the crossing guard condition cannot be satisfied, then the issue should be revisited because a traffic signal may be required to ensure the safety of students crossing Oak Ridge Turnpike.

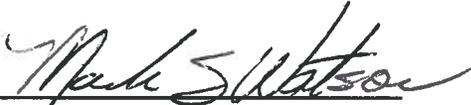
A traffic signal installation is estimated to cost from \$150,000 to \$200,000. The time-frame to design, bid, and submit to Council for contract approval, and to complete construction is estimated at nine months. The Tennessee Department of Transportation must approve the design and installation of any traffic signal on a State route, but staff does not anticipate any issues with the State on this matter.

Recommendation

If the speed limit enforcement cameras or the school crossing guards are removed at the intersection, it is staff's recommendation to install a traffic signal. Staff recommends approval of the accompanying resolution authorizing the installation of a traffic signal at the Oak Ridge Turnpike/Oak Ridge High School intersection subject to the State's approval and execution of a Memorandum of Understanding between the Tennessee Department of Transportation and the City of Oak Ridge that assigns the perpetual maintenance responsibility to the City.



Steven R. Byrd

<p>City Manager's Comments: I have reviewed the above issue and recommend Council action as outlined in this document.</p> <p> _____ Mark S. Watson</p> <p> _____ Date</p>

RESOLUTION

A RESOLUTION TO AUTHORIZE THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF THE OAK RIDGE TURNPIKE AND THE OAK RIDGE HIGH SCHOOL SUBJECT TO APPROVAL OF THE TRAFFIC SIGNAL DESIGN BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT), AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND TDOT TO ASSIGN PERPETUAL MAINTENANCE RESPONSIBILITY OF SAID TRAFFIC SIGNAL TO THE CITY.

WHEREAS, in the event of removal of the Oak Ridge Turnpike speed limit enforcement cameras or school crossing guards, the City desires to install a traffic signal at the intersection of the Oak Ridge Turnpike and the Oak Ridge High School to improve safety, which traffic signal is subject to design approval by the Tennessee Department of Transportation; and

WHEREAS, by Resolution 4-30-11, City Council authorized the use of the Special Programs Fund for transportation enhancement projects for traffic capacity/safety improvements, school crossing, and bicycle/pedestrian safety improvements; and

WHEREAS, City Staff is ready to proceed with the design and installation of a traffic signal at this location, with an estimated cost from \$150,000.00 to \$200,000.00 to be paid from the Special Programs Fund; and

WHEREAS, the City Manager recommends authorization from City Council to install a traffic signal at this location and to enter into a Memorandum of Understanding with the Tennessee Department of Transportation to assign perpetual maintenance responsibility of said traffic signal to the City.

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

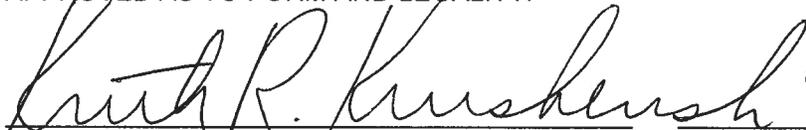
That the recommendation of the City Manager is approved and, in the event of removal of the Oak Ridge Turnpike speed limit enforcement cameras or school crossing guards, City Council hereby authorizes the installation of a traffic signal at the intersection of the Oak Ridge Turnpike and the Oak Ridge High School subject to the Tennessee Department of Transportation's (TDOT) approval of the traffic signal design, and approval of a Memorandum of Understanding between the City and TDOT to assign perpetual maintenance responsibility of the traffic signal to the City.

BE IT FURTHER RESOLVED that City Council hereby authorizes the use of the Special Programs Fund for said traffic signal, which is estimated to cost from \$150,000.00 to \$200,000.00.

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

This the 3rd day of March 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
14-03

DATE: February 13, 2014
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: REPLACEMENT MOTORS – EAST PLANT PUMP STATION

Introduction

An item for City Council's consideration is a resolution approving the expenditure of funds for two (2) replacement motors for the East Plant Pump Station, to Guthrie Sales & Services, Inc., Brentwood, TN, in the estimated amount of \$154,620.

Funding

The funding for the motors will not be required until August 2014 upon delivery of the motors. Funds were budgeted in the FY 2014 Waterworks Budget and will remain available for this purchase in FY 2015.

