

OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

August 12, 2013—7:00 p.m.

AGENDA

I. INVOCATION

Pastor Robert May, Oak Ridge Family Bible Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

VI. SPECIAL REPORTS

City Attorney Evaluation Committee Chair Anne Garcia Garland

Adoption of a resolution to amend the City Attorney's Employment Agreement to provide for an equivalent one percent (1%) salary increase retroactive to March 3, 2013.

VII. CONSENT AGENDA

- a. Approval of the July 8, 2013 City Council meeting minutes.
- b. Adoption of a Proclamation paying tribute to Dr. Liane B. Russell in celebration of her 90th birthday.
- c. Adoption of a resolution authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Michael Marion Marsh, Elks Lodge No. 1684.
- d. Adoption of a resolution granting a renewal permit to Scott E. Garriott to engage in the retail sale of alcoholic beverages for one year; waiving the residency requirement for the nonresident applicant; and authorizing the Mayor to sign said permit on behalf of the City.
- e. Adoption of a resolution authorizing the Mayor to sign and issue on behalf of the City of Oak Ridge a Certificate of Compliance for Scott E. Garriott to engage in the retail sale of alcoholic beverages at Oak Ridge Package Store, 971 Oak Ridge Turnpike.
- f. Adoption of a resolution approving a termination of Lease Agreement with Learning Ally (formerly Recording for the Blind and Dyslexic) to terminate the existing Lease Agreement with the City of Oak Ridge for 205 Badger Road.
- g. Adoption of a resolution opposing a reduction or elimination of the tax exemption on municipal bond interest, urging the Tennessee Congressional Delegation to strongly oppose a reduction or elimination of the tax exemption on municipal bond interest, and urging the Tennessee Delegation to the United States House of Representatives, particularly Congressman Chuck Fleischmann, to support House Resolution 112 celebrating the history of municipal bonds.

VIII. RESOLUTIONS

- a. A RESOLUTION AWARDED A CONTRACT (COR 13-06) TO HURST EXCAVATING, LLC, KNOXVILLE, TENNESSEE, FOR THE REHABILITATION OF PORTIONS OF THE WASTEWATER COLLECTION AND TRANSPORTATION SYSTEM AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER, SAID CONTRACT IN THE ESTIMATED AMOUNT OF \$3,334,437.50.
- b. A RESOLUTION AUTHORIZING A DEMAND-RESPONSIVE TRANSIT SYSTEM MANAGEMENT CONTRACT BETWEEN THE CITY AND THE EAST TENNESSEE HUMAN RESOURCE AGENCY, INC., EFFECTIVE NOVEMBER 1, 2013, CONTINGENT UPON THE CITY'S RECEIPT OF GRANT FUNDING FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR PARTIAL FUNDING OF THE CITY'S OPERATING EXPENSES FOR THE TRANSIT PROGRAM, AND TO INCREASE THE GENERAL PUBLIC ONE-WAY FARE FROM \$1.50 TO \$2.00 EFFECTIVE WITH THE NEW CONTRACT.
- c. A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN THE U.S. DEPARTMENT OF ENERGY, ELECTRIC POWER RESEARCH AGENCY, AND TENNESSEE VALLEY AUTHORITY JOINT PROGRAM WHICH WILL RESULT IN THE ACQUISITION OF A PLUG-IN HYBRID BUCKET AND CHARGING STATIONS UTILIZING THE CITY'S BIDDING REQUIREMENTS AND WAIVING COMPETITIVE BIDDING FOR THE ACQUISITION OF A HYBRID PICKUP TRUCK THROUGH VIA MOTORS.
- d. A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BILL NOLAN AND ASSOCIATES, OAK RIDGE, TENNESSEE, FOR THE PROVISION OF CONSULTING SERVICES IN THE AREA OF RELATIONS WITH THE TENNESSEE GENERAL ASSEMBLY AND THE EXECUTIVE BRANCH OF THE STATE OF TENNESSEE FOR AGREED UPON PRIORITIES FOR THE CITY IN THE AMOUNT OF \$30,000.00 WITH AN ALLOWANCE OF \$5,000.00 FOR EXPENSES.
- e. A RESOLUTION TO APPROVE AN AGREEMENT WITH RAY EVANS FOR ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2014 IN THE AMOUNT OF \$42,000.00.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading of an Ordinance

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE XIV, TITLED "SIGN REGULATIONS," TO ADD A NEW SECTION 14.21, TITLED "MOVING COPY (ELECTRONIC MESSAGE CENTER) SIGNS," FOR THE PURPOSE OF ESTABLISHING CRITERIA FOR OPERATION OF MOVING COPY (ELECTRONIC MESSAGE CENTER) SIGNS.

First Reading of Ordinances

- b. AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE,

TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "OAK RIDGE LAND BANK CORPORATION," TO CREATE A LAND BANK CORPORATION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §13-30-101 ET SEQ.

- c. AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," CHAPTER 5, TITLED "RESIDENTIAL RENTAL DWELLING UNIT INSPECTIONS," BY DELETING SUBSECTION 13-503(3), TITLED "DIRECTOR," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 13-503(3), TITLED "CITY MANAGER"; BY DELETING SUBSECTION 13-504(2)(A), TITLED "HIGHLAND VIEW REDEVELOPMENT AREA," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 13-504(2)(A), TITLED "MANHATTAN DISTRICT OVERLAY"; AND TO REPLACE ALL REFERENCES WITHIN THE CHAPTER TO "DIRECTOR" TO NOW BE "CITY MANAGER," WITH ALL CHANGES FOR THE PURPOSE OF EXPANDING THE RESIDENTIAL RENTAL INSPECTION DISTRICT AND OTHER HOUSEKEEPING UPDATES.
- X. FINAL ADOPTION OF ORDINANCES
 - 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
 - b. CITY ATTORNEY'S REPORT
 - XIV. ADJOURNMENT

SPECIAL REPORTS

**CITY ATTORNEY EVALUATION COMMITTEE
MEMORANDUM**

DATE: July 25, 2013

TO: Fellow Members of City Council

FROM: City Attorney Evaluation Committee
Councilmember Anne Garcia Garland, Chair
Councilmember David N. Mosby
Councilmember Trina Baughn

SUBJECT: CITY ATTORNEY EVALUATION REPORT AND RECOMMENDATIONS FOR FY2013

The City Attorney Evaluation Committee met on July 24, 2013 to develop its recommendation to the Council based on their review of the completed performance evaluations of the City Attorney. Committee members Garcia Garland and Baughn were present along with the City Attorney Kenneth R. Krushenski and City Clerk Diana R. Stanley.

The results of the completed performance evaluations are attached along with the City Attorney's Employment Agreement.

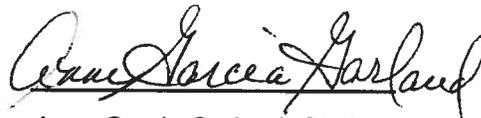
Following a review and discussion, the Committee unanimously recommends the continuation of Mr. Ken Krushenski's contract as City Attorney and supports the following recommendations:

1. That the City Attorney be awarded a 1% salary increase that is consistent with the raise that all city employees will receive for FY2014. The salary increase will be effective to March 1, 2013, the effective date of the City Attorney's contract.

The attached resolution amends the City Attorney's Employment agreement to provide for the recommended salary increase.

The Committee recommends its adoption as a measure of compensation for the City Attorney's performance as indicated by the evaluations completed by the councilmembers.

Respectfully submitted,



Anne Garcia Garland, Chair
Attorney Evaluation Committee, 2013

Attachments:

City Attorney Employment Agreement
FY2013 City Attorney Evaluation Results
Resolution

EMPLOYMENT AGREEMENT
City Attorney

This is an agreement entered into this 22nd day of February, 2001, between the City of Oak Ridge (the City) by the City Council and Kenneth R. Krushenski (City Attorney) to provide for the employment of Kenneth R. Krushenski as City Attorney of the City of Oak Ridge and to set forth the terms and conditions of his employment and the mutual obligations, rights and duties of each party.

Now, therefore, in consideration of the mutual promises as set forth in this Agreement, the City of Oak Ridge and Kenneth R. Krushenski agree as follows:

Section 1. Duties

City Council agrees to employ Kenneth R. Krushenski as City Attorney of the City of Oak Ridge to perform the functions and duties as specified in the City Charter and the City Code, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign. Article III, Section 13 of the Charter of the City of Oak Ridge specifies as follows:

The City Attorney shall be responsible for representing and defending the City in all litigation in which the City is a party, shall be the prosecuting officer in the City Court, shall advise the Council, City Manager, and other officers and employees of the City concerning legal aspects of the City's affairs, shall approve as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents and shall perform such other duties as may be prescribed by the Council or the City Manager.

The City Attorney shall also be responsible for representing all boards and commissions sanctioned by or established by the City Council. The City Attorney shall be responsible for defending all boards and commissions in all litigation in which the respective board or commission is a party and shall attend meetings of the various boards and commissions if in the discretion of the City Attorney his attendance is necessary.

Section 2. Term

A. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of the City Attorney at any time, subject only to the provisions set forth in Section 5, Paragraphs A and B of this Agreement.

B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Attorney to resign at any time.

C. Except as otherwise herein stated, this Agreement shall become effective as of March 1, 2001, and shall continue in effect until March 1, 2015, except as provided in Section 2, Paragraph D. (Amended 6/2/03, Resolution No. 6-70-03; 5/23/05, Resolution No. 5-54-05; 6/19/06, Resolution No. 6-64-06; 5/21/07, Resolution No. 5-58-07; 5/19/08, Resolution No. 5-45-08; 5/18/09, Resolution 5-44-09; 7/12/10, Resolution No. 7-65-10).

D. In order to extend the term of this Agreement, City Council shall take action no later than six months prior to the expiration of the current term . However, upon the request of the City Attorney during this same period, City Council shall make a decision as to whether it desires to extend said Agreement. (Amended 6/3/02, Resolution No. 6-60-02; 5/19/08, Resolution No. 5-45-08)

Section 3. Performance Evaluation

A. No later than July 1st of each year, City Council and the City Attorney shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Attorney. The performance criteria and the goals and objectives will be those that are necessary for the proper operation of the City and the attainment of City Council's policy objectives. The performance criteria and the goals and objectives shall be assigned a relative priority, and shall generally be attainable within the time limitations established and within the annual operating and capital budgets and the appropriations provided. Thereafter, City Council and the City Attorney may modify the performance criteria and the goals and objectives during the annual evaluation process. (Amended 5/19/08, Resolution No. 5-45-08)

B. The first formal evaluation of the City Attorney's performance shall be completed by May 30, 2002. Thereafter, evaluations shall be conducted on an annual basis by May 30th of each year.

Section 4. Code of Ethics

The City Attorney agrees to adhere to the standards of the American Bar Association Code of Professional Responsibility and the City of Oak Ridge Ethics Ordinance, and to conduct himself accordingly. (Amended 5/19/08, Resolution No. 5-45-08)

Section 5. Termination and Severance Pay

A. In the event the City Attorney's employment is terminated by the Council at its will and pleasure during such time that the City Attorney is willing and able to perform his duties under this Agreement, due to Kenneth R. Krushenski's longevity as City Attorney and his consistently high performance during fiscal years 2002 through 2009, the City agrees to pay to Mr. Krushenski a lump sum cash payment equal to nine (9) months' aggregate salary plus any accrued leave and benefits less applicable deductions as required by agreement, law, ordinance or policy for other employees and/or the City Attorney's matching portion of benefits provided for and during said nine (9) months' severance period. At City Council's option, the actual resignation date may be extended through earned and accrued leave balances due the City Attorney then in effect. Provided, however, that in the event the City Attorney is terminated "for just cause," then in such event, the City shall have no obligation to pay the aggregate severance sum designated in this paragraph. "Just cause" is defined and limited for the purposes of this Agreement to the following reasons: (1) willful neglect of duty; (2) felony or misdemeanor conviction of any crime involving moral turpitude; (3) violation of duties by the City Attorney of honesty and sobriety; (4) any other act of a similar nature of the same or greater seriousness. (Amended 5/18/09, Resolution No. 5-44-09)

B. In the event the City at any time reduces the salary or other financial benefits of the City Attorney in a greater percentage than an applicable across-the-board reduction for all City employees, then the City Attorney may at his option be deemed to be "terminated" at the date of such reduction under the terms of Section 5A, with the City Attorney being entitled to the lump sum cash payment as described.

Section 6. Disability

If the City Attorney becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of six (6) successive weeks beyond any accrued leave, the City shall have the option to terminate this Agreement.

Section 7. Salary

A. City agrees to pay the City Attorney for his services rendered pursuant hereto an annual base salary of \$102,460.80, retroactive to February 22, 2009, and payable in installments at the same time as other City employees are paid. (Amended 6/3/02, Resolution No. 6-60-02; 5/18/04, Resolution No. 5-71-04; 5/23/05, Resolution No. 5-54-05; 6/19/06, Resolution No. 6-64-06; 5/21/07, Resolution No. 5-58-07; 5/19/08, Resolution No. 5-45-08; 5/18/09, Resolution No. 5-44-09).

B. In addition, the City Attorney shall be entitled to longevity payments in the same manner as other City employees and as specified in Article 6 of the Personnel Plan for Employees of the City of Oak Ridge. (Amended 6/19/06, Resolution No. 6-64-06)

C. City agrees to increase said base salary and/or other benefits of the City Attorney in such amounts and to such an extent as the City Council may determine desirable on the basis of the performance evaluation developed as required by Section 3 of this Agreement. Nothing in this paragraph shall require the City to increase the base salary or other benefits of the City Attorney. (Amended 6/19/06, Resolution No. 6-64-06)

Section 8. Hours of Work

A. The City of Oak Ridge requires the full-time service of its City Attorney and, therefore, in the event the City Attorney is not available for his duties, he shall designate the Senior Staff Attorney as his representative to be responsible in his place, and so inform members of City Council when appropriate. (Amended 5/19/08, Resolution No. 5-45-08)

Section 9. Communications Equipment

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

Section 10. Dues and Subscriptions

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

B. The City agrees to budget and pay the Tennessee Professional Privilege Tax and Tennessee Board of Professional Responsibility fees on behalf of the City Attorney.

Section 11. Professional Development

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

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

Section 12. General and Emergency Leave

A. The City Attorney shall accrue general and emergency leave in the same manner as other City employees and as specified in Article 11 of the Personnel Ordinance.
(Amended 5/19/08, Resolution No. 5-45-08)

B. As of the date of commencement of the term of employment, the City Attorney shall have credited to his account ten (10) days of sick leave and one hundred twenty (120) hours of annual leave. Thereafter, the City Attorney shall accrue, and have credited to his personal account general leave and emergency leave at the same rate as other employees of the City. The City Attorney shall be entitled to all leave and employee benefit programs granted to all general employees of the City.
(Amended 5/19/08, Resolution No. 5-45-08)

Section 13. Medical, Dental, Disability and Life Insurance Benefits

The City agrees to provide medical, dental, disability, long-term care and life insurance benefits to the City Attorney and to pay the premiums thereon equal to that which is provided all other general employees of the City.
(Amended 5/19/08, Resolution No. 5-45-08)

Section 14. Retirement

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

Section 15. Liability Protection

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

Section 16. Bonding

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

Section 17. Residence

The City requires and the City Attorney agrees to maintain his principal residence inside the corporate limits of the City during the term of this Agreement, including any renewals and extensions.

Section 18. General Provisions

A. The text herein shall constitute the entire agreement between the parties.

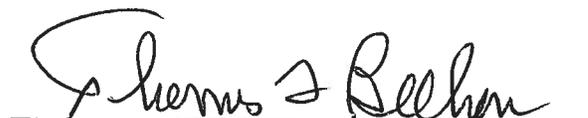
B. If any provisions contained in this Agreement, or portion thereof, are held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE



City Attorney

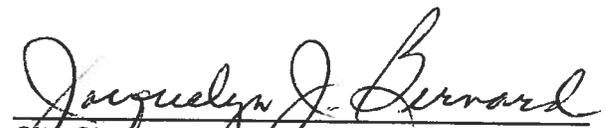


Mayor



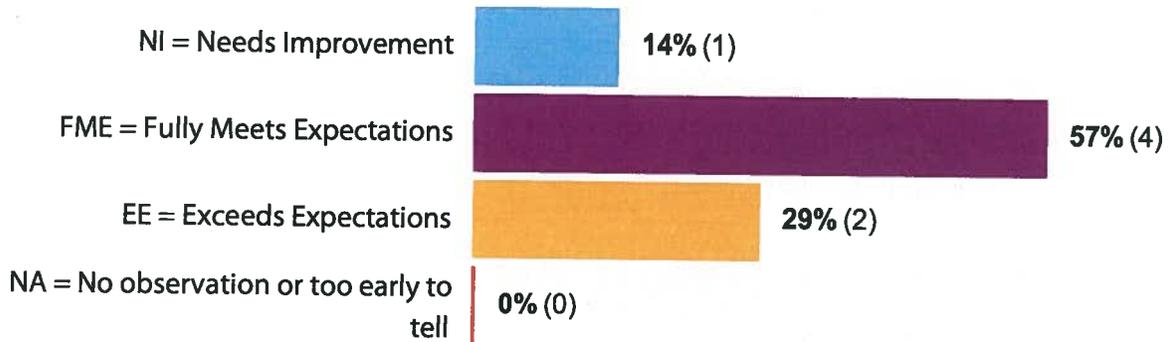
City Attorney

ATTEST:



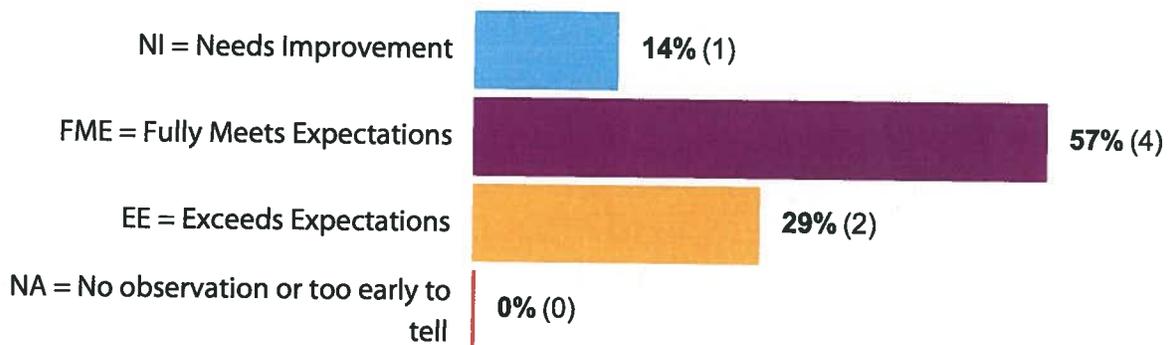
City Clerk

Is accessible, responsive, considerate and courteous in his interactions with Council.



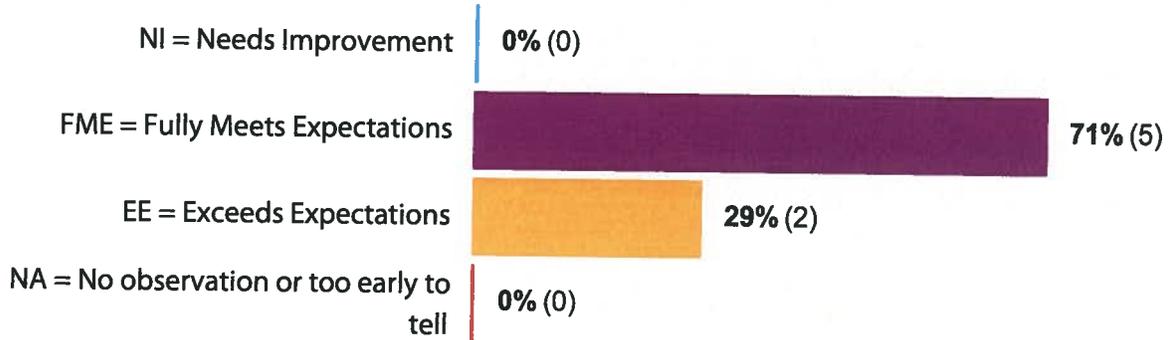
* 7 total responses, 100% of submissions

Provides legal opinions and/or advice in a timely manner.



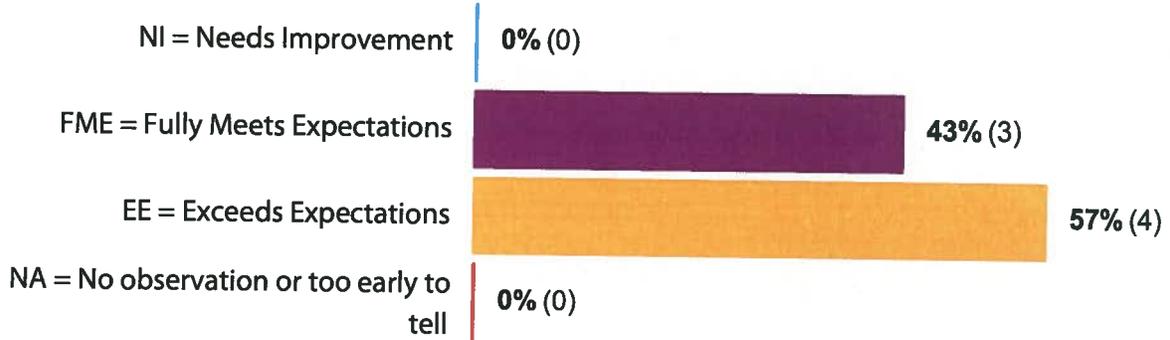
* 7 total responses, 100% of submissions

Creates a sense of trustworthiness.



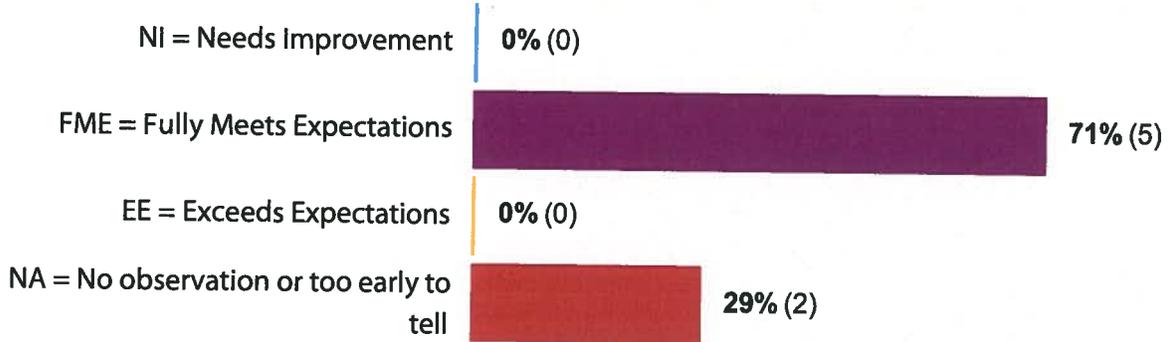
* 7 total responses, 100% of submissions

Keeps the Council informed about current issues, legal activities, decisions, and goals.



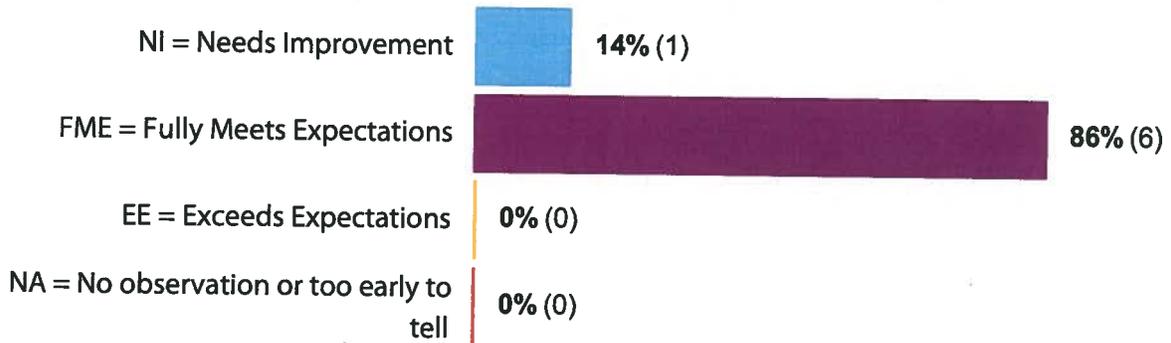
* 7 total responses, 100% of submissions

Communicates well with a wide range of persons, including Councilmembers, citizens, staff, and other attorneys.