Consideration

The East Plant pump station, a primary station of the sewer system, is over thirty years old with the motors being original equipment and a major component of the pumping station. The East Plant station pumps raw sewage from the eastern part of town to the Turtle Park Wastewater Treatment Plant in the west end of town. The East Plant pump station motors each have a drive shaft system with multiple bearings which have been repaired numerous times. Both sets of pumps and shafts are well past their life expectancy. The replacement motors are a submersible type motor, without a drive shaft system. Similar motors have been installed in other City pump stations and have proven to be more reliable and easier to maintain.

Replacement of the motors has been planned to coincide with additional work and upgrades necessary for the installation of the East Plant equalization basin located on the same site. The replacement motors is the first project for the planned pump station upgrade. City crews will remove the old motors and install the new motors.

Recommendation

Staff recommends approval of the accompanying resolution for this purchase. Sealed bids were solicited with Guthrie Sales & Service, Inc. submitting the only bid.



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

Feb 22, 2014

Date

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

RFQ #137599

OPENING DATE: February 11, 2014 2:00 P.M.

FOR --- Two Immersible Motors			BIDDER: Guthrie Sales & Service, Inc. 7003 Chadwick Dr. Suite 300 Brentwood, TN 37027		BIDDER:		BIDDER:		BIDDER:		
DESCRIPTION	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
WASTEWATER PUMPING EQUIPMENT FOR TWO IMMERSIBLE MOTORS PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	2	\$ 77,310.00	\$ 154,620.00							
TOTAL PRICE				\$ 154,620.00		\$ -		\$ -		\$ -	
TERMS				Net 30 day							
DELIVERY				8/11/2014							
F.O.B.				Freight Allowed							
VIA				Best Way							
OTHER BIDDERS CONTACTED:							BIDS OPENED AND RECORDED BY—				
							 Lyn Majeski Accounting Division Manager				
REASON FOR AWARD ONLY BID RECEIVED <input checked="" type="checkbox"/> X LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input type="checkbox"/>				RECOMMEND AWARD BE MADE TO: Guthrie Sales & Service, Inc. 7003 Chadwick Dr. Suite 300 Brentwood, TN 37027			BIDS REVIEWED BY—  Janice McGinnis Finance Director				

NUMBER _____

RESOLUTION

A RESOLUTION AWARDING A BID IN THE ESTIMATED AMOUNT OF \$154,620.00 TO GUTHRIE SALES & SERVICES, INC., BRENTWOOD, TENNESSEE, FOR THE FURNISHING OF TWO REPLACEMENT MOTORS FOR THE EAST PLANT PUMP STATION.

WHEREAS, the City issued invitations to bid for the purchase of two replacement motors for the East Plant Pump Station; and

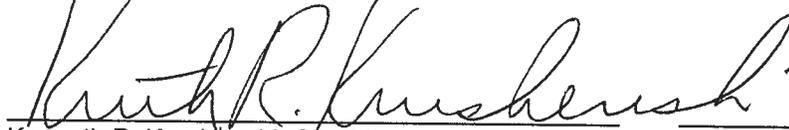
WHEREAS, bids were received and publicly opened on February 11, 2014, with Guthrie Sales & Services, Inc., Brentwood, Tennessee, submitting the sole bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to Guthrie Sales & Services, Inc., 7003 Chadwick Drive, Suite 300, Brentwood, Tennessee 37027, for the purchase of two replacement motors for the East Plant Pump Station; said award in strict accordance with Requisition No. 137599, the required specifications, and the bid as publicly opened on February 11, 2014, and in the estimated amount of \$154,620.00.

This the 3rd day of March 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM

14-03

DATE: February 14, 2014
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: **AWARD OF LABOR AND EQUIPMENT CONTRACT**

Introduction

An item for City Council's consideration is a resolution awarding a three year contract to provide labor and equipment to Davis H. Elliot Construction Company, Inc., Lexington, Kentucky in the amount of \$3,357,782.00.

Funding

Funding for this contract is through the Electric Fund. Contract labor funding is provided through the projects to which the crews are assigned, which have normally been presented in the CIP and then included as a budget item.

Consideration

For many years, the City has maintained a contract with various qualified companies for the provision of labor and equipment. The forces are used on an "as needed" basis by the Electric Department to supplement the City's electric crews. This is a nearly universal practice in the Industry, where labor demands shift, rise and fall and is considered a desirable alternative to increasing staffing levels to handle all anticipated work.

The contract forces are used in three primary ways: for special or time sensitive projects, to supplement City crews, and for emergency response (storm work or outages due to failure of the system).

Certain projects that outstrip the resources of the Department are not appropriate for project-by-project contracting. This is normally because the work is ill defined, making bidding difficult, or because the work needs to be completed in a stop and go fashion- preventing the contractor from mobilizing and completing the work or frequently because completion of the work is urgent. The Department contracts for the provision of contract crews to accomplish this type of work on a work order by work order basis without direct supervision by City employees.

As an example, for the past several years, a contract crew has been dedicated to the Electric Departments Underground Cable Replacement Program. Other crews have been used for replacement of electrical insulators on the 69kV system, re-conductoring of line sections, and intensive system maintenance such as pole change outs. Looking into the future, work of this nature will include the continuation of the Underground Cable Replacement Program, installation and make-ready work related to the fiber optic cable system and system upgrades or maintenance. The Department will also likely use contract crews to aid us in meeting the needs of the developers- installing transformers, installing cable and the like. The contract crews will not be used for these projects unless sufficient City crews are not available to meet the schedule requirements of the work or specialized equipment is required. For example, installation of fiber optic cable requires special pulleys and attachment devices.

Contractors and their equipment are also used as a direct supplement to City electric crews, with contract employees working under the direct supervision of a City supervisor. Need for this service is triggered by unexpected work load, turnover in the Department, injury or equipment breakdowns. Depending on the

circumstances, the Department has employed one or two, and on rare occasions, three contracted line workers to fill critical vacancies in crews. These employees have allowed the crews to function in an environment where without them; enough trained personnel would not be available. Various pieces of equipment are rented from the contractor because the equipment is very specialized and the needs of the Department do not justify the investment (for example, transmission rated bucket trucks) or occasionally because of equipment breakdown during critical work periods.

The third use of contract employees is to increase the emergency response capabilities of the Department. Over the last several years, contract crews have been called in from around the area for severe thunderstorms, ice storms and snow storms. The contractor can normally respond with one or two crews within a matter of hours, and can frequently field additional crews over the course of twenty four to forty eight hours. These crews have formed a critical element in our ability to respond to these emergencies in a timely fashion.

The demand for contract crews is difficult to estimate. The contract is a unit price contract, so only those services needed and approved will be used. Historically, in the three years between November of 2010 and October of 2013, cost totaled \$2,407,860 - an average of \$66,885 per month. This compares to the estimate of expense we provided at \$81,000 per month. This figure included employees engaged in the Underground Cable Replacement Program, requiring a constant contractor presence on the system.

As the demands of the Department change, the Department will adjust the number and type of crews on hand- either upward or downward- to meet those demands. The contract contains provision for two renewals at the end of its term. Given that the current rates are similar to the bid rates of the existing contractor, we estimate that the funding approved will outlast the initial contract term of three years.

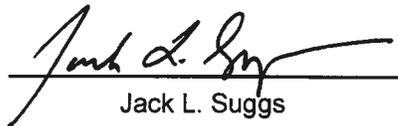
This project was widely advertised and we received inquiries from around the country. There were three bids received, plus one "no-bid." The award is recommended to the lowest of the bidders. There was one issue with the low bid, where a price was requested for an Apprentice Lineman in their 8th six months of training. The low bidder did not have such employees, and bid \$0.01 per hour to indicate this. Several tests were conducted to insure that this did not affect low bidder, including substituting zero dollars for this item in the other bids and full lineman cost in this bid for that item. Davis H. Elliot remained low bid in all of the test scenarios.

Concerning the contractor, a review of their company shows much better than average safety ratings, good experience and depth, and a solid company reputation. We believe they will be able to meet our needs.

In conclusion, we believe that the bid represents an excellent value for the City, both in cost and in the quality of the contractor.

Recommendation

Staff has reviewed the bids received and recommends approval of the attached resolution making an award to Davis H. Elliot in the amount of \$3,357,782.00 for the three year period.



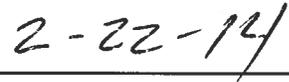
Jack L. Suggs

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**

OPENING DATE: February 14, 2014 10:00 A.M.