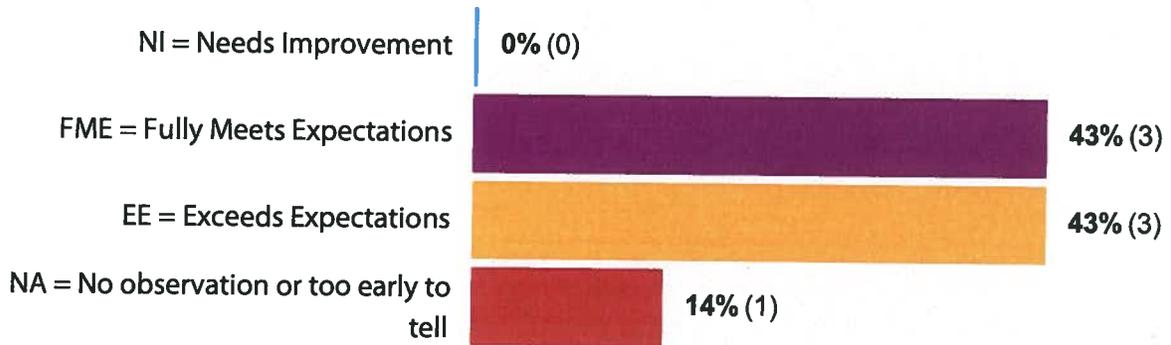
* 7 total responses, 100% of submissions

Demonstrates a thorough knowledge and understanding of municipal law.



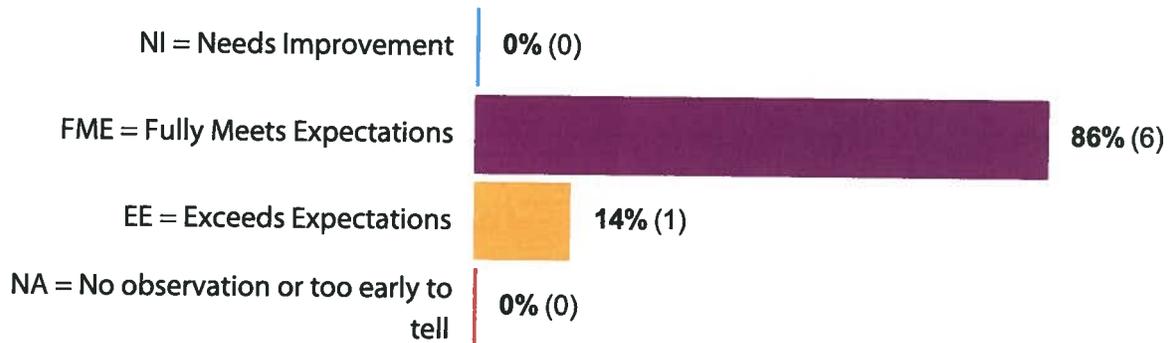
* 7 total responses, 100% of submissions

Is knowledgeable about City issues and about legal trends that may impact the City.



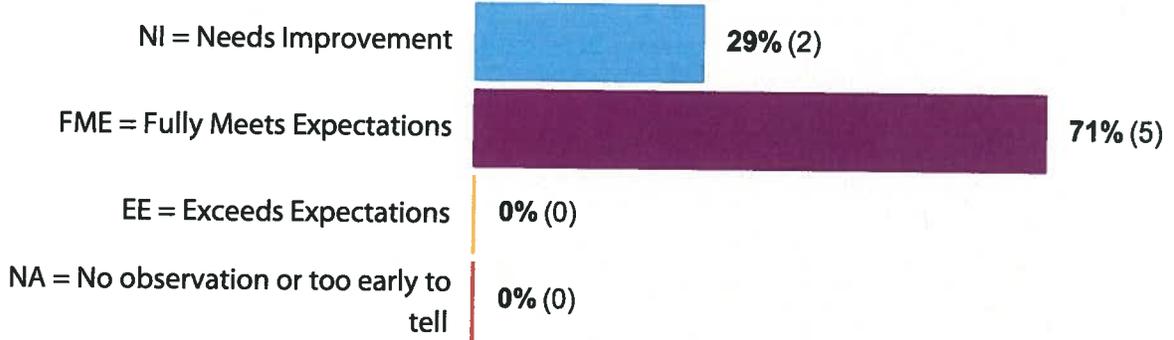
* 7 total responses, 100% of submissions

Provides advice on ordinance changes, drafting of new ordinances and amendments.



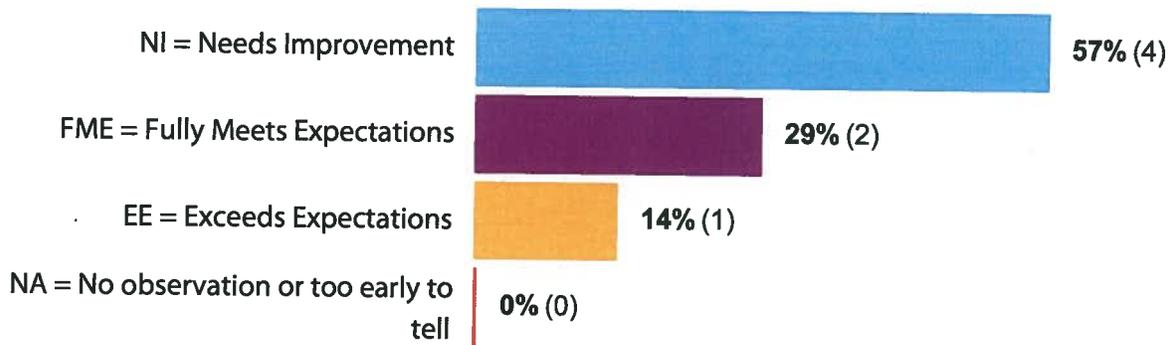
* 7 total responses, 100% of submissions

Provides concise, understandable, and helpful legal options and/or advice.



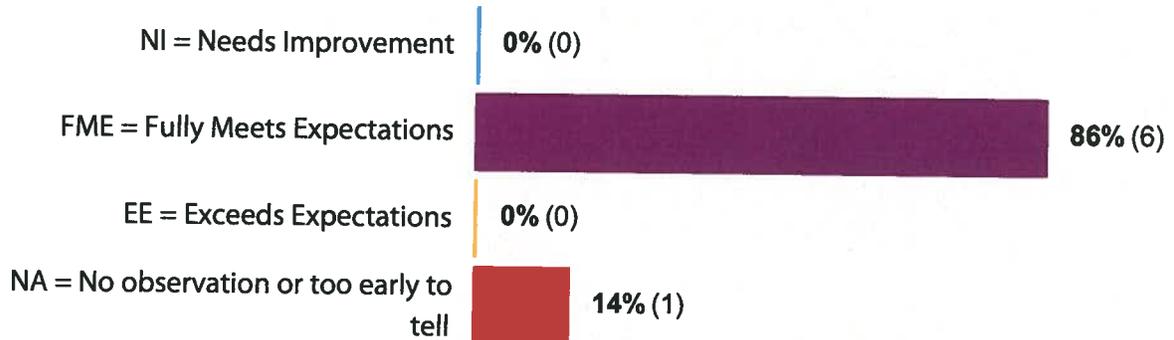
* 7 total responses, 100% of submissions

Demonstrates openness to alternative approaches.



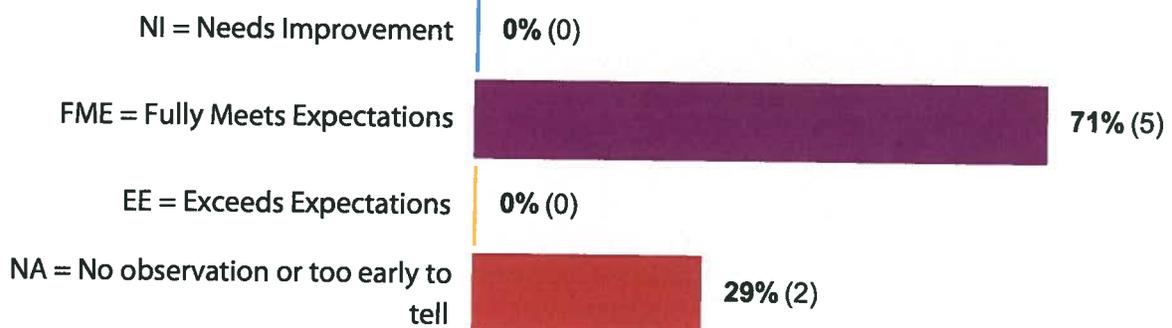
* 7 total responses, 100% of submissions

Adjusts rapidly to changes in plans or procedures.



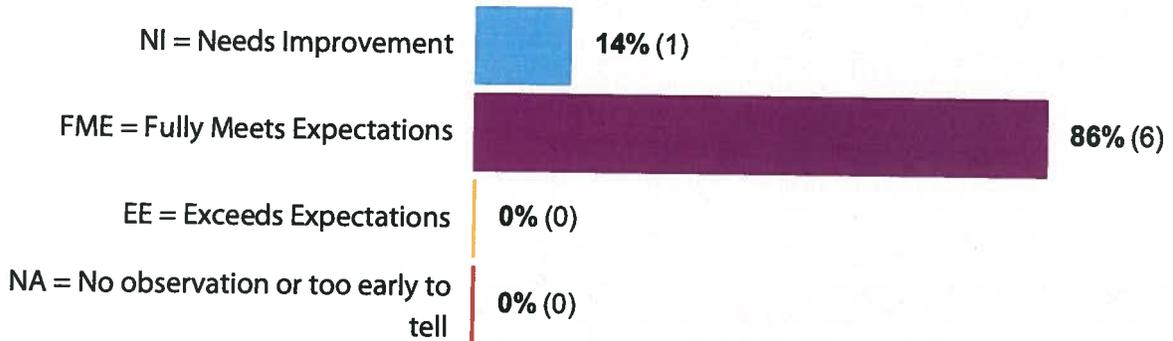
* 7 total responses, 100% of submissions

Functions effectively under pressure.



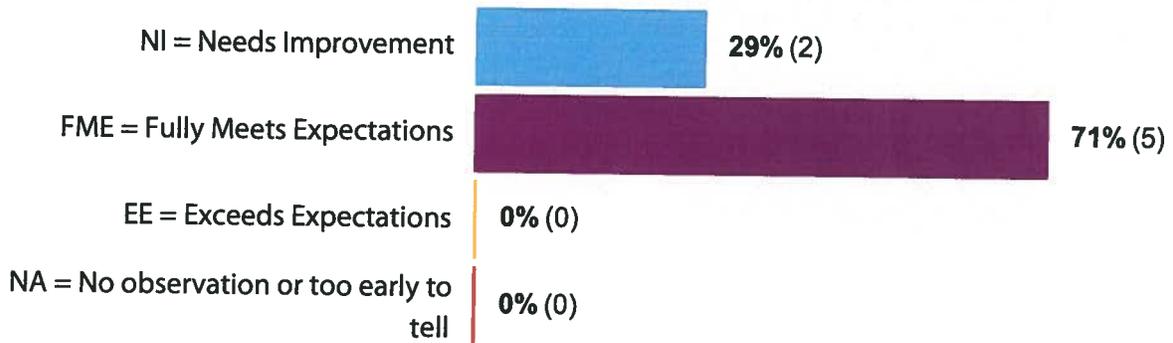
* 7 total responses, 100% of submissions

Demonstrates leadership that contributes to achieving the City's goals and objectives.



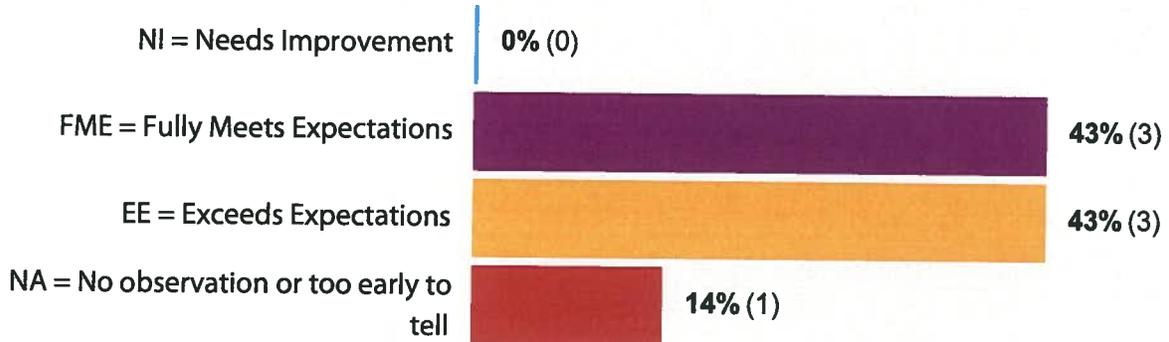
* 7 total responses, 100% of submissions

Effectively evaluates legal problems and alternatives.



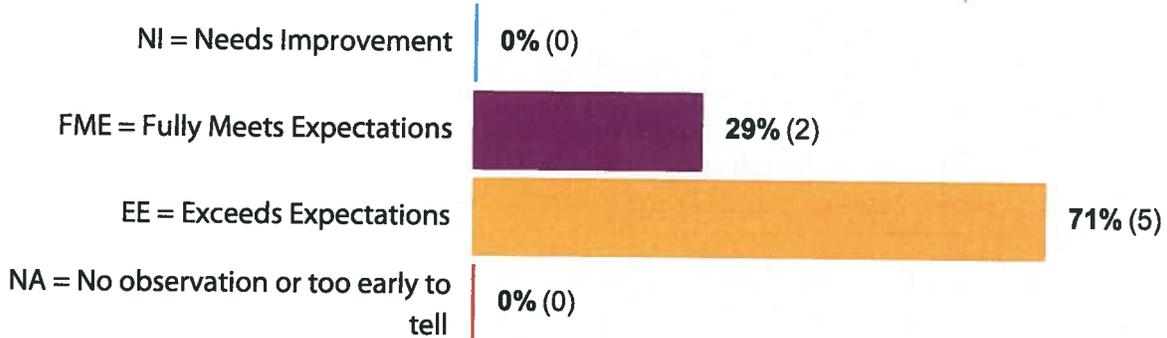
* 7 total responses, 100% of submissions

Demonstrates effectiveness in avoiding unnecessary legal controversy.



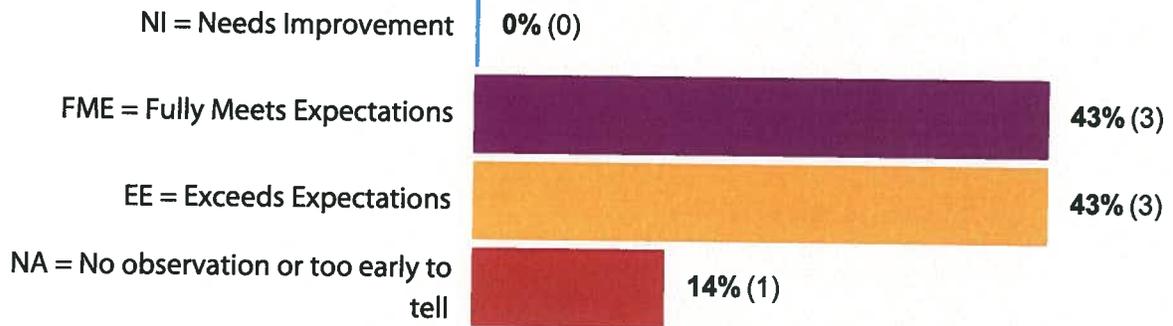
* 7 total responses, 100% of submissions

Maintains high standards of ethics, honesty, and integrity in all personal and professional relationships.



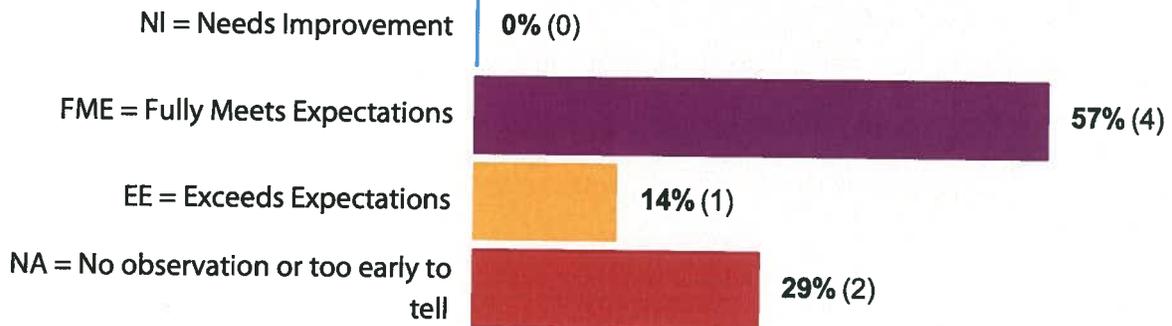
* 7 total responses, 100% of submissions

Retains your confidence when informing you of risks associated with proposed actions or decisions.



* 7 total responses, 100% of submissions

Works toward gaining and maintaining the respect and support of staff.



* 7 total responses, 100% of submissions

Is accessible, responsive, considerate and courteous in his interactions with Council.	Provides legal opinions and/or advice in a timely manner.
Ken does a good job of keeping the council informed about his schedule and usually responds to inquiries very quickly. He is always friendly and courteous.	Turnaround time is as close to instantaneous as it gets.
Could do a better job of hearing what the council asks during our meetings. Sometimes he does not fully hear what is being asked, and gives information before it is needed	Ken anticipates what could happen and knows vulnerability of city regarding possible legal actions.
From day one of my time on council, Ken has gone above and beyond to provide me with information, assistance and guidance.	
Ken is always available by phone even when I contact him at home. He returns calls and emails promptly and contacts me when I need to know something. Ken provides good legal advice and is on top of city issues.	

Keeps the Council informed about current issues, legal activities, decisions, and goals.	Communicates well with a wide range of persons, including Councilmembers, citizens, staff, and other attorneys.
When sending or providing updates of ongoing legal issues, a summary at the front would help greatly in knowing which issue is being addressed by the updates.	I would like for the attorney to be more willing to brainstorm concerning alternative outcomes.
Ken regularly sends out information about past and current legal issues.	I am impressed with the extensive network of colleagues, contacts, and associates that Ken has and uses to share information.
Ken is very proactive in keeping council informed about all of the above.	I've not observed many of Ken's communications outside of council and the city manager.
Ken takes the initiative to meet with us one on one to keep us apprised of possible legal issues.	Ken is a good communicator and works well with MTAS, previous attorneys with the City and BOE and others as needed to confirm information and also communicates well with the council.

Creates a sense of trustworthiness.
 I'm limited to only seven months of observations. So far, so good.
 I have complete trust in Ken.

List notes or comments that support the overall rating on courtesy and communication skills.
 Ken's communications are highly professional and courteous. Because he excels at providing a tremendous amount of information, I have encouraged him to provide council with one page briefs consisting of bullet points for the more complex matters.

Ken researched the BOE claim regarding the sales tax and has come up with the same proof that we all knew (those of us on Council at the time) that we were correct in what the BOE owed the City. He researched with other attorneys involved and thus far we are clear.

Ken is exceptionally courteous and has excellent communication skills.

Demonstrates a thorough knowledge and understanding of municipal law.	Is knowledgeable about City issues and about legal trends that may impact the City.
Often I feel the attorney is too cautious and would personally prefer a more aggressive approach.	Ken is very well-organized and has extensive legal records about city issues.
My limited knowledge of municipal law limits by ability to fully assess Ken's level of understanding at this time.	Ken stays current on internal and external municipal issues and does an excellent job of keeping council informed.
Ken's experience gives him a good understanding of municipal law	Ken stays on top of what is going on both formally and informally. He has his ears and eyes open at all times.

Provides concise, understandable, and helpful legal options and/or advice.	Demonstrates openness to alternative approaches.
Again, I would prefer a more aggressive approach.	Sometimes the path of least resistance is taken and leaves us vulnerable to end runs by the opposition.
Most of the time he provide concise information, but is very limited on what legal options are available or if we should look at other options, only after he is prompted to look into certian issues will he give us options.	Doesn't show a openness to alternative approaches
See previous comment on providing brief summaries.	Ken always seems open to suggestions. As I stated above, creative alternatives will be necessary if we are to break through on some of our more difficult challenges.
Can provide advice on the fly that any of us should be able to understand and act on.	Willing to provide pros and cons of alternatives.

Provides advice on ordinance changes, drafting of new ordinances and amendments. List notes or comments that support the overall rating on knowledge and adaptability.

Ken does a fine job in this arena. I encourage him to integrate creativity into future efforts of a complex nature so as to break down some of the obstacles that have prevented the city from moving forward on various fronts.

Always good to give Council advice on how to proceed.

Adjusts rapidly to changes in plans or procedures.

Ken has demonstrated that he is knowledgeable about municipal law and adapts quickly to changing circumstance.

Legal procedures by a rule don't adjust or change rapidly

Have yet to observe such circumstances.

Very flexible as much as you can be - but the law is the law.

Functions effectively under pressure.	Demonstrates leadership that contributes to achieving the City's goals and objectives.
Works well with others and adequately brings in help when needed.	I'm not sure that Ken has had the opportunity or the platform to clearly demonstrate leadership as he remains subject to council directives. If anything, I would like for him to be more vocal about his opinions on major issues where he may disagree with the majority of council.
Ken rarely shows signs of being over stressed or under pressure.	Ken is consistent and always at meeting, available and willing to assist any of us one on one or in meetings with questions or explanations. He is a good team builder and leader in the City.
Ken does well under pressure - there are so many issues that hit his desk. He seems to handle all of them with appropriate stress.	

Effectively evaluates legal problems and alternatives.	Demonstrates effectiveness in avoiding unnecessary legal controversy.
In my opinion, the attorney concentrates on the most likely scenario and does not seek alternatives to the level I would prefer.	Ken tries to keep City out of any unnecessary legal controversy thru his skills and abilities.
Ken maintains a respectable archive of past city decisions and legal issues and he often can anticipate upcoming legal problems and alternatives . Usually when I have a question about an issue, he often refers me to a legal memo that he prepared weeks, months, or years before.	
Ken is very thorough in the data he brings to council indicating excellent research and analysis skills.	
Definitely - Ken does this.	

List notes or comments that support the overall rating on administrative skills and effectiveness.

Ken has proven to be an effective attorney for the city.

Rather than just rely on his own knowledge which is excellent, Ken does a "head check" with MTAS on many issue to make sure a certain issue is not ongoing in another community that he has not heard about. It is a double check and he does well at this.

Maintains high standards of ethics, honesty, and integrity in all personal and professional relationships.	Retains your confidence when informing you of risks associated with proposed actions or decisions.
Ken always displays a very professional and honest demeanor in his dealings. His advice has been ethical and fair.	Does a great job of keeping Council advised of risk within the selected scenario.
Ken is totally trustworthy and practices the highest integrity.	So far as I know!
	I completely trust Ken to maintain my confidence in all discussions.

Works toward gaining and maintaining the respect and support of staff.	List notes or comments that support the overall rating on personal and professional qualities.
Some issues could use the advice of the attorney, but the attorney does not get involved unless asked. I would prefer the attorney look at issues that are ongoing and assess if advice could move us forward faster.	Ken is an active member of the Oak Ridge community. He is a Rotarian and practices the 4-way test. He is a true professional and does not speak badly of others or betray confidences. He treats everyone fairly and in a professional way.
Given the limitations set forth in the charter, council does not have open access to the opinions of staff. I would request that internal evaluations of senior staff be given by subordinate or other staff anonymously and forwarded to council for consideration in future evaluations.	
Ken is highly respected by City Staff.	