FOR --- FY2014-103 Electric Power Line Construction and Maintenance Project			BIDDER: Davis H. Elliot Company, Inc. 673 Blue Sky Parkway Lexington, KY 40509		BIDDER: Advanced Power and Lighting 4575 Pinnacle Lane Chattanooga, TN 37415		BIDDER: Service Electric Company, Inc. 1020 US Hwy 11E New Market, TN 37820		BIDDER:		
DESCRIPTION	ITEM	QUANTITY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
THE FURNISHING OF ALL LABOR, TOOLS, MATERIALS, EQUIPMENT AND SUPPLIES NECESSARY TO PERFORM ALL WORK AND SERVICES NECESSARY FOR THE CONSTRUCTION AND MAINTENANCE OF THE UNDERGROUND AND OVERHEAD ELECTRIC POWER DISTRIBUTION SYSTEM PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE ELECTRIC DEPARTMENT				\$ 3,357,782.00		\$ 3,514,215.00		\$ 4,039,984.00			
TOTAL PRICE				\$ 3,357,782.00		\$ 3,514,215.00		\$ 4,039,984.00		\$ -	
TERMS				Net 30		Net 30		Net 30			
DELIVERY				Per Contract		Per Contract		Per Contract			
F.O.B.				Oak Ridge		Oak Ridge		Oak Ridge			
VIA				Vendor		Vendor		Vendor			
OTHER BIDDERS CONTACTED: Pike Electric, LLC - Mount Airy, NC Irby Construction Company - Richland, MS Atchley Bros. - Ashton, ID Henkels and McCoy - Chattanooga, TN Spark Energy Inc. - Decatur, AL M&M Electrical Contractor, Inc. - Springfield, TN							BIDS OPENED AND RECORDED BY-- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager				
REASON FOR AWARD				RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY--			
ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>				Davis H. Elliot Company, Inc. 673 Blue Sky Parkway Lexington, KY 40509				<i>Janice McGinnis</i> Janice McGinnis Finance Director			

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2014-103) TO DAVIS H. ELLIOT COMPANY, INC., LEXINGTON, KENTUCKY, TO PROVIDE AS NEEDED LABOR AND EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE OF UNDERGROUND AND OVERHEAD ELECTRIC POWER LINES IN THE ESTIMATED AMOUNT OF \$3,357,782.00.

WHEREAS, the City issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary to provide as needed labor and equipment for construction and maintenance of the underground and overhead electric power distribution system; and

WHEREAS, bids were received and publicly opened on February 14, 2014, with Davis H. Elliot Company, Inc., Lexington, Kentucky, 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:

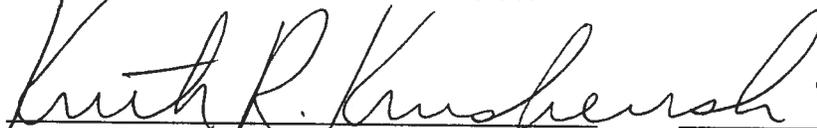
That the recommendation of the City Manager is approved and award is hereby made to Davis H. Elliot Company, Inc., 673 Blue Sky Parkway, Lexington, Kentucky 40509, for the furnishing of all labor, tools, materials, equipment and supplies necessary to provide as needed labor and equipment for construction and maintenance of the underground and overhead electric power distribution system; said award in strict accordance with FY2014-103, the required specifications, and the bid as publicly opened on February 14, 2014, and in the estimated amount of \$3,357,782.00.

BE IT FURTHER RESOLVED that the contract is for a term of three years or until the funding is expended, whichever occurs earlier, with the City having the option to renew for two additional terms and upon each renewal, if exercised, the contract amount will be adjusted based on the Consumer Price Index.

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

This the 3rd day of March 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

LEGAL DEPARTMENT MEMORANDUM 14-10

DATE: February 20, 2014
TO: Mark S. Watson, City Manager
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: ADMINISTRATIVE HEARING OFFICER – AGREEMENT

Introduction

An item for the agenda is a resolution approving an agreement for the Administrative Hearing Officer.

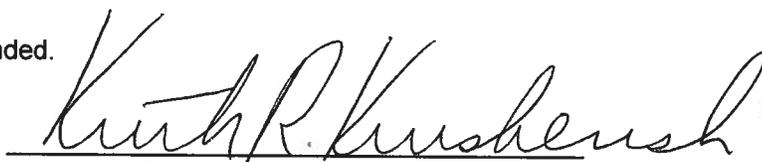
Background

City Council has approved on first reading an ordinance to create an Administrative Hearing Officer position in accordance with the *Not in Our City* conceptual plan and State law. Final adoption of this ordinance is scheduled for consideration at the March 3, 2014 meeting. As indicated in Legal Department Memorandum 14-05, a resolution is required to establish an agreement for the Administrative Hearing Officer.

Attached for Council's consideration is a proposed agreement and resolution approving said agreement. The compensation level was intentionally left blank and a compensation amount will be recommended by the City Manager after the appointment of the Administrative Hearing Officer based upon the successful applicant's qualifications and experience.

Recommendation

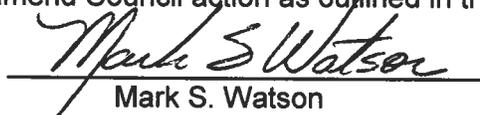
Approval of the attached resolution is recommended.


Kenneth R. Krushenski

Attachment: Resolution
Agreement

City Manager's Comments:

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


Mark S. Watson

2-22-14
Date

RESOLUTION

A RESOLUTION APPROVING AN ADMINISTRATIVE HEARING OFFICER AGREEMENT.

WHEREAS, on March 3, 2014, City Council will consider final adoption of an ordinance to create an Administrative Hearing Officer position in accordance with the *Not in Our City* conceptual plan and applicable State law; and

WHEREAS, the Administrative Hearing Officer position will be an appointed position by City Council for a four year term in accordance with applicable State law; and

WHEREAS, prior to advertisement of this position, the City desires to establish an agreement format with the compensation level to be determined based upon the successful applicant's qualifications and experience.

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

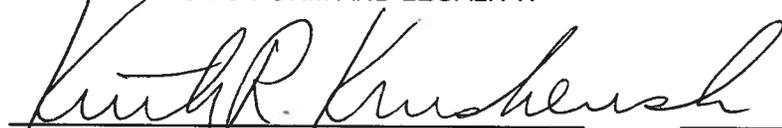
That the attached Administrative Hearing Officer Agreement is hereby approved for use for the appointed Administrative Hearing Officer, with the compensation level to be determined based upon the successful applicant's qualifications and experience.

BE IT FURTHER RESOLVED that this resolution is contingent upon the associated ordinance creating the position of Administrative Hearing Officer being approved by City Council.

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

This the 3rd of March 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**ADMINISTRATIVE HEARING OFFICER
AGREEMENT**

This Agreement is entered into as of the _____ day of _____, 2014, by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the City, and _____ (insert name and address) _____ hereinafter referred to as the Administrative Hearing Officer .

WHEREAS, the City Council has passed Ordinance _____ creating the position of Administrative Hearing Officer pursuant to State law as set out in Tennessee Code Annotated §6-54-1001 et seq., which is codified in the City Code in Title 3, Chapter 6 (City Code §6-101--§6-104); and

WHEREAS, City Code §6-101 authorizes City Council to appoint someone who is qualified under State law to fill the position of Administrative Hearing Officer, and;

WHEREAS, City Council has appointed _____ to fill this position.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

1. ENGAGEMENT OF THE ADMINISTRATIVE HEARING OFFICER

The City Council hereby appoints _____ as Administrative Hearing Officer to perform the services set forth in City Code §6-101 et seq. and Tennessee Code Annotated §6-54-1001 et seq. and the Administrative Hearing Officer hereby accepts such appointment.

2. SCOPE OF SERVICES

- A. Generally. The Administrative Hearing Officer shall hear all cases referred to his/her jurisdiction under Tennessee Code Annotated §6-54-1002 by the City of Oak Ridge and shall comply with all provisions, requirements, and procedures for administrative hearing officers as set forth in Tennessee Code Annotated §6-54-1001 et seq. and City Code §6-101 et seq.
- B. Training. The Administrative Hearing Officer shall comply with the training requirements set forth in Tennessee Code Annotated §6-54-1007.
- C. Record Keeping. The Administrative Hearing Officer agrees to keep detailed records of cases and hearings conducted on behalf of the City and every six (6) months shall issue a written report to the City Manager and City Council on the status of cases on the Administrative Hearing Officer's docket.
- D. Outside Business Activities. The Administrative Hearing Officer is not prohibited from pursuing or engaging in any other business activities provided such activities do not create a conflict of interest or interfere with the Administrative Hearing Officer's ability to perform the services required under this Agreement.

3. TERM

This Agreement shall commence on _____ and terminate on _____ unless terminated earlier by City Council pursuant to of the terms of this Agreement.

4. COMPENSATION

For the services provided under this Agreement, the City shall pay the Administrative Hearing Officer the sum of \$ _____ per month in full compensation for the Administrative Hearing

Officer's's services. The compensation of the Administrative Hearing Officer may be adjusted on a yearly basis by City Council based on recommendation of the City Manager and budgeting constraints.

5. ASSISTANCE FROM THE CITY

To assist the Administrative Hearing Officer in performing the duties of his/her office, the City's Community Development Department staff members shall maintain the docket and the case files of the Administrative Hearing Officer.

6. TERMINATION

The Administrative Hearing Officer serves at the pleasure of City Council and, therefore, City Council may terminate this Agreement pursuant to City Code §6-101 et seq. and Tennessee Code Annotated §6-54-1001 et seq. without penalty.

7. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement among the parties with respect to the transactions contemplated by this Agreement, and it supersedes all prior oral or written agreements, commitments or understandings with respect to the matters provided for in this Agreement. No amendment, modification or discharge of this Agreement shall be valid or binding unless set forth in writing and duly executed by the party against whom enforcement of the amendment, modification or discharge is sought.

8. INDEPENDENT CONTRACTORS

The parties acknowledge that the relationship created under this Agreement is that of independent contracting parties and this Agreement does not create a general agency, joint venture, partnership, employment relationship or franchise between the parties. Neither party shall represent itself to be an agent of the other, nor shall it execute any documents or make any commitments to any contractual or other obligations with third parties.

The City will not withhold Federal Income taxes, nor withhold or pay Social Security taxes, nor provide unemployment insurance benefits as a result of this arrangement. The Administrative Hearing Officer agrees to pay his/her own Federal Income Tax and Social Security Tax resulting from compensation received under this Agreement and further agrees to indemnify and hold the City harmless for any failure on his/her part to do so. No benefits (ex. annual leave, workers' compensation, etc.) are to be provided in conjunction with this Agreement.

9. ANTI-DISCRIMINATION

In performing the services of this Agreement, the Administrative Hearing Officer shall not discriminate against any person on the basis of race, color, creed, national origin, religion, sex, sexual orientation, disability or other legally protected status.

10. GOVERNING LAW

This Agreement, the rights and obligations of the parties, and any claims or disputes relating thereto shall be governed and construed in accordance with the laws of the State of Tennessee.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on their behalf, as of the day and year first written above.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE


City Attorney

Mayor

ADMINISTRATIVE HEARING OFFICER

By: _____

Printed Name

Tax ID Number/Social Security #

Approved by Resolution _____

**PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES**

CITY COUNCIL MEMORANDUM
14-07

DATE: February 20, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CHANGE DUE DATE AND DELINQUENCY DATE FOR CITY TAXES

Introduction

An item for the agenda is an ordinance to change the due date and delinquency date for city taxes.

Background

By City Code §6-101, City taxes are due on June 1st each year and become delinquent after July 31st each year. Changing the due date and delinquency date by one month will provide benefits to the City and the taxpayers. Benefits include, but are not limited to, the following:

- The City will have more accurate information regarding the Oak Ridge Schools when preparing the annual budget. By extending the due date by one month, the City will take the appropriations ordinance to Council in June instead of May each year which will work better with the Schools current budget timeline.
- The taxpayers will be less inconvenienced. By extending the due date by one month, tax notices will not be sent until after June which is the timeframe for both Anderson and Roane counties' property tax assessment appeals. This will allow the City to have current property tax information from the counties prior to issuance of tax notices for taxpayers who received a reassessment of their property values due to an appeal to the equalization board.
- The City will have more accurate (an additional month of) sales tax collection data for preparation of the budget.

For the foregoing reasons, it is recommended that the tax due date be moved from June 1st to July 1st and moving the delinquency date from July 31st to August 31st.

As mentioned earlier, if the tax due date is changed the City will bring the appropriations ordinance to Council in June instead of May. If Council approves the attached ordinance, the current schedule for City Council meetings will be modified for presentation and adoption of the budget. Currently, the meeting dates for budget adoption are as follows: May 5 for formal budget presentation, May 12 for public hearing and first reading, and May 27 for second reading and adoption of the budget. Per Resolution 12-133-2013, the City Manager may alter the date of a regular meeting with fourteen (14) days advance notice of the proposed change to City Council and coordination with the audio/visual crew.

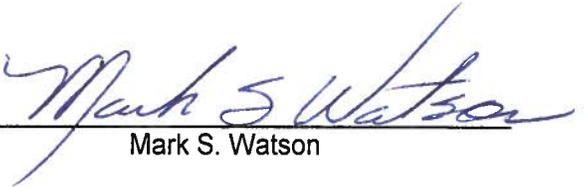
If the attached ordinance is approved, please consider this memorandum to be the required advance notice of a proposed change to the regular meeting dates as follows:

- May 5 – This regular meeting will be rescheduled to June 2 for formal presentation of the budget. Other items may also be scheduled for this meeting.
- May 12 – This meeting will remain a regular meeting of Council, however, it will not pertain to the budget.

- May 27 – This meeting will be rescheduled to June 16 for second reading and final adoption of the budget. No other items are anticipated to be scheduled for this meeting.
- June 9 – This meeting will remain a regular meeting of Council but will be focused on first reading of the budget.

Recommendation

Approval of the attached ordinance is recommended.