What would you identify as the City Attorney's strength(s), expressed in terms of the principal results achieved during the rating period?	What performance area(s) would you identify as most critical for improvement?
Ken's integrity and dedication to avoiding unnecessary legal problems is admirable. He is trusted and his advice of always well thought through.	I would like to see a more aggressive approach to issues and possible resolutions.
Ken maintains an effective and comprehensive archive of legal opinions, decisions, and issues relative to the city. This archive has helped define emerging legal issues and led to a significant advantage in addressing them.	Ken does a great job as City Attorney.
His ability to keep the city on a even kneel within the legal system, and the many legal issues that face the city on any given day.	Listen to council fully, before starting to answering the questions.
Thoroughness and accessibility.	Ken needs to develop an awareness and understanding of the tangible impact his work has on the city. Often, tasks and simple outcomes are thought to be measures of success. Ken needs to differentiate the impact of his work from that of his contemporaries as a means to justify retaining his role. Time and money saved or lost are quantifiable measures that can be determined in just about any job.
Good working knowledge of muncipal law and issues. Guided us with good advise through the EPA adminstration order.	I don't have any ideas for improvement.
Integrity, professional, highly knowledgeable, highly resourceful.	

What constructive suggestions or assistance can you offer the City Attorney to enhance performance?	What other comments do you have for the City Attorney, e.g. priorities, expectations, goals, or objectives for the new rating period?
I think Ken should be more involved in planning and the development of new initiatives.	I have noticed some improvement since last year, but I think Ken needs to work on providing direct answers to inquiries from Council rather than answering what he thinks the question should be.
Strive to move from a reactive role into a primarily proactive role.	I don't like this rating system, it is too cubersome, would like to see something different next year
Be more direct in giving advise during council meetings	Thank you for going above and beyond to bring this new council member up to speed so quickly! Please establish quantitative benchmarks for future annual reviews.
None - at this stage in his career only he can offer that.	Continue to help us with any BOE legal issues, housing issues, etc.

Please provide recommendations and comments on a possible change in compensation (currently \$106,100.80) and a contract extension beyond the current expiration date of March 1, 2017.

I recommend a salary increase matching other staff, per budget for FY-2014.

Same as other employees.

I would recommend the same rate as other city staff gets this year, with no extension in contract at this time, a three year extension is suitable for this position

I recommend that the city attorney's compensation increase as much, but no more than the increase provided to all city employees. I believe that his contract expiration date should remain at 2017. Four years is a very generous commitment and to extend it beyond that would impose an unnecessary burden on the city at this time.

Recommend the same percentage raise as all city employees

City raise equal to what others are receiving.

RESOLUTION

A RESOLUTION TO AMEND THE CITY ATTORNEY'S EMPLOYMENT AGREEMENT TO PROVIDE FOR AN EQUIVALENT ONE PERCENT (1%) SALARY INCREASE RETROACTIVE TO MARCH 3, 2013.

WHEREAS, Article III, Section 13, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall appoint a City Attorney; and

WHEREAS, on February 22, 2001, City Council entered into an employment agreement in which Council agreed to employ Kenneth R. Krushenski as the City Attorney; and

WHEREAS, said Employment Agreement provides that formal evaluations of the City Attorney shall be conducted on an annual basis by May 30th of each year, and to this end the Council appointed a City Attorney Evaluation Committee (the Committee) to develop an evaluation procedure for the FY 2013 term; and

WHEREAS, the Committee has completed its work and based on the evaluation results, recommends the City Attorney receive a one percent (1%) salary increase consistent with the raise given to all City employees, retroactive to March 3, 2013.

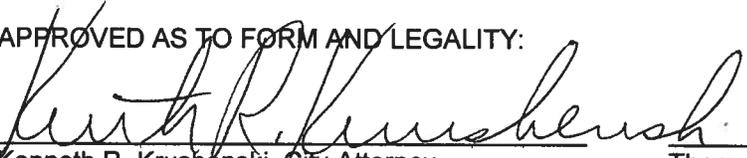
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That Section 7, Salary, Subsection A, of the Employment Agreement between the City of Oak Ridge and Kenneth R. Krushenski as City Attorney is hereby amended to provide for a new base salary amount of \$107,182.40, which is the equivalent of a one percent (1%) salary increase, which shall become effective retroactive to the pay period beginning March 3, 2013.

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

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CONSENT AGENDA

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

July 8, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on July 8, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Councilmember David N. Mosby

PLEDGE OF ALLEGIANCE

The Boy Scout Troup 42 from the First Presbyterian Church led the Pledge of Allegiance 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; Janice E. McGinnis, Finance Director; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

(Diverting from the order of the agenda)

Board of Education Vice Chairman Bob Eby introduced two (2) new school administrators: Dr. Chris Marczak, Assistant Superintendent and Dr. Bruce Borchers, School Superintendent to which Dr. Borchers remarked about his excitement for beginning this new role.

APPEARANCE OF CITIZENS

Mr. Pedro Otaduy, 111 Westoverlook Drive, expressed his support for staff bringing business expeditiously before the City Council, and noted that he had submitted a communication regarding his service on the Beer Permit Board to Council previously and that he would be unable to attend the remaining portion of the Council meeting.

Mr. Andy Marathe, 121 Westlook Circle, requested that City Council and the City Manager consider a mechanism to control the deer population.

Mr. Charles Washington, Jr., 118 Decatur Road, commented that individuals should be cautious on speaking about the City's resources, specifically the schools, in order to help the community.

Ms. Kay Williamson, 120 Jefferson Avenue, commented about showing a positive attitude for Oak Ridge Schools, and urged citizens to donate supplies to the schools as it was indicated to her that donations were needed.

Mr. Aditya Savara, 109 Trenton Drive, complimented the Recreation and Parks and Community Development Department for their information regarding their budgets and wished to see better detail from the Oak Ridge Public Library in response to possible budget reductions.

Mr. Chuck Agle, 101 West Melbourne, commented that City Council consider censoring Councilmember Baughn regarding recent remarks about the Oak Ridge Schools because it was his opinion that her recent remarks were not accurate. Mr. Agle concluded his remarks by expressing the positive aspects of the Oak Ridge Schools.

Mr. Joe Lee, 99 East Pasadena Road, reviewed his connection with the Oak Ridge Schools and his

relative's connection with other schools, and expressed his disapproval with recent public remarks on the Oak Ridge Schools.

Mr. Dan DiGregorio, 110 Daniel Lane, recited the principles of Rotary in its application to all individuals and expressed his wish for the City Council and Board of Education to work more cohesively.

Ms. Emily McLean, 12 Palisades Parkway, expressed her opinion that the recent message regarding the Oak Ridge Schools and the medium used was not appropriately approached.

Ms. Cathy Toth, 100 Westview Lane, explained that her children, who were products of Oak Ridge Schools, thought the newspaper articles were fiction and expressed her dissatisfaction regarding the recent, and closed by explain that the City needed to work together.

Mr. Jim Andress, 24 Rivers Run Boulevard, remarked that the school system described in a recent news article was not an accurate representation of the school that he attended.

Ms. Linda Andress, 24 Rivers Run Boulevard, remarked that the reason the school staff was leaving the school systems was due to frustration with school testing standards, not security issues, and requested that the public support the school system.

Ms. Ellen Bast, 100 Pelham Road, remarked that those commenting on school issues use civility and accuracy.

Mr. Brett Beeler, 24 Windhaven Lane, commented that the school has extracurricular activities to embrace a variety student personalities, and noted that there are several mechanisms in place that do not permit students to be afraid.

Ms. Louis Johnson, 134 Danbury Drive, remarked that she feels safe at the Oak Ridge High School and commented about the positive aspects of the school system.

Ms. Brenda Fellner, 913 West Outer Drive, commented that the "B" and "C" school students need to be heard as well, and that the Board of Education and City Council need to work together to make the school system better.

Ms. Mary Dixon, 248 South Benedict, had several inquiries regarding the main topic of discussion during the Appearance of Citizens.

Ms. Dory Adler, 515 Delaware Avenue, commented that she was receiving below average grades, but it is now doing well with the support of the school administration, and noted that the Oak Ridge Schools have been a huge help to her.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

(NONE)

SPECIAL REPORTS

Verbal "State of the Youth Address" delivered by Mr. Patrick Williams, Vice-Chair of the Youth Advisory Board.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope to accept the 2013 State of the Youth Address was delivered by Mr. Patrick Williams for the record. The motion passed by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

CONSENT AGENDA

The City Manager introduced the Consent Agenda and explained its length by noting that several items listed contained purchases as part of annual orders and indicated that the waiving of competitive bids required a unanimous vote. The City Manager noted that if a waived competitive bid is not approved unanimously then the City will begin its normal bid process to continue with the process of obtaining the services or items.

Councilmember Baughn requested to allow citizens the opportunity to speak on a particular Consent Agenda item. No citizens provided comments regarding the Consent Agenda.

Councilmember Baughn requested to remove the following items:

A resolution waiving competitive bids and making awards to Performance Contracting Group (PCI Branch), Rather Sewer Inspection Services, Intuitive Technologies Inc., and other suitable companies as needed for sewer cleaning and CCTV inspection for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$200,000.00.

A resolution waiving competitive bids and making awards to Integracon, Infor Global Solutions, Geo-Jobe GIS Consulting, ZI I Communications LLC, and other suitable companies as needed for furnishing temporary technical support for the information services department for Fiscal Year 2014 in the estimated amount of \$300,000.00.

A resolution waiving competitive bids and making awards to Temp Systems Inc., Accountemps, Alternate Staffing Inc., Recruitwise, Staffing solutions, At-Work, and other suitable companies as needed for furnishing temporary employment services for fiscal year 2014 in the estimated amount of \$475,000.00.

A resolution supporting the passage of the Marketplace Fairness Act, which will benefit Oak Ridge businesses by putting main street retailers on an equal footing with internet sellers; commending United States Senators Lamar Alexander and Bob Corker for their support of the Marketplace Fairness Act throughout the debate and passage in the United States Senate; and urging the Tennessee Delegation to the United States House of Representatives, particularly Congressman Chuck Fleischmann, to support the Marketplace Fairness Act granting individual states the authority to streamline their sales tax laws and collect sales taxes directly from online retailers.

An ordinance to amend Title 10, titled "Animal Control" of the Code of Ordinances, City of Oak Ridge, Tennessee," by creating a new Chapter 4, titled "Dog Parks," to establish permission for dogs to be off-leash in city-owned dog parks and to establish certain requirements for use.

Councilmember Mosby disclosed that YAB candidate Riley Mosby was his daughter.

The remainder of the Consent Agenda was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby:

- Approving the June 10, 2013 City Council Meeting Minutes.
- Approval of the June 18, 2013 City Council Special Meeting Minutes.
- Confirming sixteen (16) members—Caroline Bradshaw, Shelby Chambers, Lauren Collier, Abigail Douglas, Richard Goyette, Shane Harris, Peter Magill, Ryan Mihealsick, Riley Mosby, Ashley Riedy, Wesley Robinson, Laura Skipper, Joel Turner, Lewis Wang, Kelsey Warmbrod, and Shichen Zhang—to the Youth Advisory Board (YAB), as selected by the YAB Screening

Panel, for one year terms of office commencing on August 1, 2013.

- Confirming the nomination of James W. Charles, III. by the Oak Ridge Utility District Board of Commissioners.
- Approving **Resolution No. 07-54-2013** waiving competitive bids and making awards to Poore's Tree Service, Blank's Tree Service, Wolf Tree Experts, Inc., and other suitable companies as needed for tree removal and trimming services for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$35,000.00.
- Approving **Resolution No. 07-55-2013** waiving competitive bids and making an award to Rogers Group, Inc., for emergency street resurfacing for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$150,000.00.
- Approving **Resolution No. 07-56-2013** waiving competitive bids and making awards to Superior Pavement Marking, Inc., and Volunteer Pavement Marking, Inc., for street striping services for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$85,000.00.
- Approving **Resolution No. 07-57-2013** waiving competitive bids and making awards to Curly Contracting, Bruce Long Company, C.K. Masonry Company, Inc., CIPP Technical Services, and other suitable companies as needed for minor manhole rehabilitation for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$50,000.00.
- Approving **Resolution No. 07-58-2013** authorizing the City to renew the current contract with Grid One Solutions, Inc., for meter reading and associated services for the term of August 1, 2013 through July 31, 2014 in the estimated amount of \$200,000.00.
- Approving **Resolution No. 07-59-2013** waiving competitive bids and making awards to various area city-approved companies for the rental of heavy equipment on an as needed basis for Fiscal Year 2014 in the estimated amount of \$100,000.00.
- Approving **Resolution No. 07-60-2013** waiving competitive bids and making an award to Aramark Uniform Services, Inc., for furnishing employee uniforms and various other services associated with employee uniforms for Fiscal Year 2014 in the estimated amount of \$59,000.00.
- Approving **Resolution No. 07-61-2013** making an award to Park Med Urgent Care for furnishing medical evaluations and drug and alcohol testing services for city employees for Fiscal Year 2014 in the estimated amount of \$40,000.00, and authorizing the City to renew said contract for up to two (2) additional one-year terms.
- Approving **Resolution No. 07-62-2013** making an award to Park Med Urgent Care for furnishing hazmat medical services for city employees for Fiscal Year 2014 in the estimated amount of \$51,000.00, and authorizing the City to renew said contract for up to two (2) additional one-year terms.
- Approving **Resolution No. 07-63-2013** amending Resolutions 2-9-11 and 4-22-2012 authorizing amendments to the Oral History Project Professional Services Agreements with Secret City Films and BBB Communications, LLC, to extend the contract terms through May 30, 2014 and to provide for \$30,000.00 each in compensation.
- Approving **Resolution No. 07-64-2013** to close the Inventory Fund, an Internal Service Fund, at the end of Fiscal Year 2013.

Items Removed from the Consent Agenda

A resolution waiving competitive bids and making awards to Performance Contracting Group (PCI Branch), Rather Sewer Inspection Services, Intuitive Technologies Inc., and other suitable companies as needed for sewer cleaning and CCTV inspection for the Public Works Department for Fiscal Year 2014 in the estimated amount of \$200,000.00.

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

Public Works Director Gary Cinder explained the Public Works Department's process for awarding bids for the allotted \$200,000.00. The Public Works Director and Finance Director Janice McGinnis responded to inquiries and comments of the City Council.

Councilmembers Garcia Garland and Hensley offered alternatives to the resolution for approving bids for the Public Works Department upon Councilmember Baughn indicating that she would not be approving the resolution.

City Council discussed postponing consideration of this resolution so that Council could discuss the other bid waivers.

Following additional discussions on postponing consideration, Councilmember Hensley moved, seconded by Councilmember Baughn, to table consideration of the resolution. The motion passed by voice vote with Councilmembers Baughn, Garcia Garland, Hope, and Mosby voting "Aye," and Councilmember Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay."

Resolution No. 07-65-2013

A resolution waiving competitive bids and making awards to Integracon, Geo-Jobe GIS Consulting, Z11 Communications LLC, and other suitable companies as needed for furnishing temporary technical support for the information services department for Fiscal Year 2014 in the estimated amount of \$265,000.00.

Information Services and Government Affairs Director Amy Fitzgerald responded to inquires of City Council regarding the services and support offered by the companies and noted that the GIS services of Infor Global Solutions was related to the Environmental Protection Agency (EPA) Administrative Order (AO) support. Ms. Fitzgerald also responded to several inquiries and comments of City Council.

Councilmember Baughn indicated that she was willing to support most of the services of the companies presented in the resolution with the exception of Infor Global Solutions. City Council and City Staff discussed the most efficient means to pursue the bids.

Councilmember Garcia Garland moved to approve the resolution by excluding Infor Global Solutions services valued at approximately \$35,000.00; therefore, approving an estimated amount of \$265,000.00. The motion was seconded by Councilmember Baughn and approved by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

A resolution waiving competitive bids and making awards to Temp Systems Inc., Accountemps, Alternate Staffing Inc., Recruitwise, Staffing solutions, At-Work, and other suitable companies as needed for furnishing temporary employment services for fiscal year 2014 in the estimated amount of \$475,000.00.

The City Manager recommended removal of the resolution from the agenda to allow the City Manager to bid those services. Councilmember Hensley moved, per the City Manager's recommendation, to remove the aforementioned resolution from the agenda. 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. 07-66-2013

A resolution supporting the passage of the Marketplace Fairness Act, which will benefit Oak Ridge businesses by putting main street retailers on an equal footing with internet sellers; commending United States Senators Lamar Alexander and Bob Corker for their support of the Marketplace Fairness Act throughout the debate and passage in the United States Senate; and urging the Tennessee Delegation to the United States House of Representatives, particularly Congressman Chuck Fleischmann, to support the Marketplace Fairness Act granting individual states the authority to streamline their sales tax laws and collect sales taxes directly from online retailers.

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

Following discussions of City Council regarding the potential economic impact of the Act, the resolution was approved by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

Ordinance No. 06-2013

An ordinance to amend Title 10, titled "Animal Control" of the Code of Ordinances, City of Oak Ridge, Tennessee," by creating a new Chapter 4, titled "Dog Parks," to establish permission for dogs to be off-leash in city-owned dog parks and to establish certain requirements for use.

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

RESOLUTIONS

Resolution No. 07-67-2013

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY AND THE OAK RIDGE CONVENTION AND VISITORS BUREAU (CVB) FOR THE PROVISION OF SERVICES AND MATERIALS TO PROMOTE TOURISM IN OAK RIDGE FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014 (FY2014) IN AN AMOUNT NOT TO EXCEED \$300,000.00.

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

The City Manager briefly reviewed the contract with the CVB and highlighted the benchmarking aspects of the contracts which included occupancy rates.

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"

Director of the Oak Ridge Convention and Visitors Bureau Ms. Katy Brown expressed her appreciation for City Council's support.

Resolution No. 07-68-2013

A RESOLUTION REMOVING PEDRO OTADUY AS A MEMBER OF THE OAK RIDGE BEER PERMIT BOARD.

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

Chairman of the Oak Ridge Beer Permit Board Mr. William Tedford expressed his regret for the removal of Mr. Otaduy, but indicated that his actions as a board member resulted in pursuance of this act.

The City Manager explained that this item was before City Council given that the governing body appoints the board members and no policies exists for removal of a board member. The City Manager noted that

he and the Mayor had met with Mr. Otaduy to advise him that he could provide a communication to the City Council to include in the July 8, 2013 City Council meeting agenda.

City Council discussed different options related to this action including moving forward with the resolution, alternatives for removal of board members, other means for Mr. Otaduy to continue participating on the board, and possible development of board policies to address such a situation.

Secretary of the Oak Ridge Beer Permit Board Mr. Barton Bailey specified that the reason the board members requested to have Mr. Otaduy removed was due to this behavior at meetings when expressing his disagreement.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Verbal report from City Manager Evaluation Committee Chair, Charles J. Hope, Jr. regarding status of City Manager's evaluation.

Councilmember Hope provided an overview of the evaluation process, and noted that the Committee had recommended changes that simplify the evaluation forms and announced that the next meeting was occurring at the end of July.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Beehan requested information for the mall and the Land Bank to which the City Manager explained that the Land Bank would be placed on the Work Session in July and City Council agenda in August.

Councilmember Hope requested information regarding the business that is operating out of the YWCA building, specifically sales tax collection and property tax status from the City Attorney to which the City Attorney remarked that he would comply with this request for documentation.

Councilmember Mosby requested a proposal on a process to remove board members.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

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

CITY CLERK MEMORANDUM

13-39

DATE: July 25, 2013

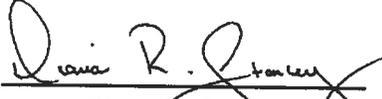
TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, City Clerk

SUBJECT: AUGUST 12, 2013 CONSENT AGENDA-PROCLAMATION

The City Clerk's Office received a request from Ms. Jenny Freeman for a proclamation in honor of Dr. Liane Russell's achievements for her 90th birthday celebration. In accordance with the City Council's new procedures for Proclamations, this item is being considered at the August 12, 2013 City Council Meeting for the Council's approval as part of the Consent Agenda given that the Proclamation will not be presented at the Council meeting.

Attachment:
Proclamation


Diana R. Stanley

PROCLAMATION

WHEREAS, Dr. Liane (Lee) B. Russell, was born in Vienna, Austria, became a United States citizen in 1946, graduated from Hunter College, and received a Ph.D. from the University of Chicago; and

WHEREAS, Dr. Russell came to Oak Ridge with her husband, Dr. William L. Russell, in 1947 to start a research project at the Oak Ridge National Laboratory that resulted in one of the world's most prestigious mouse-genetics programs; and

WHEREAS, with her husband, Dr. Russell made outstanding contributions to genetics and radiation biology, including her discovery of the chromosomal basis for sex determination in mammals and her contributions to our knowledge of the effects of radiation on the developing embryo and fetus; and

WHEREAS, Dr. Russell's findings have been the benchmark for the study of mutations in mammals and for genetic risk assessment worldwide, leading to research on mutations that cause disease and disabilities in humans; and

WHEREAS, Dr. Russell, a member of the National Academy of Sciences, has received numerous awards and commendations, among them the Enrico Fermi Award, the United States government's oldest science and technology award for a lifetime of achievement in the field of nuclear energy; and

WHEREAS, for almost 50 years, Dr. Russell has had a second career as a volunteer activist for the protection of wild and natural lands and rivers in Tennessee and the Nation, founding, along with her husband, Tennessee Citizens for Wilderness Planning; and

WHEREAS, through the efforts of Dr. Russell and other volunteer activists national treasures, such as the Big South Fork National River and Recreation Area and the Obed National Wild and Scenic River are forever protected; and

WHEREAS, the quality of life in Oak Ridge has been enhanced through Dr. Russell's efforts by the protection and maintenance of the North Ridge Trail, a nationally-designated trail, the Oak Ridge Greenbelt system, and the Oak Ridge Cedar Barrens; and

WHEREAS, Dr. Russell continues to live in Oak Ridge, continues her work at Oak Ridge National Laboratory, and continues to serve Tennessee Citizens for Wilderness Planning as a board member and its long-time newsletter editor.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that in recognition of her 90th birthday on August 27, 2013, and of her distinguished service to the Nation, to the Oak Ridge National Laboratory, and to the citizens of Tennessee and Oak Ridge, the Oak Ridge City Council pays tribute to

DR. LIANE B. RUSSELL

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this 12th day of August in the year of 2013.

THOMAS L. BEEHAN
MAYOR

LEGAL MEMORANDUM
13-28

DATE: July 30, 2013
TO: Honorable Mayor and Members of City Council
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: CERTIFICATE OF GOOD MORAL CHARACTER –
MICHAEL MARION MARSH, ELKS LODGE NO. 1684

Introduction

An item for City Council's consideration is a resolution authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Michael Marion Marsh, Elks Lodge No. 1684.

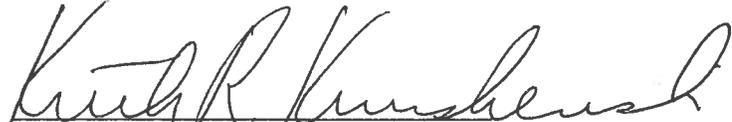
Analysis

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

A request for a Certificate of Good Moral Character for Michael Marion Marsh, Elks Lodge No. 1684, has been submitted and a notice has been published in The Oak Ridger advising that consideration of the issuance of a certificate would be made at the August 12, 2013, City Council meeting. A police background check on this individual has been conducted and previously provided to the Council.

Recommendation

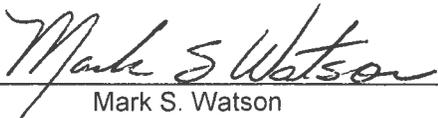
Adoption of the attached resolution is recommended.


Kenneth R. Krushenski

Attachment

City Manager's Comments:

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


Mark S. Watson

8/1/13
Date

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF OAK RIDGE A CERTIFICATE OF GOOD MORAL CHARACTER FOR MICHAEL MARION MARSH, ELKS LODGE NO. 1684.

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

WHEREAS, Michael Marion Marsh, on behalf of the Elks Lodge No. 1684, 684 Emory Valley Road, has made application to the City of Oak Ridge for such Certificate of Good Moral Character.

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

That the Mayor is hereby authorized to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Michael Marion Marsh, Elks Lodge No. 1684, the City Council having made an investigation of the general character of Mr. Marsh and from such investigation his character is found to be good.

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

LEGAL MEMORANDUM
13-29

DATE: July 30, 2013
TO: Honorable Mayor and Members of City Council
FROM: Kenneth K. Krushenski, City Attorney
SUBJECT: RENEWAL APPLICATION FOR RETAIL PACKAGE STORE
PERMIT AND CERTIFICATE OF COMPLIANCE

Introduction

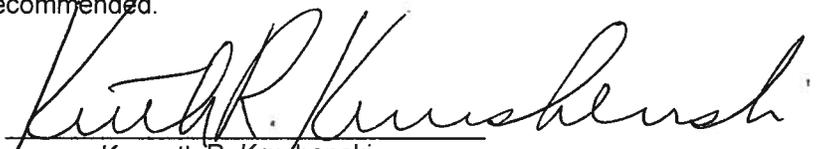
Two items for City Council's consideration are (1) a resolution granting a renewal permit for Scott E. Garriott to engage in the retail sale of alcoholic beverages for one year at Oak Ridge Package Store, 971 Oak Ridge Turnpike, and waiving the residency requirement for said applicant; and (2) a resolution authorizing the Mayor to sign and issue on behalf of the City of Oak Ridge a certificate of compliance for Mr. Garrett, which is good for two years.

Review

On March 18, 2013, City Council approved a resolution granting renewal permits to persons engaged in the retail sale of alcoholic beverages for the year 2013-2014. In addition, a companion resolution for the issuance of certificates of compliance for persons granted retailers' permits was approved. At the request of Mr. Garriott, his renewal application was pulled from the agenda and both resolutions were subsequently amended. The reason for removing Mr. Garriott's renewal application from the March 18, 2013 agenda was that he had an outstanding charge in Knox County General Sessions Court. We have been notified that the charge has been dismissed and Mr. Garriott is now entitled to the Retailer's Permit and the state-required Certificate of Compliance that he has applied for.

Recommendation

Adoption of the attached resolutions is recommended.



Kenneth R. Krushenski

lm

Attachments

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION GRANTING A RENEWAL PERMIT TO SCOTT E. GARRIOTT TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR ONE YEAR; WAIVING THE RESIDENCY REQUIREMENT FOR THE NONRESIDENT APPLICANT; AND AUTHORIZING THE MAYOR TO SIGN SAID PERMIT ON BEHALF OF THE CITY.

WHEREAS, Scott E. Garriott has heretofore been 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, the renewal of said permit was held in abeyance pending disposition of a charge in Knox County General Sessions Court, which charge has been dismissed, and

WHEREAS, said applicant has made application for a renewal permit for the year 2013-2014, and

WHEREAS, said applicant meets 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 an applicant who possesses sufficient contacts with the City which would permit Council to verify the good moral character of the nonresident applicant.

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

That Scott E. Garriott, is hereby granted a permit to engage in the retail sale of alcoholic beverages in the City at Oak Ridge Package Store, 971 Oak Ridge Turnpike, for the year 2013-2014, that the residency requirement is waived; and the Mayor is authorized to sign said permit on behalf of the City.

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ISSUE ON BEHALF OF THE CITY OF OAK RIDGE A CERTIFICATE OF COMPLIANCE FOR SCOTT E. GARRIOTT TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES AT OAK RIDGE PACKAGE STORE, 971 OAK RIDGE TURNPIKE.

WHEREAS, after diligent inquiry and careful investigation of Scott E. Garriott, City Council has found his general character to be good, and

WHEREAS, City Council feels assured that Mr. Garriott will refrain from any violation of Title 8, Chapter 4, of the Oak Ridge Code of Ordinances, and Title 57, Chapters 1, 6, 7, and 8, of the Tennessee Code Annotated (Chapter No. 49, Public Acts, 1939), which are the alcoholic beverage laws, or any statutory amendment thereof or any rule or regulation promulgated pursuant thereto, and

WHEREAS, City Council has granted the necessary permit to Mr. Garriott for the retail sale of alcoholic beverages for one year thereby signifying full compliance with the ordinances of the City of Oak Ridge, and

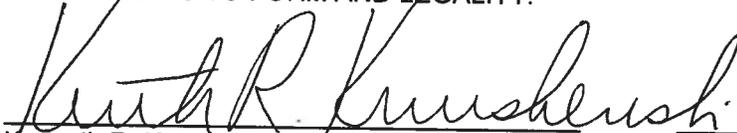
WHEREAS, City Council is of the opinion that said applicant is entitled to the State license applied for.

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

That the Mayor is hereby authorized to sign and issue on behalf of the City of Oak Ridge a certificate of compliance for Scott E. Garriott, Oak Ridge Package Store, 971 Oak Ridge Turnpike, City Council finding that Mr. Garriott has not been convicted of a felony, that all local regulations have been complied with, and that he will refrain from any violations hereinabove set forth:

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

LEGAL DEPARTMENT MEMORANDUM
13-27

DATE: July 24, 2013
TO: Honorable Mayor and Members of City Council
FROM: Kenneth R. Krushenski – City Attorney
SUBJECT: TERMINATION OF LEASE AGREEMENT

An item for the August 12, 2013 Council Agenda is a resolution approving the termination of the Lease Agreement dated June 3, 1968 between the City and Recording for the Blind and Dyslexic (now known as Learning Ally).

This matter was addressed in Council Memo 13-16 –“Progress Report and Evaluation of FY 2012/2013 Goals and Objectives of the City Attorney/Legal Department.” In that memo Council was advised that Learning Ally of Princeton, NJ, Successor-In-Interest to Recording for the Blind and Dyslexic, had decided to terminate their lease for the building located at 205 Badger Road. The City owns the land on which the building was constructed and the Lease, which expires in 2018, provides that at the expiration/termination of the Lease, the property, together with all building and structures located on it, shall be turned over to the City.

By Certified Letter dated April 24, 2013 signed by Andrew Friedman, President and CEO of Learning Ally, our office received official notice that they were prepared to turn over the property to the City “as is” as of August 1, 2013. City Staff conducted an initial inspection of the building. The Oak Ridge Civic Music Association (ORCMA) occupies a portion of the building and is aware that Learning Ally will be vacating the property and surrendering the premises to the City of Oak Ridge. Currently ORCMA is making rental payments of \$350.00 per month. The Lions Club of Oak Ridge has a small space in the building where they have stored a limited amount of their personal property and they are also aware of this termination.

A Work Session will be scheduled by the City Manager to review recommendations on suggested uses for the building. A copy of the Termination Agreement is included with this Memo.

The Legal Department and Staff recommends approval of the Termination of the Lease Agreement between the City of Oak Ridge and Recording for the Blind and Dyslexic (now known as Learning Ally).


Kenneth R. Krushenski

Attachments: Termination Agreement
Resolution

cc: Mark S. Watson, City Manager



July 23, 2013

Kenneth R. Krushenski, Esq.
City Attorney
City of Oak Ridge
200 S. Tulane Avenue
Oak Ridge, TN 37831

Dear Attorney Krushenski:

Enclosed please find three (3) copies of the TERMINATION OF LEASE AGREEMENT for the property located at 205 Badger Road, Oak Ridge, Tennessee. The Agreement has been executed by Mr. Andrew Hofer, Chairman of the Board of Directors of Learning Ally, and me, the President and CEO of Learning Ally. Please return one (1) completely executed copy to me for our files.

We regret having to cease operation of our studio in Oak Ridge after so many years. We have had a wonderful relationship with the people of the great State of Tennessee.

Regards,

Andrew Friedman
President & CEO

Enclosures

RESOLUTION

A RESOLUTION APPROVING A TERMINATION OF LEASE AGREEMENT WITH LEARNING ALLY (FORMERLY RECORDING FOR THE BLIND AND DYSLEXIC) TO TERMINATE THE EXISTING LEASE AGREEMENT WITH THE CITY OF OAK RIDGE FOR 205 BADGER ROAD.

WHEREAS, on July 3, 1968, the City and Recording for the Blind and Dyslexic (now known as Learning Ally) entered into a lease agreement for a portion of Parcel 481 located at 205 Badger Road, which lease agreement is set to expire in 2018; and

WHEREAS, Learning Ally has submitted formal notification of its desire to terminate the lease agreement and surrender the leased premises back to the City "as is" as of August 1, 2013; and

WHEREAS, Learning Ally has vacated the building; however, Oak Ridge Civic Music Association occupies a small portion of the building and the Lions Club of Oak Ridge occupies some storage space; and

WHEREAS, both the Oak Ridge Civic Music Association and the Lions Club of Oak Ridge are aware of Learning Ally's request to terminate the lease agreement and surrender the leased premises back to the City; and

WHEREAS, the City Manager recommends approval of the termination of the lease agreement.

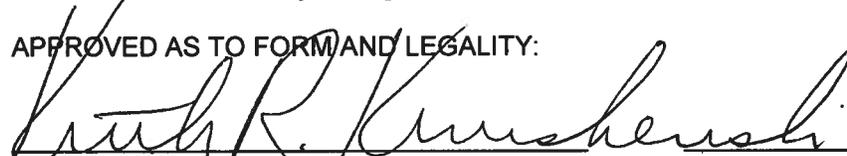
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City of Oak Ridge, Tennessee, hereby approves the attached Termination of Lease Agreement with Learning Ally for the property located at 205 Badger Road.

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

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

THIS INSTRUMENT PREPARED BY:
Kenneth R. Krushenski
City Attorney
City of Oak Ridge
200 S. Tulane Avenue
P. O. Box 1
Oak Ridge, Tennessee 37831

TERMINATION OF LEASE AGREEMENT

This Termination of Lease Agreement is entered into on this the 18th day of July, 2013 between the CITY OF OAK RIDGE (COR) and LEARNING ALLY (formerly known as Recording for the Blind and Dyslexic) hereinafter referred to as "Lessee."

WITNESSETH:

WHEREAS, on July 3, 1968, COR and the Lessee entered into a Lease Agreement for the property described as a Portion of Parcel 481 with a street address of 205 Badger Road; and

WHEREAS, the Lease provided in Paragraph 9 that "*at the expiration or earlier termination of this Lease, the Lessee agrees to surrender peaceable possession of the property to the Lessor (COR) together with all building and structures thereon;*" and

WHEREAS, the COR has received formal notification from Lessee of its desire to terminate the Lease and surrender to COR the leased premises to include all buildings and structures located on the property at 205 Badger Road "*as is;*" and

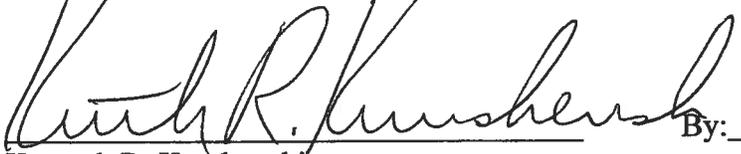
WHEREAS, the COR has acknowledged that it agrees to accept the Lessee's request to terminate the Lease and surrender to the COR said real property with all building and structures located thereon "*as is.*"

NOW, THEREFORE, in consideration of the foregoing stipulations and other good and valuable consideration, receipt of which is hereby acknowledged, the Parties agree as follows:

1. The Lease formerly entered into between the City of Oak Ridge and Lessee on July 3, 1968 is hereby terminated and each party releases the other from further obligations under said Lease.
2. The buildings and other structures on the land shall become the sole property of the COR in fee simple free of any further claims of the Lessee.

3. This Termination shall be recorded in the Register of Deeds Office in Anderson County, Tennessee.

APPROVED AS TO FORM AND LEGALITY: CITY OF OAK RIDGE, TENNESSEE



Kenneth R. Krushenski

By: _____
Mayor

LEARNING ALLY A/K/A
RECORDING FOR THE BLIND AND
DYSLEXIC

By:  _____

Title: Pres. d. f & CEO

By:  _____
ANDREW HOFER

Title: _____
CHAIRMAN, BOARD OF DIRECTORS

ACKNOWLEDGMENT

STATE OF New York)
New York COUNTY) ss.

Before me, the undersigned, a Notary Public of the state and county aforesaid, personally appeared ANDREW HOFER, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be CHAIRMAN, BOARD OF DIRECTORS of LEARNING ALLY, and that he as being authorized so to do, executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal at office this 18th day of JULY, A.D. 20 13.

Nelline Rubino
Notary Public

My Commission Expires MAY 31, 20 14.

NELLINE RUBINO
Notary Public, State of New York
No. 24-4929261
Qualified in Kings County
Commission Expires May 31, 2014

INFORMATION SERVICES MEMORANDUM
13-06

TO: Mark Watson
City Manager

FROM: Amy Fitzgerald
Government Affairs & Information Services Director

DATE: July 30, 2013

SUBJECT: RESOLUTION SUPPORTING PRESERVATION OF THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS

Introduction

An item for the August 12th City Council agenda is consideration of the attached resolution supporting the preservation of the tax-exempt status of municipal bonds, and urging the Tennessee congressional delegation to do the same. The resolution also urges the Tennessee Delegation to the U.S. House of Representatives to sign on as co-sponsors to U.S. House Resolution 112, which celebrates the 100-year precedent of the Federal tax exemption for municipal bond interest. A copy of the resolution is attached.

Background

Congress continues to consider a number of options to reduce the federal deficit. One option Congress is evaluating would reduce, eliminate, or phase out the exemption on municipal bond interest. President Obama's Fiscal Year 2014 Budget Proposal recommends capping the tax exemption of municipal bonds at 28%.

Both the National League of Cities (NLC) and the Tennessee Municipal League urge cities to adopt and transmit resolutions in support of preserving the tax-exempt status of municipal bonds. The NLC is also asking House members to sign on as a co-sponsor of H. Res. 112, which "celebrates the history of municipal bonds, the 100-year precedent of the Federal tax exemption for municipal bond interest, and the important contribution municipal bonds have made to economic growth and wellbeing in each State and municipality in our great Nation." To-date, 84 House members have signed on – including Rep. Phil Roe (R-TN-1) and Rep. Stephen Fincher (R-TN-8). The resolution is being seen as a barometer of support for traditional municipal bonds by those on all sides of the issue.

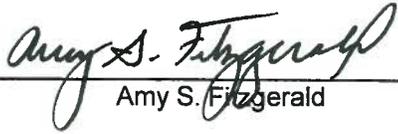
Tax-exempt municipal bonds are the primary means by which state and local governments finance critical infrastructure across the nation, including roads, bridges, hospitals, schools, and utility systems. Under current law, the owners of municipal bonds are not required to pay federal income tax on the interest income they receive from the bonds. Municipalities, including the City of Oak Ridge, benefit from this tax exemption through substantial savings on the interest cost of borrowed money.

The federal tax exemption on municipal bond interest has been in place since the first federal income tax was enacted in 1913 having been maintained through two world wars, the Great Depression and the recent Great Recession. As a result, TML estimates that state and local governments save, on average, two percentage points on their borrowing to finance investment in public infrastructure.

This exemption has generated trillions of dollars of investment in public infrastructure and has saved taxpayers hundreds of billions in interest costs. Reducing or eliminating the exemption on municipal bonds would cause investors to demand higher returns on their municipal bond investments to make up for the tax they would have to pay, which, in turn, would result in higher borrowing costs for state and local governments, less investment in infrastructure and fewer jobs.

Recommendation

Staff recommends approval of the attached resolution.

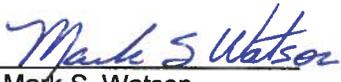


Amy S. Fitzgerald

Attachment

City Manager's Comments:

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

Mark S. Watson Date

113TH CONGRESS
1ST SESSION

H. RES. 112

Celebrating the history of municipal bonds, the 100-year precedent of the Federal tax exemption for municipal bond interest, and the important contribution municipal bonds have made to economic growth and wellbeing in each State and municipality in our great Nation.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2013

Mr. TERRY (for himself and Mr. NEAL) submitted the following resolution;
which was referred to the Committee on Ways and Means

RESOLUTION

Celebrating the history of municipal bonds, the 100-year precedent of the Federal tax exemption for municipal bond interest, and the important contribution municipal bonds have made to economic growth and wellbeing in each State and municipality in our great Nation.

Whereas in the 200 years since the first recorded municipal bond was issued by the City of New York to build a canal, municipal bonds have helped build a strong economy and provide for the health and welfare of our citizenry;

Whereas three-quarters of all infrastructure investments made in the United States are financed by municipal bonds;

Whereas municipal bonds finance infrastructure projects that touch the daily lives of every American citizen and business—roads we drive on, schools and education for our children, affordable family housing, water systems that supply safe drinking water, courthouses, hospitals and clinics to treat the sick, airports and ports that help move products domestically and overseas, and utility plants that power our homes, businesses, and factories;

Whereas interest on municipal bonds is exempt from Federal taxation as part of the principle of reciprocal immunity under which the Federal Government is exempt from State and local taxation and State and local governments are exempt from Federal taxation;

Whereas the Federal Revenue Act of 1913 codified this principle as part of the Federal income tax by exempting from income tax the interest on municipal bonds;

Whereas exempting municipal bond interest from Federal taxation reduces the cost of infrastructure financing by State and local governments;

Whereas reduced infrastructure costs for State and local governments allow for greater infrastructure investments and savings passed directly to taxpayers and ratepayers in the form of reduced taxes and fees;

Whereas, because of critical infrastructure needs, it is estimated that in 2013, \$300 billion of municipal bonds will be issued;

Whereas keeping infrastructure costs low is critical for job creation and rebuilding infrastructure is crucial to our Nation's State and local economies, including power generation, distribution, and transmission;

Whereas the ability of municipal bonds and the 100-year precedent of the Federal income tax exemption for municipal bonds provides State and local governments timely access to cost-effective capital; and

Whereas the Federal tax exemption for municipal bond interest is a cost-effective financing vehicle available to State and local governments: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) celebrates the history of municipal bonds;

3 (2) celebrates the 100-year precedent of the

4 Federal tax exemption for municipal bond interest;

5 and

6 (3) celebrates the important contribution mu-

7 nicipal bonds have made to the economic growth and

8 wellbeing in each State and municipality in our

9 great Nation.

○

RESOLUTION

A RESOLUTION OPPOSING A REDUCTION OR ELIMINATION OF THE TAX EXEMPTION ON MUNICIPAL BOND INTEREST, URGING THE TENNESSEE CONGRESSIONAL DELEGATION TO STRONGLY OPPOSE A REDUCTION OR ELIMINATION OF THE TAX EXEMPTION ON MUNICIPAL BOND INTEREST, AND URGING THE TENNESSEE DELEGATION TO THE UNITED STATES HOUSE OF REPRESENTATIVES, PARTICULARLY CONGRESSMAN CHUCK FLEISCHMANN, TO SUPPORT HOUSE RESOLUTION 112 CELEBRATING THE HISTORY OF MUNICIPAL BONDS.

WHEREAS, tax exempt municipal bonds are the primary means by which state and local governments finance three quarters of the critical infrastructure of our nation, including roads, bridges, hospitals, schools, and utility systems; and

WHEREAS, municipalities all across the nation and in the State of Tennessee, including the City of Oak Ridge, benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

WHEREAS, Congress is considering many options available to reduce the federal deficit; and

WHEREAS, one option Congress is evaluating would reduce, phase out, or eliminate the exemption on municipal bond interest; and

WHEREAS, the federal tax exemption on municipal bond interest has been in place since the first federal income tax was enacted in 1913 having been maintained through two world wars, the Great Depression and the recent Great Recession, and as a result, state and local governments save, on average, two percentage points on their borrowing to finance investment in public infrastructure; and

WHEREAS, this exemption has generated trillions of dollars of investment in public infrastructure and has saved taxpayers hundreds of billions in interest costs; and

WHEREAS, investors in municipal bonds are generally exempt from paying federal income tax on the bond interest payments so even a partial income tax on otherwise tax-exempt interest would cause investors to demand higher returns on their municipal bond investments to make up for the tax they would have to pay; and

WHEREAS, the outcome of reducing or eliminating the tax exemption on municipal bond interest would be higher borrowing costs for state and local governments—including cities across Tennessee including Oak Ridge—as well as less investment in infrastructure and fewer jobs; and

WHEREAS, United State House Resolution 112, introduced in the 113th Congress on March 13, 2013, celebrates the history of municipal bonds, the 100-year precedent of the Federal tax exemption for municipal bond interest, and the important contribution municipal bonds have made to economic growth and wellbeing in each State and municipality in our great Nation; and

WHEREAS, to-date, 84 House members have signed on a co-sponsors of House Resolution 112, including Rep. Phil Roe (R-TN-1) and Rep. Stephen Fincher (R-TN-8); and

WHEREAS, the City Manager recommends that the City of Oak Ridge (1) strongly oppose any efforts by Congress or the Administration to reduce or eliminate the tax exemption on municipal bond interest; (2) urge our United States Senators Lamar Alexander and Bob Corker and the Tennessee Delegation to the United States House of Representatives, specifically Congressman Chuck Fleischmann, to strongly oppose any efforts by Congress or the Administration to reduce or eliminate the tax exemption on municipal bond interest; and (3) urge the entire Tennessee Delegation to the United

States House of Representatives, particularly Congressman Chuck Fleischmann, to sign on as a co-sponsor of H. Res. 112, which celebrates the history of municipal bonds, the 100-year precedent of the Federal tax exemption for municipal bond interest.

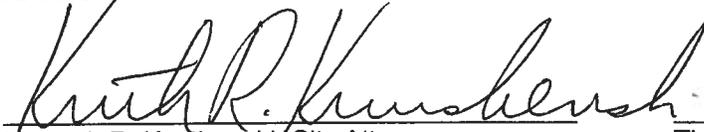
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and that the City of Oak Ridge (1) strongly opposes any efforts by Congress or the Administration to reduce or eliminate the tax exemption on municipal bond interest; (2) urges our United States Senators Lamar Alexander and Bob Corker and the Tennessee Delegation to the United States House of Representatives, specifically Congressman Chuck Fleischmann, to strongly oppose any efforts by Congress or the Administration to reduce or eliminate the tax exemption on municipal bond interest; and (3) urges the entire Tennessee Delegation to the United States House of Representatives, particularly Congressman Chuck Fleischmann, to sign on as a co-sponsor of H. Res. 112, which celebrates the history of municipal bonds, the 100-year precedent of the Federal tax exemption for municipal bond interest.

BE IT FURTHER RESOLVED that this resolution be transmitted to members of the Tennessee Congressional Delegation as the official position of the City of Oak Ridge.

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

**PUBLIC WORKS DEPARTMENT MEMORANDUM
13-19**

DATE: July 26, 2013
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director
SUBJECT: EPA REMEDIATION PLAN PROJECT – COR 13-06 EAST PLANT III

Introduction

An item for City Council's consideration is award of the construction contract for sewer rehabilitation project, COR 13-06, East Plant III, in accordance with the EPA Remediation Plan, to Hurst Excavating, LLC in the estimated amount of \$3,334,437.50.

Funding

The funding for this project is available from the TDEC State Revolving Fund, loan 2013-325, approved by City Council Resolution 2-12-2013 on February 25, 2013 in the amount of \$14,000,000. The construction budget for this project was estimated at \$3,384,048.

The estimated amount of the engineering services and construction for the EPA Remediation Plan is \$23,090,800. Attached to this memo is the current cost analysis of the EPA Remediation Plan. The approval of this construction contract will leave a balance of \$15,972,083 to commit to the remaining projects.