Mark S. Watson

Attachment: Proposed Ordinance

TITLE

AN ORDINANCE TO AMEND TITLE 5, TITLED "MUNICIPAL FINANCE AND TAXATION," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 5-102, TITLED "WHEN DUE, DELINQUENT," AND SUBSTITUTING THEREFOR A NEW SECTION 5-102, WITH THE SAME TITLE, TO CHANGE THE DUE DATE AND DELINQUENT DATE FOR TAXES.

WHEREAS, by City Code §5-102, taxes are due on June 1 each year and become delinquent after July 31 of each year; and

WHEREAS, the City desires to change the due date and delinquency date by one month; and

WHEREAS, said change will provide benefits to the City and the taxpayers including but not limited to allowing the City to have more accurate information during preparation of the annual budget and providing less inconvenience for taxpayers who appeal their assessments to the county.

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

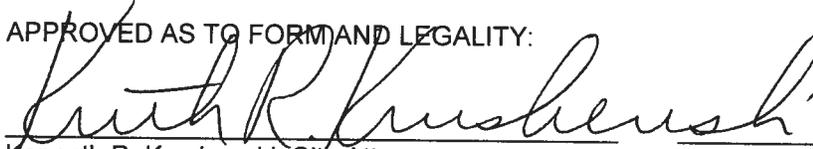
Section 1. Title 5, titled "Municipal Finance and Taxation," Chapter 1, titled "Miscellaneous, of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended deleting Section 5-102, titled "When due, delinquent," and substituting therefor a new Section 5-102, titled "When due, delinquent," which new section shall read as follows:

Sec. 6-101. When due, delinquent.

The taxes levied and assessed under §5-101 of this chapter shall become due and payable on the first day of July of each year for the then-current calendar year and shall become delinquent after the thirty-first day of August of each year.

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: _____

**FINAL ADOPTION
OF
ORDINANCES**

LEGAL DEPARTMENT MEMORANDUM
14-05

DATE: January 31, 2014
TO: Mark S. Watson, City Manager
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: CREATION OF THE ADMINISTRATIVE HEARING OFFICER

Introduction

An item for the agenda is an ordinance to create an Administrative Hearing Officer position in accordance with the *Not in Our City* conceptual plan approved by Resolution 11-109-11 and Tennessee Code Annotated §6-54-1001 et seq.

Background

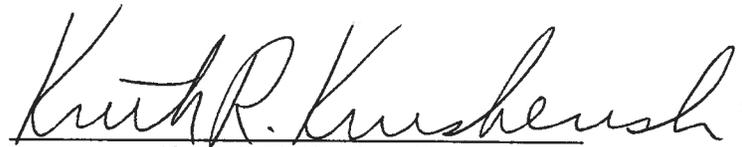
By Resolution 11-109-11, City Council approved the *Not in Our City* conceptual plan to address drugs and crime, improve housing, and make Oak Ridge a better place to live and invest. One of the initiatives of the *Not in Our City* conceptual plan approved by this resolution is the creation of an Administrative Hearing Officer position to hear building and property maintenance code violations.

Tennessee Code Annotated §6-54-1001 et seq. authorizes municipalities to create, by ordinance, the office of administrative hearing officer to hear certain building and property maintenance code violations. The enabling legislation requires the authorizing ordinance to contain two provisions at a minimum: specific reference to the municipal code sections subject to administrative jurisdiction and the number of administrative hearing officer positions created. At this time, it is recommended that one (1) administrative hearing officer be created and that the administrative hearing officer have authority to hear all code violations authorized by Tennessee Code Annotated §6-54-1001 et seq. Please see the attached proposed ordinance for a specific list of code provisions.

By State law, the administrative hearing officer position is appointed by City Council for a four (4) year term and serves at the pleasure of City Council. If the ordinance is approved on second reading, a resolution will be presented to City Council to establish the compensation of the Administrative Hearing Officer. After passage of the ordinance and resolution, City Council would then consider applicants for the position that meet the qualification requirements set forth in State law. Those qualification requirements are that the person be a licensed building inspector, plumbing inspector, electrical inspector, attorney, architect, or engineer. Additionally, the person would have to meet training requirements established by State law within six months of appointment as the Administrative Hearing Officer and maintain continuing education every calendar year.

Recommendation

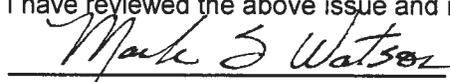
Approval of the attached ordinance is recommended.


Kenneth R. Krushenski

Attachment: Proposed Ordinance

City Manager's Comments:

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


Mark S. Watson

2-3-14
Date

TITLE

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," TO CREATE AN ADMINISTRATIVE HEARING OFFICER POSITION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §6-54-1001 ET SEQ.