Background

The construction contract recommended for approval will include sewer rehabilitation activities in the east end of the City, sewer mini systems E6, E9 and E10, located between Georgia Avenue and California Avenue (see attached map). The work in general consists of approximately the following:

1. Rehabilitation of approximately 37,000 LF of existing gravity sewers by the cured-in-place method.
2. Replacement of approximately 11,800 LF of existing gravity sewers by the pipe bursting method.
3. Construction of approximately 160 point repairs.
4. Installation of approximately 220 new manhole frames and covers.
5. Rehabilitation of approximately 3,000 vertical feet of existing manholes.
6. Replacement of approximately 20 existing manholes.

Beginning with this construction contract, the Public Works Department will be implementing a public notice procedure that will consist of the following:

- Color coded (orange for this specific project) general information letter (draft copy attached) to all residences and businesses on streets within the boundaries of sewer mini systems E6, E9 and E10.
- Color coded (orange for this specific project) letter with specific information to all residences and businesses that will have sewer work performed outside of the street right-of-way (such as their backyard) that will include disturbing structures on the property (fences, driveways, landscaping, storage sheds, etc.).

Citizens will continue to receive a color coded (orange for this specific project) door hangar prior to work beginning in their area and the contractor will make every effort to have a personal conversation with each resident or business prior to beginning work on their property.

Recommendation

A requirement of the SRF loan is to forward the contract documents to TDEC for review. Therefore, final award of this contract is subject to TDEC approval. Staff recommends approval of the accompanying resolution.

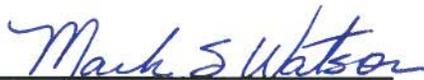


Gary M. Cinder, P.E.

Attachments
EPA Remediation Plan Cost Analysis
Sewer Shed Map
Draft Copy of Notification Letter

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
Public Works Department
EPA Remediation Plan Cost Analysis
As Of July 26, 2013

<u>PROJECT</u>	<u>REF</u>	<u>REMEDIAION PLAN BUDGET</u>	<u>APPROVED</u>	<u>RES</u>	<u>SPENT</u>	<u>PROJECT FUNDS REMAINING</u>	<u>REMEDIAION PLAN FUNDS REMAINING</u>
							\$ 23,090,800
East Plant I (COR 12-16)	1	\$ 1,075,800	\$ 1,084,952	a,b	\$ 766,602	\$ 318,350	\$ 22,005,848
East Plant II (COR 12-17)	1	\$ 984,610	\$ 830,565	a,b	\$ 548,570	\$ 281,995	\$ 21,175,283
East Plant III (COR 13-06)	2	\$ 4,025,000 *	\$ 3,975,390	a,c,d	\$ 208,952	\$ 3,766,438	\$ 17,199,893
East Plant IV (Contract FY2014-35)	2	\$ 4,535,790	\$ 711,750	a,c	\$ 59,136	\$ 652,614	\$ 16,488,143
Equalization Basins	2	\$ 6,114,900	\$ 472,060	c	\$ -	\$ 472,060	\$ 16,016,083
Y-12 I	3	\$ 744,700	\$ 44,000	a	\$ -	\$ 44,000	\$ 15,972,083
Central City I	3	\$ 2,165,900	\$ -		\$ -	\$ -	\$ 15,972,083
West End I	3	\$ 744,700	\$ -		\$ -	\$ -	\$ 15,972,083
Turtle Park I	TBD	\$ 1,349,700	\$ -		\$ -	\$ -	\$ 15,972,083
Turtle Park II	TBD	\$ 1,349,700	\$ -		\$ -	\$ -	\$ 15,972,083
TOTAL		\$ 23,090,800	\$ 7,118,717		\$ 1,583,260	\$ 5,535,457	\$ 15,972,083

*Pending City Council Approval

Projects shaded in gray above are active with East Plant I and East Plant II near final completion. The upcoming projects are not shaded.

<u>REF (Reference):</u>		<u>RES (Resolutions):</u>	
1	Primarily funded by TMBF loan	a	7-67-11 approved 7/11/2011 for engineering services \$ 1,000,000.00
2	Primarily funded by SRF 2013-325 (\$14,000,000 loan)	b	10-78-2012 approved 10/8/2012 for construction \$ 1,655,917.50
3	Primarily funded by SRF 2013-324 (\$4,000,000 loan)	c	6-39-2013 approved 6/10/2013 for LDA services \$ 1,432,000.00
TBD	To be determined, possible SRF Loan Amendment	d	Pending approval for construction \$ 3,334,437.50

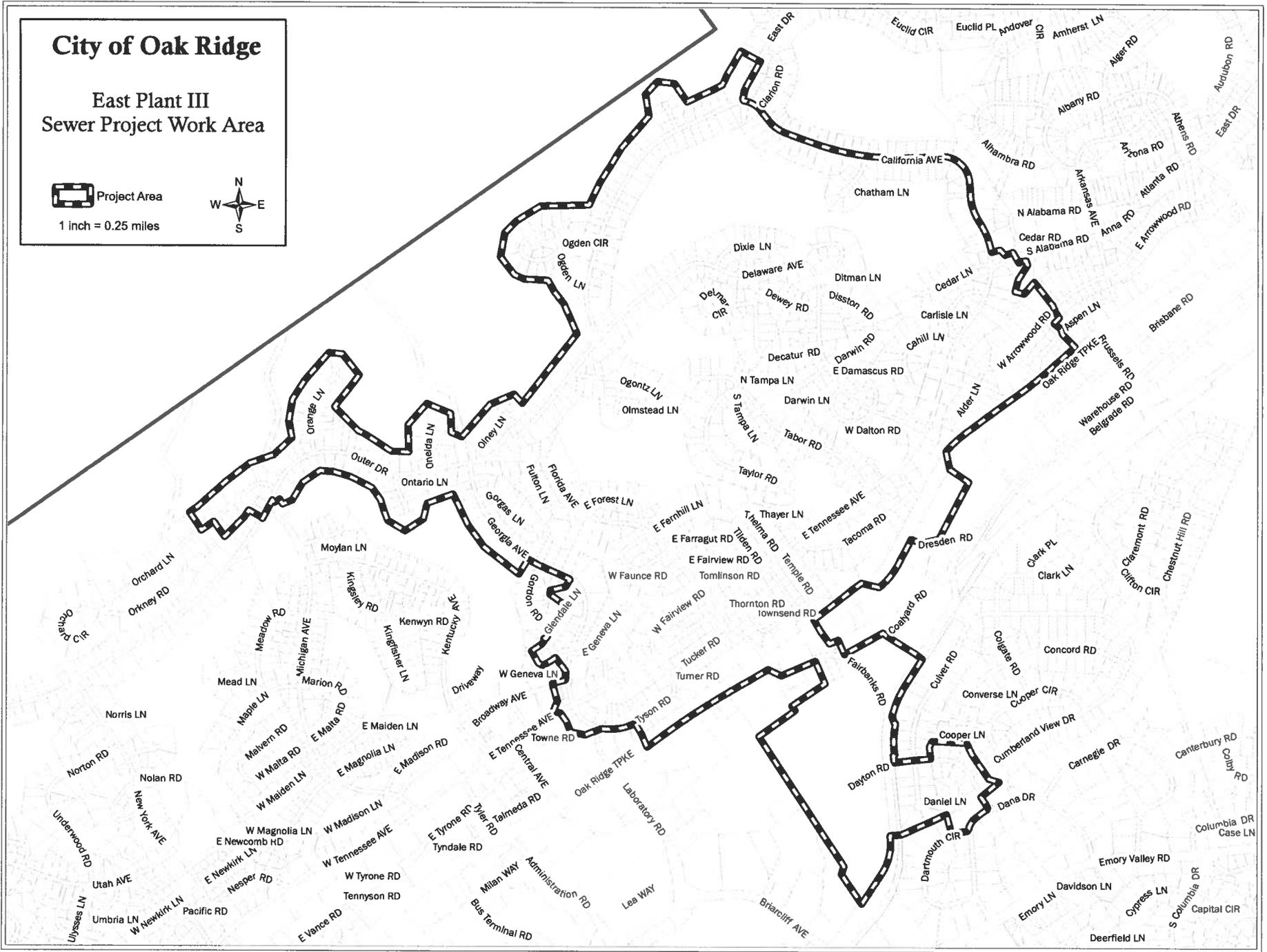
City of Oak Ridge

East Plant III Sewer Project Work Area



Project Area

1 inch = 0.25 miles





September 2013

POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001

The City of Oak Ridge received an Administrative Order (AO) from the U.S. Environmental Protection Agency in September 2010. The AO directs the City of Oak Ridge to conduct numerous studies, prepare the associated analysis and to undertake significant work activities to eliminate sanitary sewer overflows by September 2015. The studies and analyses have been completed; these identified a tremendous amount of sewer rehabilitation work that will need to be performed throughout the City.

The required sewer rehabilitation work will challenge all of us: citizens, businesses, city staff and contractors performing the work. In order to achieve the best results we will all need to work together. Each individual can contribute to the success of the sewer rehabilitation work by communicating with contractors and having patience as daily routines are impacted.

You are receiving this notification because sewer rehabilitation will begin near your home or business within the next few weeks. The sewer rehabilitation project consists of a contractor with multiple crews repairing and/or replacing manholes and sewer lines. The rehabilitation work will primarily be in the street right-of-way, but there will be some work required in the City's sewer easements located in the front and back yards of some residential properties as well as within the sewer easements of business properties.

As the contractor performs preconstruction tasks, they will provide to the Oak Ridge Public Works Department a list of addresses that will require work outside of the street right-of-way. For citizens and businesses affected by this work, the Public Works Department will (1) telephone the resident or business and leave a message and (2) mail a letter explaining the specific work required in the sewer easement, such as replacing a manhole located in their backyard or removing a fence to repair a sewer line. The letter will contain contact information for the contractor. Each individual is encouraged to call the contractor and discuss the work specific to their property.

Prior to any work being performed, each resident will receive a door hanger notice (orange paper) that will include the contractor's name and phone number. Please look for and keep the door hanger for the duration of the sewer work in your neighborhood.

With all of us working together, we anticipate few problems and minimal disruption. *Please remember that communication is key for the success of the sewer projects.* We thank you in advance for working with us.

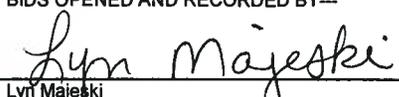
We are currently updating the EPA information included on the City's website at www.oakridgetn.gov right side of main page under "I Want to Learn about the City's EPA Work." If you have any questions, concerns or comments about the sewer work required by the AO, please email pubworksdis@oakridgetn.gov or call and leave a message at 425-3495.

Thank you again for your cooperation and assistance.

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 13-06-E7

OPENING DATE: July 25, 2013 11:00 A.M.

FOR ---			BIDDER:		BIDDER:		BIDDER:		BIDDER:		
Wastewater System Rehabilitation Program - EPA Administrative Order CWA-04-2010-4772 East Plant III, Mini-Systems: E6, E9 & E10			Hurst Excavating, LLC PO Box 5340 Knoxville, TN 37928		Morgan Contracting, Inc. 6575 Hwy 189 North Baker, FL 32531		Layne Inliner, LLC 450 N. State Road 37 Orleans, IN 47452		American Infrastructure Technologies Corporation 8799 U.S. Hwy 31 Hanceville, AL 35077		
DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE WASTEWATER SYSTEM REHABILITATION PROGRAM PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT				\$ 3,334,437.50		\$ 3,434,490.00		\$ 3,442,730.00		\$ 3,679,175.00	
TOTAL PRICE				\$ 3,334,437.50		\$ 3,434,490.00		\$ 3,442,730.00		\$ 3,679,175.00	
TERMS			Progress Payments / Net 30		Progress Payments / Net 30		Progress Payments / Net 30		Progress Payments / Net 30		
DELIVERY			per Contract		per Contract		per Contract		per Contract		
F.O.B.			Oak Ridge		Oak Ridge		Oak Ridge		Oak Ridge		
VIA			Best Way		Best Way		Best Way		Best Way		
OTHER BIDDERS CONTACTED: SAK Construction - O'Fallon, MO Insituform Technologies, LLC - Chesterfield, MO Portland Utilities Construction Company - Portland, TN Am-Liner East, Inc. - Berryville, VA BLD Services, LLC - Kenner, LA							BIDS OPENED AND RECORDED BY---  Lyn Majeski Accounting Division Manager				
REASON FOR AWARD 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"/>				RECOMMEND AWARD BE MADE TO: Hurst Excavating, LLC PO Box 5340 Knoxville, TN 37928			BIDS REVIEWED BY---  Janice McGinnis Finance Director				

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (COR 13-06) TO HURST EXCAVATING, LLC, KNOXVILLE, TENNESSEE, FOR THE REHABILITATION OF PORTIONS OF THE WASTEWATER COLLECTION AND TRANSPORTATION SYSTEM AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER, SAID CONTRACT IN THE ESTIMATED AMOUNT OF \$3,334,437.50.

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

WHEREAS, as part of the Administrative Order, the City is required to develop a plan for complete remediation of the Wastewater Collection and Transportation System, with all remediation work to be completed by September 2015; and

WHEREAS, bids were received and publicly opened on July 25, 2013 with Hurst Excavating, LLC, Knoxville, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby to Hurst Excavating, LLC, P.O. Box 5340, Knoxville, Tennessee 37928, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the sewer rehabilitation project for East Plant III; said award in strict accordance with COR 13-06, the required specifications, and the bid as publicly opened on July 25, 2013, and in the estimated amount of \$3,334,437.50.

BE IT FURTHER RESOLVED that the scope of the contract may be expanded to address other areas of the sewer system for rehabilitation work provided the type work to be performed is of the type that was originally bid (unit prices) and the contract price remains unchanged.

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

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

COMMUNITY DEVELOPMENT MEMORANDUM

13-29

DATE: July 29, 2013
TO: Mark S. Watson, City Manager
FROM: Athanasia Senecal Lewis, Community Development Specialist
THROUGH: Kathryn G. Baldwin, Community Development Director
SUBJECT: DEMAND RESPONSE TRANSPORTATION SERVICE



Introduction

An item for City Council's consideration is a resolution authorizing a contract between the City of Oak Ridge and the East Tennessee Human Resource Agency (ETHRA) for demand response transportation services effective November 1, 2013 and subject to receipt of funding from the Tennessee Department of Transportation (TDOT).

Funding

The City is currently receiving funding from a TDOT Operating Assistance Grant for its demand response transportation program. The current grant term expires on October 31, 2013, along with the current transit contract. Approval of this contract, effective on November 1, 2013, is contingent upon renewal of grant funds from TDOT. The initial one-year proposal is estimated to cost \$175,373. The TDOT Operating Grant will cover half of the program costs, \$87,686.50, and remaining half will be paid for by the General Fund and the Street and Public Transportation Fund.

Consideration

The City of Oak Ridge Public Transportation Program consists of a demand responsive system and a transportation assistance program. The demand responsive system, established in 1993, provides public transportation to all persons within the corporate city limits. The transportation assistance program, established in 1974, serves as a supplemental program that transports senior citizens and persons with disabilities, essentially serving the City's Taxicab Program.

By Resolution 6-75-03, City Council awarded a contract to ETHRA to provide demand-responsive public transportation services for the City. ETHRA is responsible for the daily operations and management of the system. The contract was for an initial one-year term, running on the City's fiscal year, with up to nine (9) additional one-year terms upon the mutual consent of both parties. The contract with ETHRA was scheduled to expire on June 30, 2013; however, it was extended by Resolution 6-36-2013 through October 31, 2013 to coincide with the current term of the Tennessee Department of Transportation (TDOT) Operating Assistance Grant that provides partial funding for this program. Extending the contract through October 31, 2013 will not only allow the City to place this contract on the same term as grant funding, but it also offers more time to prepare and submit a Request for Proposals (RFP) for this service.

Proposals were received and publicly opened on July 25, 2013 with ETHRA receiving the award for this service. ETHRA's proposal includes, at no cost to the City, three 2013 Ford E350 Goshen Coach Pacer vehicles. All three (3) of the buses are fully ADA-compliant and wheelchair equipped, with backup cameras. These vehicles are also new and have not been placed in service.

Recommendation

Staff recommends entering into a contract with ETHRA for demand response transportation services contingent upon the receipt of TDOT grant funds for this project. The contract, if awarded, will begin November 1, 2013 and expire October 31, 2014. The contract for this service will coincide with the TDOT Operating Assistance Grant Program term, and the nine (9) built-in contract renewals are also contingent upon receiving TDOT Operating Grant funding. Further, staff recommends, at the request of ETHRA, that the general public fare rate be increased from \$1.50 per one-way trip to \$2.00 per one-way trip effective November 1, 2013. The \$2.00 general public fare rate is still below the current rate in surrounding counties.

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 AUTHORIZING A DEMAND-RESPONSIVE TRANSIT SYSTEM MANAGEMENT CONTRACT BETWEEN THE CITY AND THE EAST TENNESSEE HUMAN RESOURCE AGENCY, INC., EFFECTIVE NOVEMBER 1, 2013, CONTINGENT UPON THE CITY'S RECEIPT OF GRANT FUNDING FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR PARTIAL FUNDING OF THE CITY'S OPERATING EXPENSES FOR THE TRANSIT PROGRAM, AND TO INCREASE THE GENERAL PUBLIC ONE-WAY FARE FROM \$1.50 TO \$2.00 EFFECTIVE WITH THE NEW CONTRACT.

WHEREAS, the City has implemented a public transportation program including a demand-responsive system and a transportation assistance program; and

WHEREAS, by Resolution 6-75-03, City Council approved a management contract with the East Tennessee Human Resource Agency, Inc., (ETHRA) for the operation of the City's Demand-Responsive Transit System which is partially funded by an Operating Assistance Grant with the Tennessee Department of Transportation (TDOT); and

WHEREAS, by Resolution 6-36-2013, City Council extended the current contract through October 31, 2013 to coincide with the end of current TDOT grant term; and

WHEREAS, the City issued a Request for Proposals (RFP) for operation of the City's transit system beginning November 1, 2013 contingent upon the City's receipt of grant funds from TDOT for partial funding of the program; and

WHEREAS, ETHRA is a public and governmental body created under the Human Resource Agency Act of 1973 (Tennessee Code Annotated §13-26-101 et seq.) and was the sole responder to the RFP; and

WHEREAS, the City Manager recommends acceptance of ETHRA's proposal and entering into a demand-responsive transit system management contract for a one-year term beginning November 1, 2013, with up to nine (9) additional one-year renewal options, with said contract and renewals being contingent upon the City's receipt of grant funding from TDOT for partial funding of the City's operating expenses for the transit program; and

WHEREAS, the City Manager further recommends the City approve a request from ETHRA to increase the general public fare rate from \$1.50 per one-way trip to \$2.00 per one-way trip, which is below the current fare rate of surrounding counties, with the new fare effective on November 1, 2013; and

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a Demand-Responsive Transit System Management Contract with the East Tennessee Human Resource Agency, Inc., for operation of the City's transit program effective November 1, 2013, in the amount of \$175,373.00, contingent upon the City's receipt of grant funding from the Tennessee Department of Transportation (TDOT).

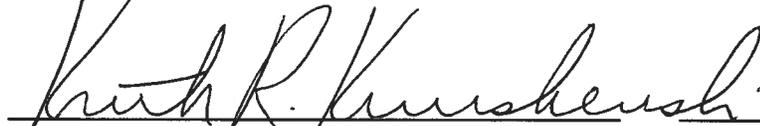
BE IT FURTHER RESOLVED that the contract shall be for an initial one-year term (November 1, 2013 through October 31, 2014) with up to nine (9) additional one-year renewal options, with said renewal options being contingent upon the City's receipt of continued grant funding from TDOT during the renewal terms.

BE IT FURTHER RESOLVED that the general public fare rate will increase from \$1.50 per one-way trip to \$2.00 per one-way trip effective November 1, 2013.

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

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM

13-19

DATE: August 2, 2013
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: APPROVAL OF PARTICIPATION IN PLUG IN HYBRID PROGRAMS

Introduction

An item for City Council's consideration is a resolution approving two contracts and authorization for purchases necessary for the City to participate in a joint program of the Department of Energy, Electric Power Research Institute and the Tennessee Valley Authority which will result in the acquisition of a Plug In Hybrid Bucket Truck, a Plug in Hybrid Pickup Truck and charging stations through the leveraging of Electric Department Funds and funding from those agencies.

Funding

Funding for the City's portion of this project will be through the Electric Fund. Other funding will be provided by the other program participants in the manner described below.

Consideration

In August of 2012, staff became formally aware of a program being developed by the Tennessee Valley Authority (TVA), the Department of Energy (DOE), and the Electric Power Research Institute (EPRI), along with the Air Quality Management District (AQMD) to promote the development and use of Plug In Hybrid Electric Vehicles (PHEV) for medium duty bucket trucks and pickups.

The program has gone through several changes, with significant shifts in eligibility and funding opportunities.

As finalized, the program leverages funding from TVA and DOE to heavily incentivize investment in these technologies by TVA distributors. DOE is contributing funding in conjunction with EPRI for research and demonstration purposes, while TVA funding is a partial offset to the much publicized TVA-EPA settlement of regulatory clean air disputes and compliance issues.

In examining this program, staff concluded that it met Council stated objectives concerning greenhouse gasses and resulted in upgrading of equipment at a substantial savings to the City. Because of the structure of the contracts, a legal review of the contracts concluded that the City could only participate if the City Council granted authority to both execute the contracts and to make the purchases required by the contracts in a single action. The attached resolution accomplishes this.

The program has three components: a medium duty bucket truck, a pickup truck, and charging stations. The bucket truck will replace a spare unit that will have to be permanently removed from service and, for all practical purposes, destroyed. The pickup truck will take the place of an older pickup which will also be retired.

The bucket truck portion of the project would work as follows:

1. The City executes the required contracts.

2. The City purchases a bucket truck at an estimated cost of \$240,000¹.
3. Upon presentation of the invoice, TVA will reimburse the City \$60,000.
4. The chassis will be delivered to a DOE/EPRI selected vendor and a PHEV modification will be made.
5. The modified chassis will be sent to the selected supplier who will add the bucket truck and tool body.
6. The completed unit will be delivered to Oak Ridge, where a spare truck will be permanently removed from service and this vehicle will become a "service truck."

Staff estimates that the cost of the PHEV modification is approximately \$100,000. Through the net expenditure of approximately \$180,000 we will replace a spare truck with equipment valued at approximately \$340,000.

The spare truck planned to be replaced will be unit number 396. This is a 1996 Ford F800 with a 48 foot aerial lift. It was retired from active service several years ago, but is used on occasion for emergency situations, especially where working around live lines is not required.

The City is only allowed to obtain a PHEV pickup if we purchase a bucket truck. To participate in that program, the City purchases a new pickup from a TVA vendor using the below process:

1. The City purchases a PHEV bucket truck as described above.
2. The City purchases a Pickup Truck from a TVA selected vendor at an estimated cost of \$38,000².
3. Upon presentation of invoice, TVA will reimburse the City \$25,000.
4. The DOE/EPRI vendor will install a PHEV system on the truck at no cost to the City.
5. The new pickup will replace an existing truck.

Staff estimates that the pickup will have an estimated value of \$82,000. The net cost to the City will be approximately \$13,000. The truck planned to be replaced is unit number 227, a 1996 Chevrolet truck used in the Substation area. The truck has serious engine problems and 190,237 miles. This truck is not currently being used, the cost of repair being greater than the value.

The final component of the program is the PHEV chargers. The City, by means of the contract, agrees to install three stations, one of which is available to the public. The cost (including installation) is estimated to be \$5,000 apiece. TVA will reimburse \$2,500 each upon demonstration they are installed. Therefore, an additional cost of up to \$7,500 might be incurred, this value being highly dependent on installation cost.

In order to participate in the programs, the City will need to approve two contracts; one with DOE, et al, and one with TVA. As a part of the contract, the City is binding itself to then purchase a bucket truck that meets the program specifications and the City's own specifications, as well as the pickup and charging stations. Because of this, the attached resolution includes authority for staff to make the purchases. The staff will obtain competitive bids for the bucket trucks, and documents reflecting that effort will be available for public inspection. The pickup truck, however, will be a sole source purchase, from the vendor selected by TVA and DOE.

In summary, this program will allow the City to upgrade its fleet through the replacement of two outdated trucks that are used only as spares with new trucks that will be placed into full time service. The total cost to the Electric Fund is anticipated to be \$200,500³. For this expenditure, the City will receive equipment that, without the PHEV component, has a value of \$278,000 and with the PHEV component and charging stations has a value of approximately \$437,000.

¹ The City has obtained a verbal quote of approximately \$214,000 from a qualified supplier, but an additional 10% has been added to figures in this memorandum so as to cover unanticipated costs.

² The truck specified will be a 4WD Crew Cab truck. The obtained quote has been increased 10% to cover unanticipated contingencies.

³ Cost including contingency.

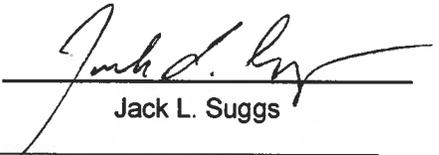
Since the purchase involves a sole source acquisition, a unanimous vote of Council is required for approval.

Recommendation

Staff believes that participation in the program is an excellent value for the citizens of the community and accomplishes City Council goals. For that reason, approval is recommended.

Attachment(s)

Resolution



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

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN THE U.S. DEPARTMENT OF ENERGY, ELECTRIC POWER RESEARCH AGENCY, AND TENNESSEE VALLEY AUTHORITY JOINT PROGRAM WHICH WILL RESULT IN THE ACQUISITION OF A PLUG-IN HYBRID BUCKET AND CHARGING STATIONS UTILIZING THE CITY'S BIDDING REQUIREMENTS AND WAIVING COMPETITIVE BIDDING FOR THE ACQUISITION OF A HYBRID PICKUP TRUCK THROUGH VIA MOTORS.

WHEREAS, the U.S. Department of Energy (DOE), Tennessee Valley Authority (TVA), and Electric Power Research Institute (EPRI) have developed a Plug-In Hybrid Program to promote the development and use of Plug- In Hybrid Electric Vehicles (PHEV) for medium duty bucket trucks and pickup trucks; and

WHEREAS, by participating in the program, the City would be able to obtain a hybrid bucket truck and hybrid pickup truck at a significant cost savings; and

WHEREAS, each vehicle will have a PHEV package installed by DOE at no cost to the City as part of the program; and

WHEREAS, the City will be reimbursed \$60,000.00 for the bucket truck and \$25,000.00 for the pickup truck by TVA as part of the program; and

WHEREAS, the bucket truck will be purchased utilizing the City's bidding procedures and the program's specifications; however, the pickup truck is a sole source purchase through TVA/DOE's vendor Via Motors; and

WHEREAS, the program also requires the purchase of three charging stations, one of which must be made available for free public use during the program, which will be purchased utilizing the City's bidding process at an estimated cost of \$5,000.00 each with TVA reimbursing the City \$2,500.00 each upon installation; and

WHEREAS, as part of the program, the City is required to decommission a bucket truck and pickup truck upon acquisition of the new vehicles; and

WHEREAS, the City Manager recommends participation in the program which includes authorization to purchase the vehicles and charging stations, and waiving the competitive bid process for the purchase of the pickup truck.

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

That the recommendations of the City Manager are approved and the City is hereby authorized to participate in the Plug-In Hybrid Program and enter into the necessary agreements with the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI), and Tennessee Valley Authority (TVA) which bind the City to purchase a hybrid bucket truck and hybrid pickup truck and further bind the City to decommission a bucket truck and pickup truck upon acquisition of the new vehicles.

BE IT FURTHER RESOLVED that the City is hereby authorized purchase a bucket truck for use by the Electric Department in an estimated amount of \$240,000.00; said vehicle to have a Plug- In Hybrid Electric Vehicle package installed by DOE at an estimated cost/value of \$100,000.00 and the City to be reimbursed \$60,000.00 by TVA for a total estimated out-of-pocket cost to the City of \$180,000.00, with such vehicle being purchased under the City's bidding requirements and adhering to the program's specifications.

BE IT FURTHER RESOLVED that the competitive bid process be waived and the City is hereby authorized purchase a pickup truck for use by the Electric Department in an estimated amount of \$38,000.00; said vehicle to have a Plug- In Hybrid Electric Vehicle package installed by DOE at an estimated cost/value of \$44,000.00 and the City to be reimbursed \$25,000.00 by TVA, for a total estimated out-of-pocket cost to the City of \$13,000.00 with such vehicle being purchased through TVA/DOE's vendor Via Motors.

BE IT FURTHER RESOLVED that upon acquisition of the hybrid bucket truck, the City will decommission and destroy (per the terms of the agreement) an existing bucket truck.

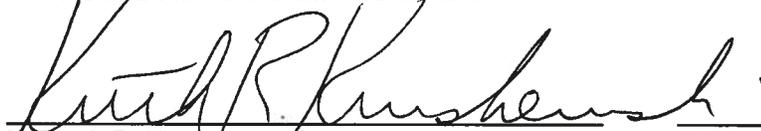
BE IT FURTHER RESOLVED that upon acquisition of the hybrid pickup truck, the City will decommission and destroy (per the terms of the agreement) an existing pickup truck.

BE IT FURTHER RESOLVED that the City is hereby authorized to purchase up to three charging stations for this program at an estimated cost of \$5,000.00 each, with TVA reimbursing the City \$2,500.00 each, said equipment being purchased under the City's bidding requirements.

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

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

LEGAL DEPARTMENT MEMORANDUM
13-29

DATE: July 26, 2013
TO: Mark S. Watson, City Manager
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: PROFESSIONAL SERVICES AGREEMENT — BILL NOLAN & ASSOCIATES - FY2014

An item for the agenda is a resolution approving a professional services Agreement with the City's current state consultant for Fiscal Year 2014.

The City has been utilizing the services of Bill Nolan & Associates for consulting services in the area of relations with the Tennessee General Assembly and the Executive Branch of the State of Tennessee. This agreement expired on June 30, 2013. Funds were approved by City Council in the budget to continue this agreement for Fiscal Year 2014.

Attached is a professional services agreement and resolution for Bill Nolan & Associates. The agreement is similar to the current agreement, with the level of compensation changed as follows: Total Compensation of \$30,000.00 for Bill Nolan & Associates plus \$5,000.00 for expenses. Payment for services or reimbursement for expenses shall be made by a monthly itemized invoice submitted to the City. Any additional hours over the \$30,000.00 must be approved by the City Manager.

Staff recommends approval of the attached resolution.


Kenneth R. Krushenski

City Manager's Comments:

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


Mark S. Watson

8/1/13
Date

RESOLUTION

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BILL NOLAN AND ASSOCIATES, OAK RIDGE, TENNESSEE, FOR THE PROVISION OF CONSULTING SERVICES IN THE AREA OF RELATIONS WITH THE TENNESSEE GENERAL ASSEMBLY AND THE EXECUTIVE BRANCH OF THE STATE OF TENNESSEE FOR AGREED UPON PRIORITIES FOR THE CITY IN THE AMOUNT OF \$30,000.00 WITH AN ALLOWANCE OF \$5,000.00 FOR EXPENSES.

WHEREAS, by Resolution 6-51-2012, City Council approved a Professional Services Agreement in an amount not to exceed \$45,000.00 between the City of Oak Ridge and Bill Nolan and Associates to provide consulting services in the area of relations with the Tennessee General Assembly and the Executive Branch of the State of Tennessee for agreed upon priorities for the City for Fiscal Year 2013; and

WHEREAS, the current agreement expired on June 30, 2013; and

WHEREAS, the City Manager recommends approval of a Professional Services Agreement with Bill Nolan and Associates for Fiscal Year 2014 with an adjustment for total compensation to be \$30,000.00 and reimbursement for expenses at \$5,000.00 to be paid monthly upon receipt of itemized invoices.

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

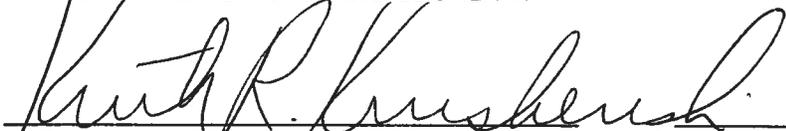
That the recommendation of the City Manager is approved and the attached Professional Services Agreement between the City of Oak Ridge and Bill Nolan and Associates, 104 Cypress Lane, Oak Ridge, Tennessee 37830 for the provision of consulting services in the area of relations with the Tennessee General Assembly and the Executive Branch of the State of Tennessee for agreed upon priorities for the City in the amount of \$30,000.00 with an allowance of \$5,000.00 for expenses to be paid monthly upon receipt of itemized invoices.

BE IT FURTHER RESOLVED that any additional hours over the \$30,000.00 cap must be approved by the City Manager.

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

This the 12th of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement is entered into as of the 1st day of July, 2013, by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the City, and Bill Nolan and Associates, 104 Cypress Lane, Oak Ridge, Tennessee 37830, hereinafter referred to as BNA.

WHEREAS, the City desires to engage a professional consulting firm to develop a comprehensive state government relations agenda and action plan for agreed upon priorities; and provide consultation in the area of relations with the General Assembly and the Executive Branch of the State of Tennessee; and

WHEREAS, BNA has provided such services in the past and is willing to provide such services again on behalf of City under the terms and conditions set forth below.

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 BNA

The City hereby engages BNA to perform the services hereinafter set forth, and BNA hereby accepts such engagement.

2. SCOPE OF SERVICES

The City desires to engage BNA to provide consultation in the area of relations with the General Assembly and the Executive Branch of the State of Tennessee for agreed upon priorities. BNA shall perform the following services for City:

- A. Track the introduction and movement through committees of legislation of interest to the City. Legislation of interest to the City is set forth in the City's annual State Legislative Agenda and through consultation with local government advocacy organizations such as the Tennessee Municipal League
- B. Keep abreast of changes affecting local governments and represent the interests of the City to the General Assembly, state government officials and others as the City's governmental affairs representative.
- C. Maintain regular contact with the Mayor, City Council, and the City Manager during the term of the agreement and report on any legislation that affects the City in writing on a weekly basis when the General Assembly is in session.
- D. Attend City Council meetings with the purpose of reporting on legislative matters when requested by Council or the City Manager.
- E. Assist the City with special projects at the direction of the City Manager.

BNA agrees to keep detailed records of activities conducted on behalf of the City and expenses related to the business of the City. BNA agrees to report to the City regularly on the status of legislation and to advise the City on additional steps to be taken in order to achieve the City's goals and objectives. In addition, BNA agrees to file all required documentation according to the Lobbying Disclosure Act to represent the City before the Tennessee General Assembly and state agencies.

3. TERM

This Agreement shall commence on July 1, 2013 and terminate on June 30, 2014 unless terminated earlier as specified in Section 6.

4. COMPENSATION AND EXPENSES

A. Compensation

For the services to be provided under this Agreement, the City shall pay BNA an amount not to exceed \$ 30,000.00 based upon a maximum rate of \$ _____ per hour and additional hours over the \$ 30,000.00 cap must be approved by the City Manager. The below described fee/rate structure of BNA employees shall be used as a billing guide for their services, and payment for services shall be made by City to BNA on a monthly basis after receipt of an itemized invoice describing services provided by BNA:

Name	Hourly Rate
_____	\$ _____
_____	\$ _____
_____	\$ _____

B. Reimbursable Expenses

BNA shall be entitled to reimbursement of certain expenses which shall not exceed \$5,000.00 during the full term of this Agreement. Reimbursable expenses shall be invoiced separately to the City along with a detailed list of expenses. Reimbursable expenses shall include long distance telephone calls, faxes, document production, overnight delivery, courier services, business meals, out-of-town travel that has been pre-approved by the City, and in-town taxicab transportation within Nashville. Similar expenses not specified above may be reimbursable by the City upon approval of the City.

C. Invoices/Billing

Prior to receiving any compensation under this Agreement, BNA shall submit an itemized invoice/bill containing, at a minimum, what services were provided, who provided the service, the hourly rate for each person providing services, and the amount of time spent on the services by each person.

5. ASSISTANCE FROM THE CITY

To assist BNA in performing legal representation, the City shall furnish to BNA, without charge, copies of all available agreements, reports, memoranda, correspondence, ordinances, legislation, rules and regulations, technical data and other information reasonable request by BNA relevant to the services to be provided by BNA.

6. TERMINATION

Either party may terminate this Agreement at any time upon thirty (30) days' written notice to the other party 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.

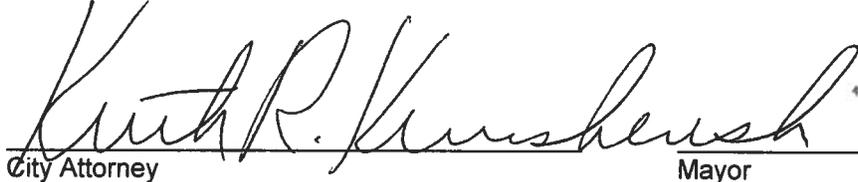
9. GOVERNING LAW

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

BILL NOLAN AND ASSOCIATES

Bill Nolan, President

Tax ID Number

Approved by Resolution _____

CITY COUNCIL MEMORANDUM
13-15

DATE: July 30, 2013
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: ECONOMIC DEVELOPMENT SERVICES AGREEMENT

Introduction

An item for the agenda is a resolution to approve an agreement with Ray Evans, 107 Amanda Place, Oak Ridge, Tennessee for economic development services in an annual estimated amount of \$42,000.

Review

At the July 9, 2012 meeting, City Council approved entering into a one-year agreement with Ray Evans to provide economic development support services to the City for projects assigned to Mr. Evans by the City Manager.

The contractual arrangement has been very helpful to the City Manager's office and the City Manager has been able to rely on Mr. Evan's expertise to ensure timely response by the City of Oak Ridge to inquiring developers. Several large projects are on the horizon, not the least of which is the transfer of ownership of the Oak Ridge Mall. The City Manager recommends continuing this contractual service for the coming year.

Funding

Money is available in the FY 2014 Economic Development activity for this service and has been included in the FY 2014 Budget.

Recommendation

Approval of a contract in an amount of \$3,500 per month is recommended, which is in line with other professional services being used by the City. The City Manager recommends approval of the attached resolution.



Mark S. Watson

Attachment

RESOLUTION

A RESOLUTION TO APPROVE AN AGREEMENT WITH RAY EVANS FOR ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2014 IN THE AMOUNT OF \$42,000.00.

WHEREAS, by Resolution 7-59-2012, City Council authorized an agreement with Ray Evans for economic development services in the amount of \$45,000.00 for Fiscal Year 2013; and

WHEREAS, this agreement expired on June 30, 2013; and

WHEREAS, economic activity continues to occur, with several large projects anticipated for the near future; and

WHEREAS, the City Manager recommends entering into an agreement with Mr. Evans for Fiscal Year 2014 for various economic development services, with particular emphasis on the transfer of ownership for the Oak Ridge Mall.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into the attached agreement for Fiscal Year 2014 with Ray Evans for economic development services in the amount of \$42,000.00.

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

This the 12th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

AGREEMENT
(Economic Development Support Services)

This Agreement entered into this 12th day of August 2013, between the City of Oak Ridge, Tennessee, P.O. Box 1, Oak Ridge, Tennessee 37831, hereinafter referred to as the "City," and Ray Evans, 107 Amanda Place, Oak Ridge, Tennessee 37830, hereinafter referred to as "Mr. Evans."

WITNESSETH:

WHEREAS, the City is in need of professional-level staff assistance in economic development support; and

WHEREAS, Mr. Evans is willing to, and is capable of, providing these services and has provided such services in the past to the City's satisfaction.

In consideration of the mutual promises of the parties hereto, the City and Mr. Evans do hereby agree as follows:

1. SCOPE OF SERVICES

Mr. Evans shall provide economic development support services to the City for projects assigned to Mr. Evans by Mark Watson, City Manager. Mr. Evans shall report to Mr. Watson. The scope of services includes, but is not limited to, the following:

- A. To assist and advise the City Manager on City-related details of proposed economic development projects in Oak Ridge, particularly retail and public projects.
- B. Initiate construction and contracts to implement the Jackson Square Tennessee Department of Transportation (TDOT) enhancement grant.
- C. Assist in the implementation and development of the Kroger's Marketplace project and additional TIF projects.
- D. Coordinate and respond to out of town developers with necessary information and with assistance to City contractor Steve Jones and the Oak Ridge Chamber of Commerce.
- E. Serve and assist the City Manager as City point person for the project during the sales process of the Oak Ridge Mall and development of TIF Program.
- F. Advise the City Manager on strategic approaches for developing improved retail activity in Oak Ridge, sustainability of small businesses, and coordinate with City departments.
- G. Implement necessary improvements to Horizon Center Industrial Park Developments in support of the Industrial Development Board (IDB).
- H. Assist the City Manager on riverfront developments at the New China Palace and adjacent areas.

All services, including but not limited to, work product and documents prepared or produced under this Agreement shall become the property of the City upon payment of compensation for the services.

2. COMMENCEMENT

The services under this Agreement shall commence on July 1, 2013 and shall terminate on June 30, 2014, unless terminated earlier by the City under Section 13.

3. COMPENSATION

The total compensation to be paid to Mr. Evans by the City is estimated to not exceed \$42,000.00, which is based upon the City compensating Mr. Evans at a rate of \$3,500.00 per month for services rendered. Mr. Evans shall provide monthly summaries to the City Manager by email for services completed, which services must be completed to the City's satisfaction. Mr. Evans shall also meet in person with the City Manager no less than once every two weeks to discuss projects and services.

The City will not withhold any taxes from this payment as this is not an employment relationship. Mr. Evans will receive a 1099 from the City for these services.

4. ASSISTANCE FROM CITY

To assist Mr. Evans, the City shall furnish, without charge, copies of all available agreements, reports, regulations, technical data and other information reasonably requested by Mr. Evans relevant to the services to be provided by Mr. Evans. The City will be responsible for printing and postage costs associated with mailings conducted pursuant to the scope of services. The necessary City Department will coordinate with Mr. Evans for any assistance he may need to perform the services under this Agreement.

5. NO DISCRIMINATION

In performing the services under this Agreement, Mr. Evans shall not discriminate against any person because of race, color, religion, creed, sex, sexual orientation, national origin, age, disability or other legally protected status.

6. INSURANCE

Mr. Evans is responsible for obtaining his own liability and automobile insurance during the term of this Agreement.

7. INDEMNIFICATION

To the fullest extent permitted by all applicable laws and regulations, Mr. Evans hereby agrees to protect, indemnify and hold harmless the City and its employees from and against any and all claims, loss, expense, damage, charges and costs direct, indirect or consequential (including but not limited to fees and charges of engineers, architects, attorneys and other professional and court costs), collectively referred to as "claims," for injury to or death of persons and injury to or destruction of property suffered or alleged to have been suffered as a result of any act or omission on the part of Mr. Evans.

8. AMENDMENTS

This Agreement may only be amended by a writing signed by both parties. No proposed amendment which is not in writing and executed by both parties shall effect the terms of this Agreement.

9. ASSIGNMENT

The service provided for hereunder may not be assigned in whole or in part without the prior written consent of the City.

10. COMPLIANCE WITH APPLICABLE LAWS

Mr. Evans shall comply with all applicable federal, state, county and local laws, ordinances, statutes, rules and regulations related to the performance of the services under this Agreement, and would be subject to all the same laws, ordinances, codes, and policies related to ethics and conflicts of interests as applies to regular city employees.

11. 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

12. NOTICE

Any notice or other communication required or permitted under this Agreement shall be in writing and will be deemed given at the time it is deposited in the United States mail, postage paid, certified or registered mail, return receipt requested, addressed to the party to whom it is to be given as follows:

To Mr. Evans:
Ray Evans
107 Amanda Place
Oak Ridge, Tennessee 37830

To the City:
Mark Watson, City Manager
P. O. Box 1
Oak Ridge, Tennessee 37831

Either party may change its address to which notices will be sent by a notice similarly sent.

13. TERMINATION

The City may terminate this Agreement at any time for any reason or no reason by giving written notice to Mr. Evans. In such event, the termination will be effective immediately. In the event of termination, the City shall compensate Mr. Evans as provided in Section 3 through the termination date.

14. GOVERNING LAW

This Agreement is governed by the laws of the State of Tennessee

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

City Attorney

Mayor

RAY EVANS

Approved by Resolution _____

Signature

**PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

13-26

DATE: July 23, 2013
TO: Mark S. Watson, City Manager
FROM: Monica Austin Carroll, AICP, Community Development Division Manager
THROUGH: Kathryn Baldwin, Community Development Director 
SUBJECT: ZONING ORDINANCE REVISIONS REGARDING MOVING COPY SIGNS

Introduction

An item for City Council's consideration is an ordinance to amend the existing sign ordinance. Over the past six (6) months, City staff, the Oak Ridge Municipal Planning Commission, representatives of the Oak Ridge Chamber of Commerce, representatives from the sign industry, and citizens alike have been involved in a collaborative partnership to examine the City's current sign ordinance in an effort to clarify regulations regarding moving copy signs (electronic message center (EMCs)).

Funding

No funding is necessary for this item.

Analysis

The following is a summary of the changes to the sign ordinance for EMCs:

Animation

- Each message displayed on an EMC shall be static—no animation or effects simulating animation—and depicted for a minimum of five (5) seconds. Transition from one message to another shall be continuous without flashing, change in light intensity, animation or other type of movement between messages except fade-ins/fade-outs of messages is permitted. Animated video or continuous scrolling of messages is prohibited.

Sign Surface Area

- The EMCs portion shall be an integrated part of the total sign surface area. The surface display area for the EMCs shall not exceed 40% of the overall allowable sign area for pole signs and 50% of the overall allowable sign area for ground signs. For pole signs only, the EMCs shall be located on the bottom portion of the overall sign.

Location

- Ground signs that include EMCs shall not be located within 100 feet of any residential uses, residential zoning districts, or public parks. Pole signs that include EMCs shall not be located within 200 feet of any residential uses, residential zoning districts, or public parks. This measurement shall be made from the sign structure to the nearest residential or public park property line.

Sporting Events

Outdoor athletic fields with permanent seating shall be allowed to have EMCs provided that the display is:

- Used only during the sporting event and the activities related to it on the day of the event
- EMCs are an integrated part of the scoreboard
- Surface display area shall not exceed more than 50% of the front face of the scoreboard

For recreational and sporting venues within publicly owned spaces, EMCs may be allowed on a temporary basis for the duration of the event provided the orientation of the display is towards the participants/spectators. Live video may be displayed on the temporary EMCs for the duration of the event.

Traffic Control

No moving copy sign shall interfere with the effectiveness of an official traffic control device as determined by the City Engineer. All such signs shall automatically dim via photo cell technology (sensory controlled), which shall adjust to ambient light conditions via gradient change. The brightness of such signs shall not exceed 10,000 nits¹ (measured at white levels) during day light hours and not to exceed 750 nits at night. For the purpose of this section, night shall mean apparent sunset as determined by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, for the specific geographic location and date.

All applications shall include a letter from the sign manufacturer to verify the dimming capabilities and brightness of the sign. No sign permit shall be issued without certification of the manufacturer regarding brightness capability of the EMC sign. The owner of such sign is responsible for making any adjustments to the brightness of the sign following notice by the City of non-compliance with these requirements.

Recommendation

The aforementioned changes regarding the proposed amendments to the sign ordinance for EMCs were discussed and recommended to City Council for approval by a vote of 7 -1 during the regularly scheduled Planning Commission meeting on June 20, 2013.

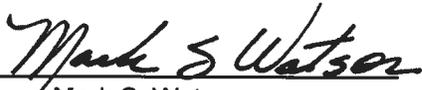
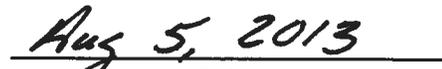
Attachment(s)



Monica Austin Carroll

City Manager's Comments:

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


Mark S. Watson
Date

¹ A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. Nits are used to describe the brightness of digital displays, such as LCD and CRT monitors.