WHEREAS, by Resolution 11-109-11, City Council approved the *Not in Our City* conceptual plan which included an initiatives to establish an administrative hearing officer position to hear building and property maintenance code violations; and

WHEREAS, Tennessee Code Annotated §6-54-1001 et seq. authorizes municipalities to create, by ordinance, the office of administrative hearing officer to hear certain building and property maintenance code violations; and

WHEREAS, in order to promote and protect the health, safety, and welfare of the residents of Oak Ridge, the City of Oak Ridge deems it necessary to create one administrative hearing officer position.

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

Section 1. Title 3, titled "Municipal Court," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Chapter 6, titled "Administrative Hearing Officer," which new chapter shall read as follows:

CHAPTER 6

ADMINISTRATIVE HEARING OFFICER

Sec. 6-101. Administrative Hearing Officer.

- (1) In accordance with Tennessee Code Annotated §6-54-1001 et seq., there is hereby created the office of Administrative Hearing Officer to hear violations of any of the provisions codified in the City Code relating to building and property maintenance, including:
 - (a) Locally adopted building codes – City Code Title 12, Chapters 1 and 2
 - (b) Locally adopted residential codes – City Code Title 12, Chapter 11
 - (c) Locally adopted plumbing codes – City Code Title 12, Chapter 7
 - (d) Locally adopted electrical codes – City Code Title 12, Chapter 4
 - (e) Locally adopted mechanical codes – City Code Title 12, Chapter 13
 - (d) Locally adopted energy codes – City Code Title 12, Chapter 12
 - (e) Locally adopted property maintenance codes – City Code Title 13, Chapter 2
 - (f) Ordinances regulating any subject matter commonly found in the codes mentioned above.

The Administrative Hearing Officer is not authorized to hear violations of codes adopted by the state fire marshal pursuant to Tennessee Code Annotated §68-120-101(a) enforced by a deputy building inspector pursuant to Tennessee Code Annotated §68-120-101(f).

- (2) There is hereby created one (1) Administrative Hearing Officer to be appointed by City Council for a four (4) year term pursuant to Tennessee Code Annotated §6-54-1006 and serve at the pleasure of City Council.
- (3) The Administrative Hearing Officer shall be one of the following:
 - (a) Licensed building inspector;
 - (b) Licensed plumbing inspector;
 - (c) Licensed electrical inspector;
 - (d) Licensed attorney;
 - (e) Licensed architect; or
 - (f) Licensed engineer.
- (4) The Administrative Hearing Officer shall comply with the training and education requirements set forth in Tennessee Code Annotated §6-54-1007
- (5) The amount of compensation for the Administrative Hearing Officer shall be approved by City Council.
- (6) Clerical and administrative support for the Administrative Hearing Officer shall be provided as determined by the City Manager.
- (7) The Administrative Hearing Officer shall perform all of the duties and abide by all of the requirements provided in Tennessee Code Annotated §6-54-1001 et seq.

Sec. 6-102. Jurisdiction and Procedure before the Administrative Hearing Officer.

The Administrative Hearing Officer's jurisdiction shall be as set forth in Tennessee Code Annotated §6-54-1002, and all matters before the Administrative Hearing Officer shall be conducted in accordance with the provisions of Tennessee Code Annotated §6-54-1001 et seq., which provisions are adopted and incorporated herein by reference.

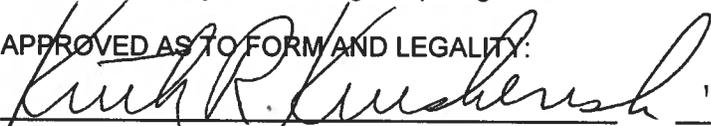
Sec. 6-103. Judicial Review of Final Order.

A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated §6-54-1017, which shall be the only available method of judicial review.

Sec. 6-104. Interlocal Agreements.

As authorized by Tennessee Code Annotated §6-51-1001, the City is hereby authorized to enter into interlocal agreements with one or more municipalities to employ an administrative hearing officer.

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: _____

CITY MANAGER'S REPORT

CITY COUNCIL MEMORANDUM
14-04

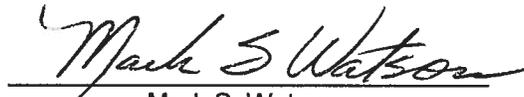
DATE: February 19, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CITY MANAGER'S REPORT

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 12, 2014. The award 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 serve as the official Grantee. City staff has worked with the East Tennessee FARM since 2006 to help 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