QUICK REFERENCE

Sign Type	Size ¹ (Surface Display Area)	Animation ²	Location ³	Special Notes
Ground	50% of the overall allowable sign area	Each message displayed on a EMC shall be static—no animation or effects simulating animation—and depicted for a minimum of five (5) seconds.	Shall not be located within 100 feet of any residential uses, residential zoning districts, or public parks.	N/A
Pole	Shall not exceed 40% of the overall allowable sign area. EMCs shall be located on the bottom portion of the overall sign.	Each message displayed on a EMC shall be static—no animation or effects simulating animation—and depicted for a minimum of five (5) seconds.	Shall not be located within 200 feet of any residential uses, residential zoning districts, or public parks.	N/A
Outdoor Athletic Fields	Shall not exceed more than 50% of the front face of the scoreboard	Each message displayed on a EMC shall be static—no animation or effects simulating animation—and depicted for a minimum of five (5) seconds.	Athletic fields with permanent seating.	Used only during the sporting event and the activities related to it on the day of the event
Recreational/ Sporting Venue (Events)	No Limit	Live video is allowed.	Publicly owned spaces	Allowed on a temporary basis for the duration of the event provided the orientation of the display is towards the participants/spectators.

¹ The EMC shall be an integrated part of the total sign surface area.

² Transition from one message to another shall be continuous without flashing, change in light intensity, animation or other type of movement between messages except fade-ins/fade-outs of messages is permitted. Animated video or continuous scrolling of messages is prohibited.

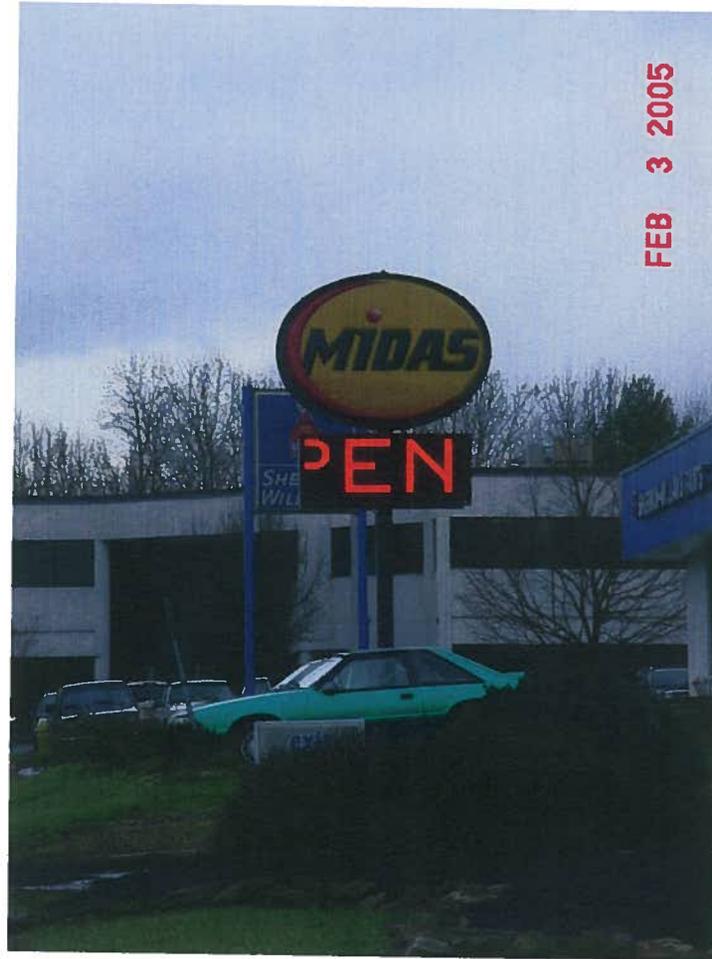
³ The measurement shall be made from the sign structure to the nearest residential or public park property line.

Examples of Existing Reader Board Signs

CVS Pharmacy (Issued 4-8-04)



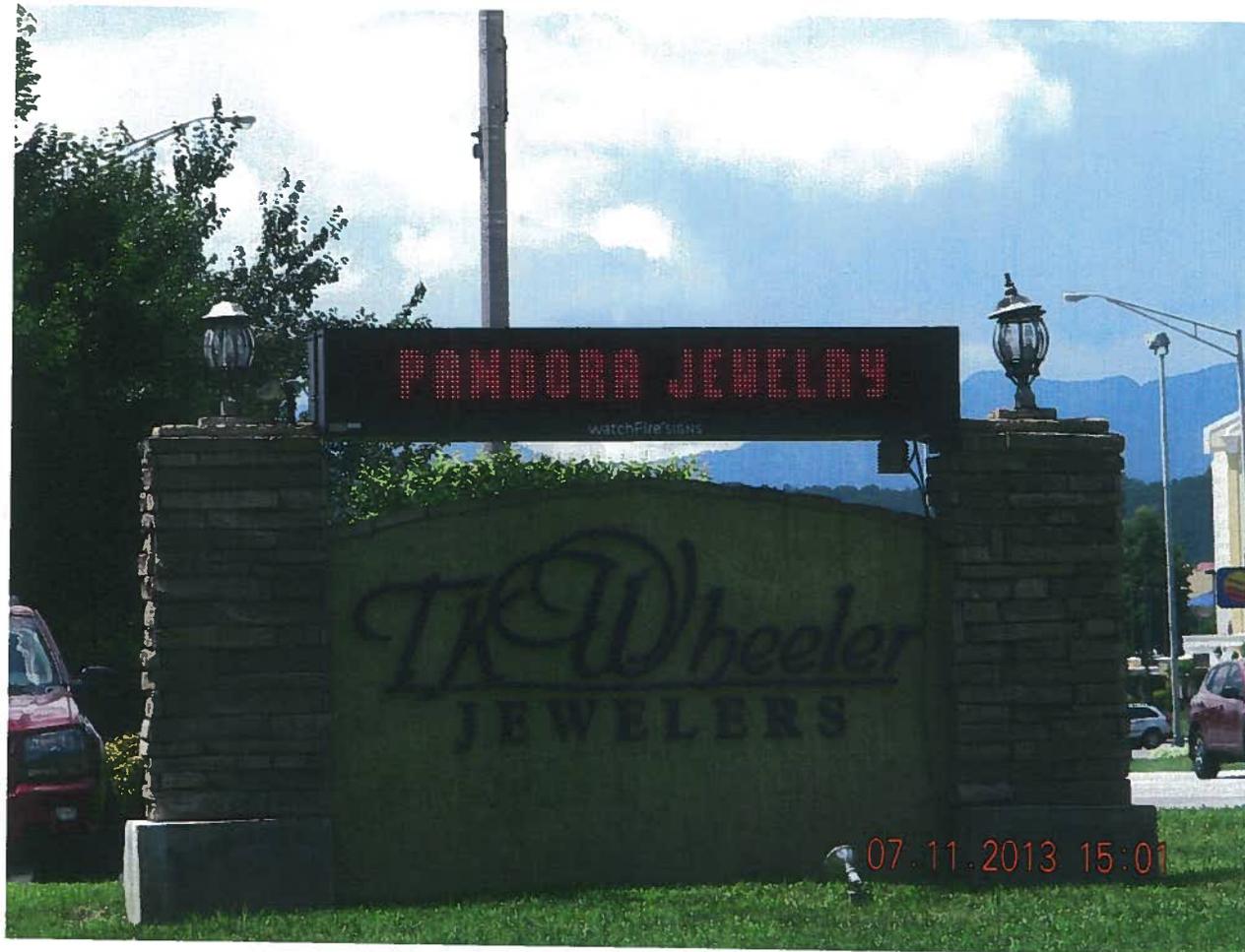
Midas (Issued 12-28-04)



Rivers Total Car Care (Issued 6-9-05)



TK Wheelers (Issued 4-15-08)



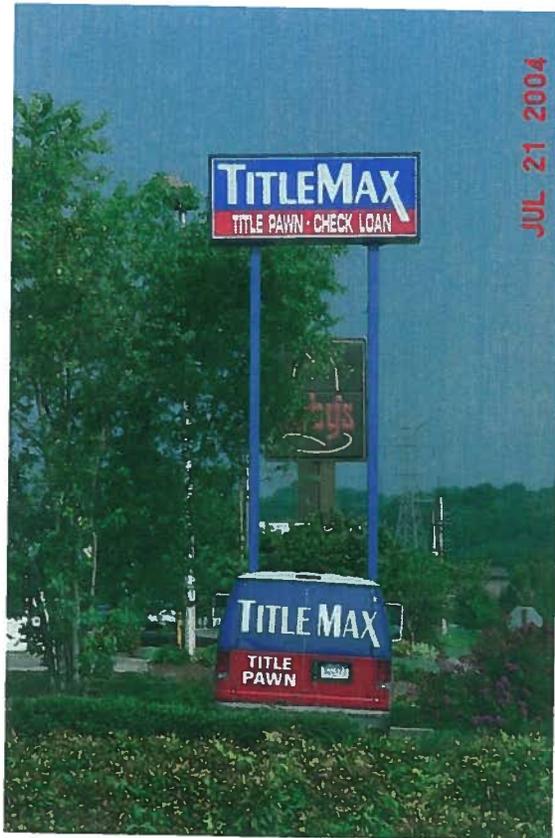
IHOP (issued 8-27-09)



Oak Ridge High School (Issued 3-17-10)



Title Max (Issued 4-9-10)



Patterson's (Issued 10-13-11)



Munsey's Pharmacy (Issued 12-13-11)



Time to Shine Car Wash (Issued 3-8-12)



Walgreens (Issued 4-20-12)



Riverside Grill (Issued 5-16-12)



Ace Hardware (Issued 9-17-12)



Popeye's (Issued 9-18-12)



Karen's Jewelers (Issued 10-11-12)



Eddie Hair Tire (Installed July 2013)



TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE XIV, TITLED "SIGN REGULATIONS," TO ADD A NEW SECTION 14.21, TITLED "MOVING COPY (ELECTRONIC MESSAGE CENTER) SIGNS," FOR THE PURPOSE OF ESTABLISHING CRITERIA FOR OPERATION OF MOVING COPY (ELECTRONIC MESSAGE CENTER) SIGNS.

WHEREAS, the City of Oak Ridge desires to establish criteria for the operation of moving copy (electronic message center) signs in response to concerns expressed by the community; and

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

WHEREAS, the following changes are a result of a collaborative effort between city staff, the Commission, the Oak Ridge Chamber of Commerce, representatives from the sign industry, and citizens to examine current sign regulations in an effort to clarify regulations regarding moving copy (electronic message center) signs; and

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article XIV, titled "Sign Regulations," is hereby amended by adding a new Section 14.21, titled "Moving Copy (Electronic Message Center) Signs," which new section shall read as follows:

Section 14.21. Moving Copy (Electronic Message Center (EMC)) Signs.

Moving copy (electronic message center (EMC)) signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zoning districts.

1. Length of Time for Display. Each message displayed on an EMC sign shall be static (sign which includes no animation or effects simulating animation) and depicted for a minimum of five (5) seconds. Transition from one message to another shall be continuous without flashing, change in light intensity, animation or other type of movement between messages except that fade-ins/fade-outs of messages are permitted. Animated video or continuous scrolling of messages is prohibited.
2. Surface Area. The EMC portion of the sign shall be an integrated part of the total sign surface area. The surface display area for the EMC shall not exceed forty percent (40%) of the overall allowable sign area for pole signs and fifty percent (50%) of the overall allowable sign area for ground signs. For pole signs only, the EMC shall be located on the bottom portion of the overall sign.
3. Location of EMC in Residential and Public Park Areas. Ground signs that include EMCs shall not be located within one hundred (100) feet of any residential uses, residential zoning districts, or public parks. Pole signs that include EMCs shall not be located within two hundred (200) feet of any residential uses, residential zoning districts, or public parks. This measurement shall be made from the sign structure to the nearest residential or public park property line.

4. Outdoor Athletic Fields. Outdoor athletic fields with permanent seating shall be allowed to have EMC signs provided that the display is: (a) used only during the sporting event and the activities related to the event on the day of the event, (b) EMCs are an integrated part of the scoreboard, and (c) the surface display area of the EMC shall not exceed more than fifty percent (50%) of the front face of the scoreboard.

5. Temporary EMC Signs for Recreational/Sporting Venues on Publicly Owned Spaces. For recreational and sporting venues within publicly owned spaces, EMC signs may be allowed on a temporary basis for the duration of the event provided the orientation of the display is towards the participants/spectators. Live video may be displayed on the temporary EMC signs for the duration of the event.

6. Light Intensity. No EMC copy sign shall interfere with the effectiveness of an official traffic control device as determined by the City Engineer. All such signs shall automatically dim via photo cell technology (sensory controlled), which shall adjust to ambient light conditions via gradient change. The brightness of such signs shall not exceed 10,000 nits (measured at white levels) during day light hours and not to exceed 750 nits at night. For the purpose of this subsection, night shall mean apparent sunset as determined by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, for the specific geographic location and date. All applications shall include a letter from the sign manufacturer to verify the dimming capabilities and brightness of the sign. No sign permit shall be issued without certification of the manufacturer regarding brightness capability of the EMC sign. The owner of such sign is responsible for making any adjustments to the brightness of the sign following notice by the City of non-compliance with these requirements.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 08/12/2013
 Publication Date: 07/25/2013
 First Reading: 08/12/2013
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

DEPARTMENT OF COMMUNITY DEVELOPMENT MEMORANDUM

13-28

DATE: July 25, 2013
TO: Mark S. Watson, City Manager
FROM: Kathryn Baldwin, Community Development Director
SUBJECT: OAK RIDGE LAND BANK CORPORATION

Introduction

As part of the "Not in our City" conceptual plan, City Council approved Resolution 11-109-11, which included the establishment of a land bank PILOT program in accordance with Tennessee Code Annotated §13-30-101 to reclaim tax foreclosed, unused, vacant, and/or undesirable land for potential housing opportunities or public use.

Funding

As per Tennessee Code Annotated §13-30-104(b)(2), City Council will appropriate sufficient funds for the initial administration of the corporation. Initial funding source for the Land Bank would primarily come from the current remaining City Housing Fund which is approximately \$100,000.00.

Background

The City has been working on a number of initiatives, both locally and the state level, to improve the housing stock and other land uses. Among those initiatives, the City of Oak Ridge was identified by the State of Tennessee to serve as the pilot city for the State's first ever Land Bank. This designation was bestowed upon the City of Oak Ridge because of a myriad of social and economic factors that included the large number of legacy World War II era housing structures originally constructed as temporary residential dwellings in support of the war that are now in deteriorated and unsafe or otherwise unfit condition. There exists a crisis in many cities and their metro areas caused by disinvestment in real property and resulting in a significant amount of vacant and abandoned property. This condition of vacant and abandoned property represents lost revenue to the City and large costs associated with demolition, safety hazards and spreading deterioration of neighborhoods including resulting mortgage foreclosures. The need exists to strengthen and revitalize the economy of the state and the City of Oak Ridge by solving the problems of vacant and abandoned property in a coordinated manner, and to foster the development of such property and promote economic growth. Such problems may include multiple taxing jurisdictions lacking common policies, ineffective property inspection, code enforcement and property rehabilitation support, lengthy and/or inadequate foreclosure proceedings, and lack of coordination and resources to support economic revitalization. Land banks are one of the tools that can be utilized by communities to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use.

In addition to creating a Land Bank, the City over the past year has acquired, through various funding sources, twelve (12) residential properties as listed below, which are currently available for immediate transfer to the pending Oak Ridge Land Bank Corporation for the purposes authorized by state legislation. Four (4) of the properties are in the process of demolition, one (1) is a donated lot with a house suited for rehabilitation and seven (7) have been demolished and ready for use.

214 Waltham Place	114-116 Lawton Rd
121 Goucher Cir	212-214 N. Illinois Ave
112-114 Wade Ln	134 Houston Ave
608 W. Outer Dr	133 Johnson Rd
175 Outer Dr (donation)	101 Decatur Rd
110-112 Walnut Ln	116 Jarrett Ln

Recommendation

To adopt this ordinance that officially establishes the City of Oak Ridge Land Bank Corporation pursuant to the provisions of TCA §13-30-101 et seq. and to appropriate sufficient funds and staff support to the initial creation and early stages of this Land Bank Pilot Program in addition to transferring available city acquired properties to the Oak Ridge Land Bank Corporation for the purposes authorized by state legislation.

Attachment(s)

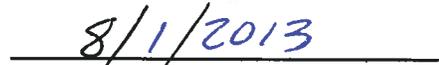
Tennessee Local Land Bank Pilot Program - TCA §13-30 et seq.


Kathryn Baldwin

City Manager's Comments:

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


Mark S. Watson


Date



State of Tennessee
PUBLIC CHAPTER NO. 1096

SENATE BILL NO. 3223

By McNally, Yager

Substituted for: House Bill No. 3400

By Ragan, Hardaway, Parkinson

AN ACT to amend Tennessee Code Annotated, Title 13, to enact the "Tennessee Local Land Bank Pilot Program".

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

SECTION 1. Tennessee Code Annotated, Title 13, is amended by adding the following language as a new Chapter 30:

13-30-101. This act shall be known and may be cited as the "Tennessee Local Land Bank Pilot Program".

13-30-102. The legislature finds and declares as follows:

(1) Tennessee's communities are important to the social and economic vitality of the state. Whether urban, suburban or rural, many communities are struggling to cope with vacant, abandoned and tax-delinquent properties.

(2) There exists a crisis in many cities and their metro areas caused by disinvestment in real property and resulting in a significant amount of vacant and abandoned property. This condition of vacant and abandoned property represents lost revenue to local governments and large costs associated with demolition, safety hazards and spreading deterioration of neighborhoods including resulting mortgage foreclosures.

(3) The need exists to strengthen and revitalize the economy of the state and its local units of government by solving the problems of vacant and abandoned property in a coordinated manner and to foster the development of such property and promote economic growth. Such problems may include multiple taxing jurisdictions lacking common policies, ineffective property inspection, code enforcement and property rehabilitation support, lengthy and/or inadequate foreclosure proceedings, and lack of coordination and resources to support economic revitalization.

(4) There is an overriding public need to confront the problems caused by vacant, abandoned and tax-delinquent properties through the creation of new tools to be available to communities throughout the state enabling them to turn vacant spaces into vibrant places.

(5) Land banks are one of the tools that can be utilized by communities to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use.

(6) In the interest of self-governance on the part of Tennessee's cities, this pilot program will be used in specific areas as a testing model of a self-governing, self-sustaining land bank that can revitalize Tennessee cities and counties.

13-30-103. As used in this act, unless the context clearly indicates otherwise:

(1) "Board of directors" or "board" means the board of directors or other similar governing body of the corporation;

(2) "Corporation" means a corporation created pursuant to this chapter to operate a land bank;

(3) "Land bank" means real property, however obtained or acquired and held by a corporation, created pursuant to this chapter, with the intent of acquiring and holding onto the real property so acquired until such a time as the corporation is able to find a willing and able buyer to acquire the real property from the corporation;

(4) "Local government" means any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee meeting the requirements of § 13-30-104;

(5) "Pilot program" means the Tennessee Local Land Bank Pilot Program meeting the requirements of § 13-30-104;

(6) "Real estate" means an identified parcel or tract of land, including improvements, if any; and

(7) "Real property" means one (1) or more defined parcels or tracts of land or interests, benefits and rights inherent in the ownership of real estate.

13-30-104.

(a)(1) Any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee, to which all of the following elements applies, has the authority to establish a pilot program by creating a corporation which is authorized to operate a land bank for the creating local government or local governments, hereafter referred to as "corporation", within the jurisdictional boundaries of the local government or local governments establishing the corporation:

(A) The local government was chosen as a site for a nuclear research facility for the U.S. Government during the World War II era;

(B) Prefabricated modular homes, apartments and dormitories, many made from cement panels, were quickly erected for those employed at the nuclear research facility; and

(C) Many units of such housing, while intended to be only temporary structures, are in extremely deteriorated conditions and still serve as residential homes for municipal residents seventy (70) years after originally constructed.

(2) The corporation is hereby declared to be performing a public function on behalf of the local government with respect to which the corporation is created and organized and to be a public instrumentality of such local government. Accordingly, the corporation and all properties of the corporation, including all properties held in the name of the corporation in the land bank, at any time owned by it, and the income and revenues from the properties shall be exempt from all taxation in the State of Tennessee.

(b)(1) A corporation shall come into existence under the terms of this chapter when any local government to which subsection (a) applies either on its own initiative or through inter-local agreements entered into by and between one (1) or more creating local governments vote by majority vote of its legislative body to establish the corporation. Evidence of such authorization shall be proclaimed and countersigned by the presiding officer of each participating county or municipality and certified by such officer to the secretary of state.

(2) The governing bodies of the creating local governments shall indicate their willingness to appropriate sufficient funds to provide for the initial administration of the corporation as a part of the authorization process and for such purposes are authorized to provide funding or grants and appropriate money to the corporation in such manner as directed by the legislative bodies.

13-30-105.

(a) The corporation shall have a board of directors in which all powers of the corporation shall be vested. Such board shall consist of any number of directors, no fewer than five (5), all of whom shall be duly qualified electors of and taxpayers in the creating local government or local governments.

(b) The creating local government or local governments, if more than one (1) has jointly created a corporation, shall determine the qualifications, manner of selection or appointment, terms of office of members of the board, the number of directors, whether and to what extent the members of the local legislative bodies shall be appointed or elected to serve on the board of the corporation and the manner of filling vacancies.

(c) The term of each director on the corporation shall be as set by the creating local government or local governments, provided that any director shall continue to serve beyond the end of the director's term until the director's successor has been appointed. At the first organizational meeting of the corporation, the creating local government or local governments shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year.

13-30-106.

(a) A majority of the board of the corporation shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required by state law, the vote of a simple majority of the directors present at any meeting at which a quorum is present shall be the action of the corporation. To the extent permitted by applicable law, the corporation may permit any or all directors to participate in an annual, regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

(b) The members of the board of directors shall select annually from among themselves a chairman, a vice chairman, a treasurer, and such other officers as the board may determine, and shall establish their duties as may be regulated by rules adopted by the board.

(c) The board shall establish rules and requirements relative to the attendance and participation of members in its meetings, regular or special. Such rules and regulations may prescribe a procedure whereby, should any member fail to comply with such rules and regulations, such member may be disqualified and removed automatically from office by no less than a majority vote of the remaining members of the board, and that member's position shall be vacant as of the first day of the next calendar month. Any person removed under the provisions of this subsection shall be ineligible for reappointment to the board, unless such reappointment is confirmed unanimously by the board.

(d) Any citizen or group of citizens upon collection of a petition having a clearly worded purpose, of at least twenty (20) verified signatures of qualified voters registered in the jurisdiction in which the board operates may present to the local government legislative body a resolution calling for the removal of any board member. The local government legislative body shall have the power, upon timely and due consideration of the citizen petition and a response from the board, to remove or retain the cited board member by simple majority vote. Removal from the board of directors of any public official shall not, in, and of itself, impair the public official or municipal or county employee in his or her other duties.

(e) Board members shall serve without compensation, shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the corporation and to fix the duties, powers and compensation of all employees, agents and consultants of the corporation. The board may reimburse any member for expenses actually incurred in the performance of duties on behalf of the corporation.

(f) The board shall meet in regular session according to a schedule adopted by the board, and also shall meet in special session as convened by the chairman or upon written notice signed by a majority of the members. The presence of a majority of the total membership of the board shall constitute a quorum.

(g) All actions of the board shall be approved by the affirmative vote of a majority of the members of that board present and voting. However, no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

(1) Adoption of bylaws and other rules and regulations for conduct of the business of the corporation;

(2) Hiring or firing of any employee or contractor of the corporation. This function may, by majority vote, be delegated by the board to a specified officer or committee of the corporation, under such terms and conditions, and to the extent, that the board may specify;

(3) The incurring of debt;

(4) Adoption or amendment of the annual budget; and

(5) Sale, lease, encumbrance, or alienation of real property, improvements or personal property with a value of more than fifty thousand dollars (\$50,000).

(h) Vote by proxy shall not be permitted. Any member may request a recorded vote on any resolution or action of the board.

13-30-107.

(a) The corporation, once created, shall have the authority to create a land bank for real property located within the boundaries of the creating local government or local governments.

(b) No rules or bylaws created by the corporation, may contravene state law.

(c) All board members, appointees, employees and/or paid advisors of the corporation created, appointed or employed, with or without pay, pursuant to this act are subject to the provisions of Tennessee Code Annotated, Title 8, Chapter 17, and may not be exempted on the basis of any corporate board governance rules or bylaws.

(d) All meetings of the board of directors of the corporation and/or its employees are subject to Tennessee Code Annotated, Title 8, Chapter 44, and may not be exempted on the basis of the corporate board governance rules or bylaws.

(e) All corporate records are subject to the provisions of Tennessee Code Annotated, §§ 10-7-503 through 10-7-505, and may not be exempted on the basis of any corporate board governance rules or bylaws.

13-30-108. The corporation may enter into contracts and agreements with the creating local government or local governments for staffing services to be provided to the corporation by such local governments or agencies or departments thereof.

13-30-109. The corporation shall have the power, as limited by the legislative body of the creating local government or local governments, to:

(1) Adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) Sue and be sued in its own name and plead and be impleaded in all civil actions, including, but not limited to, actions to clear title to the real property held in the land bank;

(3) Adopt a seal and to alter the same at pleasure;

(4) Borrow funds as may be necessary, for the operation and work of the corporation with the concurrence of the legislative body of the creating local government or local governments;

(5) Enter into contracts and other instruments necessary, incidental or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, intergovernmental agreements under the existing Tennessee Code for the joint exercise of powers under this act;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers to acquire, hold and dispose of real property held in the land bank;

(7) Procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the corporation in the performance of the duties of such person's office or employment or any other insurable risk, as the board of directors, in its discretion, may deem necessary;

(8) Accept donations, contributions, revenues, capital grants or gifts from any individual, association, public or private corporation, municipality or county of the State of Tennessee, the State of Tennessee or the United States government, or any agency or instrumentality of the State of Tennessee or the United States, for or in aid of any of the purposes of this act and enter into agreements in connection with the donations, contributions, revenues, capital grants or gifts;

(9) Invest money of the corporation in investments that would be eligible investments for a municipality or county in the state and name and use depositories for its money with a bank or trust company which is a member of the Federal Deposit Insurance Corporation;

(10) Identify, investigate, document and nominate properties meeting established criteria to the creating local government or local governments for initiation and exercise of eminent domain procedures in accordance with state law; provided that any real property taken by eminent domain, if transferred to or acquired by the corporation shall only be disposed of by the corporation in a manner which does not violate § 29-17-102;

(11) Enter into contracts which do not violate § 29-17-102, for the management of or the sale of real property in the land bank; such power shall include the power to preserve the value or prevent diminution of the value of any such property until disposed of by the corporation, including the following actions:

(A) Design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;

(B) Fix, charge and collect rents, fees and charges for the use of real property of the land bank and for services provided by the corporation;

(C) Grant or acquire a license, easement, lease, as lessor and as lessee, or option with respect to real property in the land bank; and

(D) Enter into limited partnerships, limited joint ventures and other limited collaborative relationships with local governments and other public and private entities within the designated boundary for the ownership, management, development, and disposition of real property; and

(12) Do all other things necessary or convenient to achieve the objectives and purposes of the corporation related to the real property held in the land bank.

13-30-110.

(a) The corporation may acquire real property or interests in real property for the land bank by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the corporation considers proper.

(b) The corporation may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts or land contracts, and may accept transfers from municipalities or counties upon such terms and conditions as agreed to by the corporation and the local government.

(c) The corporation shall maintain all of its real property and real property held in the land bank in accordance with state law and the laws and ordinances of the jurisdiction in which the real property is located.

(d) The corporation shall not own or hold real property located outside the jurisdictional boundaries of the local governmental entity or entities that created the corporation; provided, however, that the corporation may be granted authority pursuant to an intergovernmental cooperation agreement with another municipality or county to manage and maintain real property located within the jurisdiction of such other municipality or county.

(e) Notwithstanding any other provision of law to the contrary, any municipality or county may convey to the corporation real property and interests in real property on such terms and conditions, and according to such procedures, as determined by the legislative body of the local government conveying the real property to the corporation.

13-30-111.

(a) The corporation shall hold in its own name all real property acquired by the corporation for the land bank irrespective of the identity of the transferor of such property.

(b) The corporation shall maintain and make available for public review and inspection an inventory of all real property held for the land bank. In addition to referrals to public access, routine, printed, real property records or those on municipal and county electronic database files, the corporation is authorized to maintain an independent, publically available, electronic inventory via the creating local government or local government's Web site with any combination of pictures, informal descriptions, legal descriptions and addresses as the board may deem appropriate to its purposes related to real property in the land bank. The corporation is obligated to make reasonable efforts to ensure that information contained in any independent, electronic inventory is practically accurate or to ensure that a prominent disclaimer of accuracy is prominently displayed to any potential viewer.

(c) The corporation shall determine and set forth in policies and procedures of the board of directors, the general terms and conditions for consideration to be received for the transfer of real property and interests in real property, which consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee, and such other forms of consideration as determined by the board of directors to be in the best interest of the corporation related to real property in and for the land bank.

(d) The corporation may convey, exchange, sell, transfer, lease as lessee, grant, release and demise, pledge and hypothecate any and all interests in, upon or to real property of the land bank, to the extent authorized by the legislative body of the creating local government or local governments and in a manner which does not violate § 29-17-102.

(e) The legislative body of the local government or local governments creating the corporation, are authorized to establish a hierarchical ranking of priorities for the use of real property conveyed to the corporation for the land bank including, but not limited to:

- (1) Use for purely public spaces and places;
- (2) Use for affordable housing;
- (3) Use for retail, commercial and industrial activities; or
- (4) Use as wildlife conservation areas, and such other uses and in such hierarchical order as determined.

(f) The creating local government or local governments are authorized to require that any particular form of disposition of real property, or any disposition of real property located within specified jurisdictions which is held by the corporation in the land bank, be subject to specified voting and approval requirements of the board of directors. Except and unless restricted or constrained in this manner, the board of directors may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance and all other related documents pertaining to the conveyance of real property held by the corporation as real property for the land bank.

13-30-112.

(a) The board shall cause minutes and a record to be kept of all its proceedings and such records shall be available for timely public inspection. All meetings shall be open to the public with appropriate notice published in accordance with Section 13-30-107(d).

(b) The board shall publish a report on an annual basis to its creating local government or local governments. This annual report must contain a detailed financial accounting of the corporation's debt obligations, income (sources and amounts), properties, dispositions, expenditures, acquisitions, contracts (executed and pending within the next ninety (90) days), significant activities and other data as required by organizational bylaws and governance documents. This report shall be maintained on file for audit purposes and immediately available to the Department of Audit in the office of the comptroller of the treasury upon request. Additionally, all such reports shall be available for public inspection.

(c) The board of directors of the corporation shall cause an annual audit to be made of the books and records of the corporation. With prior approval of the comptroller of the treasury, the audit may be performed by a licensed certified public accountant selected by the corporation. If a licensed certified public accountant is employed, the audit contract between the corporation and the licensed certified public accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the corporation. The comptroller of the treasury, through the department of audit, shall be responsible for determining that the audits are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum standards prescribed by the comptroller of the treasury.

(d) In the event the governing body of the corporation fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a licensed certified public accountant, or direct the Department of Audit, to prepare the audit, the cost of the audit to be paid by the corporation.

(e) A copy of the annual audit referenced in subsection (c) shall be filed annually with the creating local government or local governments.

13-30-113. A corporation created pursuant to this chapter may be dissolved in the manner established by the creating local government or local governments or otherwise in accordance with general law for the dissolution of a public corporation.

13-30-114. No member of the board or employee of a corporation shall acquire any interest, direct or indirect, in real property acquired or held by the corporation. No member of the board or employee of the corporation shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by the corporation. The board may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and employees of the board or corporation.

13-30-115. This act shall be construed liberally to effectuate the legislative intent and the purposes as complete and independent authorization for the performance of each and every act and thing authorized by this act, and all powers granted shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers. Except as otherwise expressly set forth in this act, in the exercise of its powers and duties under this act and its powers relating to property held in the land bank, the corporation shall have complete control as fully and completely as if it represented a private property owner and shall not be subject to restrictions imposed by the charter, ordinances or resolutions of a local unit of government.

13-30-116.

(a) In accordance with existing provisions of Tennessee Code Annotated, §§ 67-5-2505, 67-5-2507, 67-5-2508, 67-5-2509, and 67-5-2514, the corporation is exempt from any state taxation.

(b) Additionally, the corporation has the power to pay any unpaid taxes due and owing by the owner of record of the real property, or make any government mandated improvements to the property, in exchange for the deed of real property to the corporation.

(c) All proceeds from the sale of real property held in the land bank shall be returned to the corporation.

(d) All corporate revenue shall be held by the board of directors, and proceeds shall only go to furthering the aims of the acquisition and/or resale of real property by the corporation for the land bank.

13-30-117.

(a) A corporation shall be authorized to file an action to quiet title as to any real property in which the corporation has an interest. For purposes of any and all such actions, the corporation shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the corporation as adequate complainant in such action.

(b) Prior to the filing of an action to quiet title, the corporation shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the complaint to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property by registered or certified mail, addressed to "occupant";

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the municipality in which the property is located;

(5) By electronically publishing notices with addresses and descriptions via the municipality's Web site; and

(6) Such other methods as the court may order.

(c) As part of the complaint to quiet title, the corporation shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

(d) The court shall schedule a hearing on the complaint within ninety (90) days following filing of the complaint, and as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty (120) days of the filing of the complaint.

(e) A corporation shall be authorized to join in a single complaint to quiet title one (1) or more parcels of real property.

13-30-118.

(a) The creating local government or local governments shall establish an appeal procedure as described in this section for any person aggrieved by the decision of the corporation with respect to real property proposed for acquisition or acquired by, held and disposed of by the corporation for the land bank.

(b) The legislative body of the local government is authorized to create an appeals committee or a joint appeals committee if more than one (1) local government created the corporation. Any person aggrieved by the decision of the corporation concerning any aspect of this act may obtain review of the official's decision by requesting an appeal of the decision of the official in written form to the appeals committee within ten (10) days of the date of the official's decision.

(c) The appeals committee shall hear the appeal within thirty (30) days of the written request for appeal.

(d) The appeals committee shall consider the appeal and render a decision on all hearings within thirty (30) days of the hearing date, unless the hearing is continued from time to time by a majority vote of the committee for further information.

(e) The appeals committee shall act as a quasi-judicial body whose purpose is to determine whether the corporation followed proper and authorized procedures related to the acquisition or disposal of real property held in the land bank, its applicability to the appellant, and to rule upon the actions of the official. The appeals committee shall not be bound by formal rules of evidence applicable to the various courts of the state.

(f) Hearings before the appeals committee shall proceed as follows:

(1) The corporate official shall explain his decision and the reasons for his decision related to the real property at issue;

(2) The appellant shall explain his reasons for protesting the decision of the official;

(3) The appeals committee may request further information from any corporate official. The appeals committee shall not have the power of subpoena;

(4) The appeals committee shall deliberate and render a decision by a majority vote as to whether the official acted appropriately in making the decision. The decision shall also include a recommendation for appropriate legislative action to be taken by the local government, if any is required or recommended, to remedy the issue in accordance with the decision rendered by the appeals committee.

(5) Decisions will be reduced to writing and copies shall be sent to all parties, including the legislative body of the local government or local governments, as appropriate, and shall become a part of the minutes of the appeals committee and the appropriate legislative body.

(6) Decisions of the appeals committee shall be final.

13-30-119.

(a) The comptroller shall monitor the actions of the corporation for a period of three (3) years from the date the corporation is created.

(b) No later than March 1st following the end of the third year of the creation of the corporation, the comptroller shall file a report with the governor and the state and local government committees of each house with recommendations concerning whether the pilot project should be continued, expanded or discontinued, together with recommended legislative actions based on such decision.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

SENATE BILL NO. 3223

PASSED: April 26, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of May 2012



BILL HASLAM, GOVERNOR

TITLE

AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "OAK RIDGE LAND BANK CORPORATION," TO CREATE A LAND BANK CORPORATION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §13-30-101 ET SEQ.

WHEREAS, by Resolution 11-109-11, City Council approved the *Not in Our City* conceptual plan which included establishment of a land bank program to reclaim unused, vacant, and/or undesirable land for potential housing opportunities or public use; and

WHEREAS, Tennessee Code Annotated §13-30-101 et seq. establishes the Tennessee Local Land Bank Pilot Program authorizing municipalities and counties meeting certain requirements to establish a pilot program creating a corporation with authority to operate a land bank for real property; and

WHEREAS, the City of Oak Ridge, Tennessee, meets the requirements set forth by Tennessee Code Annotated §13-30-104 to establish a pilot program; and

WHEREAS, the City desires to establish a pilot program by creating a land bank corporation to provide a tool to support economic revitalization through returning vacant, abandoned and tax-delinquent properties to productive use; and

WHEREAS, City Council hereby indicates its willingness to appropriate sufficient funds to provide for the initial administration of the corporation in accordance with Tennessee Code Annotated §13-30-104(b)(2).

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

Section 1. Title 13, titled "Property Maintenance Regulations," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Chapter 6, titled "Oak Ridge Land Bank Corporation," which new chapter shall read as follows:

CHAPTER 6

OAK RIDGE LAND BANK CORPORATION

Sec. 13-601. Legislative Authority.

The City meets all requirements of, and is therefore authorized by, Tennessee Code Annotated §13-30-104(a)(1) to establish a pilot program by creating a land bank corporation in accordance with the provisions of the Tennessee Local Land Bank Pilot Program (Tennessee Code Annotated §13-30-101 et seq.).

Sec. 13-602. Findings.

City Council finds and declares as follows:

- (a) There is a need to strengthen and revitalize the economy by solving the problems of vacant, abandoned, and tax-delinquent real property and to foster the development of such property and promote economic growth.
- (b) Disinvestment in real property results in a significant amount of vacant and abandoned real property which represents lost revenue to the City and high costs associated with demolition, as well as spreading neighborhood deterioration.

- (c) A land bank can be an effective tool to facilitate the return of vacant, abandoned and tax-delinquent real properties to productive use, thereby supporting economic revitalization.
- (d) There is a need for a land bank to function within the jurisdictional boundaries of the City of Oak Ridge.

Sec. 13-603. Creation.

The Oak Ridge Land Bank Corporation is hereby created pursuant to the authority of the Tennessee Local Land Bank Pilot Program set forth in Tennessee Code Annotated §13-30-101 et seq. By such statute, the Oak Ridge Land Bank Corporation has authority to create a land bank for real property located within the boundaries of Oak Ridge. For purposes of this chapter, "land bank" means real property, however obtained or acquired and held by the Oak Ridge Land Bank Corporation, with the intent of acquiring and holding on the real property so acquired until such time as the corporation is able to find a willing and able buyer to acquire the real property from the corporation. [Tennessee Code Annotated §13-30-101 et seq., Tennessee Code Annotated §13-30-107]

Sec. 13-604. Board of Directors.

- (a) Number and Qualifications of Directors. The Oak Ridge Land Bank Corporation's Board of Directors shall consist of seven (7) directors, one of which shall be a member of City Council. All directors shall be electors and taxpayers in the City of Oak Ridge. Preference may be given for persons in the following fields: banking, real estate, and legal. [Tennessee Code Annotated §13-30-105]
- (b) Appointment of Directors. Directors shall be appointed by City Council using the election process for boards and commissions.
- (c) Terms of Directors. The City Council member shall serve until expiration of his or her current term of office on City Council. Of the remaining directors first appointed, three (3) directors shall serve through December 31, 2014, and three (3) directors shall serve through December 31, 2015, and thereafter the term of office shall be two (2) years commencing on January 1. In case of resignation, death, or removal from office, another appointment will be made to finish out the unexpired term of office. Directors shall continue to serve beyond the end of the director's term until the director's successor has been appointed. [Tennessee Code Annotated §13-30-105]

Sec. 13-605. Meetings, Quorum, Majority Vote, Officers, Rules and Regulations, Removal, Compensation, Organization, Minutes, Report, Audit.

- (a) Meetings. The board shall meet in regular session according to a schedule adopted by the board, and shall also meet in special session as convened by the chairman or upon written notice signed by a majority of the members. [Tennessee Code Annotated §13-30-106]
- (b) Quorum. The presence of a majority of the total board membership constitutes a quorum for the transaction of any business. [Tennessee Code Annotated §13-30-106]
- (c) Majority Vote. Unless a greater number or percentage is required by State law, the affirmative vote of a simple majority of the directors present and voting at any meeting at which a quorum is present shall be the action of the corporation. However, no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the business of the corporation;
- (2) Hiring or firing of any employee or contractor of the corporation; however, this function may be delegated by majority vote of the total board membership to a specified officer or committee of the corporation under such terms and conditions and to the extent specified by the board;
- (3) The incurring of debt;
- (4) Adoption or amendment of the annual budget; and
- (5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than fifty thousand dollars (\$50,000.00).

Vote by proxy is not permitted. [Tennessee Code Annotated §13-30-106]

- (d) Officers, Duties. At the first meeting each year, the board of directors shall select from among themselves a chairman, a vice chairman, a treasurer, and such other officers as the board may determine, and shall establish their duties as may be regulated by rules adopted by the board. [Tennessee Code Annotated §13-30-106]
- (e) Rules and Regulations, Removal of Member by Board. The board of directors shall establish rules and regulations relative to the attendance and participation of members in its meetings, regular or special. No rules or bylaws may contravene state law. Such rules and regulations may prescribe a procedure whereby, should any member fail to comply with such rules and regulations, such member may be disqualified and removed automatically from office by no less than a majority vote of the remaining members of the board, and that member's position shall be vacant as of the first day of the next calendar month. Any person removed under the provisions of this subsection shall be ineligible for reappointment to the board, unless such reappointment is confirmed unanimously by the board. [Tennessee Code Annotated §13-30-106, Tennessee Code Annotated §13-30-107]
- (f) Removal of Member by City Council. Any citizen or group of citizens upon collection of a petition having a clearly worded purpose, of at least twenty (20) verified signatures of qualified, registered Oak Ridge voters may present to City Council a resolution calling for the removal of any board member. City Council shall have the power, upon timely and due consideration of the citizen petition and a response from the board, to remove or retain the cited board member by simple majority vote. Removal from the board of directors of any public official shall not, in and of itself, impair the public official in his or her other duties. [Tennessee Code Annotated §13-30-106]
- (g) Compensation. Board members serve without compensation. [Tennessee Code Annotated §13-30-106]
- (h) Organization. Board members have the power to organize and reorganize the executive, administrative, clerical, and other departments of the corporation and to fix the duties, powers, and compensation of all employees, agents, and consultants of the corporation. The board may reimburse any member for expenses actually incurred in the performance of duties on behalf of the corporation. [Tennessee Code Annotated §13-30-106]
- (i) Minutes. The board of directors shall cause minutes and a record to be kept of all its proceedings and such records shall be available for timely public inspection. [Tennessee Code Annotated §13-30-112, Tennessee Code Annotated §13-30-107]

- (j) Open Meetings. All meeting shall be open to the public with appropriate notice published in accordance with Tennessee Code Annotated §13-30-107(d). [Tennessee Code Annotated §13-30-112]
- (k) Annual Report. An annual report shall be filed with City Council, containing a detailed financial accounting of the corporation's debt obligations, income (sources and amounts), properties, dispositions, expenditures, acquisitions, contracts (executed and pending within the next ninety (90) days), significant activities, and other data as required by the organizational bylaws and governance documents. This annual report shall be maintained on file for audit purposes and immediately available to the Department of Audit in the Office of the Comptroller of the Treasury upon request. Additionally, all such reports shall be available for public inspection. [Tennessee Code Annotated §13-30-112]
- (l) Annual Audit. An annual audit shall be made of the books and records of the corporation. A copy of the audit shall be filed annually with City Council. [Tennessee Code Annotated §13-30-112(c) and (e)]

Sec. 13-606. Powers.

The Oak Ridge Land Bank Corporation has all powers as set forth in the Tennessee Local Land Bank Pilot Program except as limited by this chapter. [Tennessee Code Annotated §13-30-101 et seq.]

Sec. 13-607. Taxation.

By Tennessee Code Annotated §13-30-104 the Oak Ridge Land Bank Corporation is performing a public function on behalf of the City and is a public instrumentality of the City. Accordingly, the Oak Ridge Land Bank Corporation and all properties of the corporation, including all properties held in the name of the corporation in the land bank, at any and all times owned by it, and the income and revenues from the properties are exempt from all taxation in the State of Tennessee.

Sec. 13-608. Real Property, Inventory List.

The Oak Ridge Land Bank Corporation shall hold in its own name all real property acquired by the corporation for the land bank irrespective of the identity of the transferor of such property. The Oak Ridge Land Bank Corporation shall comply with the provisions of Tennessee Code Annotated §10-30-111 which includes, but is not limited to, maintenance of an inventory for all real property held by the corporation, and establishment of terms and conditions for consideration to be received by the corporation for property transfers.

Sec. 13-609. Conveyance of Property.

The Oak Ridge Land Bank Corporation may convey, exchange, sell, transfer, lease as lessee, grant, release and demise, pledge and hypothecate any and all interests in, upon or to real property of the land bank. All land bank properties shall be sold or leased at fair market value. [Tennessee Code Annotated §10-30-111(d)]

Sec. 13-610. Priorities for the Use of Real Property in the Land Bank.

City Council is authorized by Tennessee Code Annotated §10-30-111(e) to establish a hierarchical ranking of priorities for the use of real property conveyed to the Oak Ridge Land Bank Corporation as part of the land bank. City Council may establish such priorities by resolution.

Sec. 13-611. Appeal Procedure.

City Council hereby establishes the following appeal procedure for any person aggrieved by the decision of the Oak Ridge Land Bank Corporation with respect to real property proposed for acquisition or acquired by, held, and disposed of by the Oak Ridge Land Bank Corporation.

The Board of Building and Housing Code Appeals shall act as the appeals committee required by Tennessee Code Annotated §13-30-118 and all procedures set forth therein shall be followed for these appeals.

Sec. 13-612. Dissolution.

The Oak Ridge Land Bank Corporation may be dissolved in accordance with general law for the dissolution of a public corporation absent any establishment by City Council for dissolution of the corporation. [Tennessee Code Annotated §10-30-113]

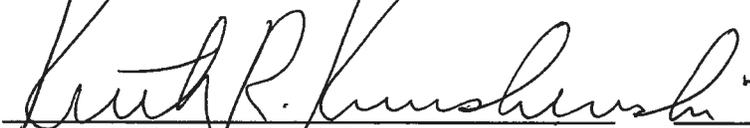
Section 2. In accordance with Tennessee Code Annotated §13-30-104(b)(1), the Mayor and/or the City Manager hereby are authorized to and shall certify to the Tennessee Secretary of State evidence of authorization for the City of Oak Ridge, Tennessee, to establish the pilot program and create the corporation.

Section 3. In accordance with Tennessee Code Annotated §13-30-104(b)(2), City Council hereby indicates its willingness to appropriate sufficient funds to provide for the initial administration of the corporation.

Section 4. The following properties owned by the City of Oak Ridge shall automatically be transferred to the Oak Ridge Land Bank Corporation by Quit Claim Deed without further City Council action: 214 Waltham Place, 121 Goucher Circle, 112-114 Wade Lane, 608 W. Outer Drive, 175 Outer Drive, 110-112 Walnut Lane, 114-116 Lawton Road, 212-214 N. Illinois Avenue, 134 Houston Avenue, 133 Johnson Road, 101 Decatur Road, and 116 Jarrett Lane.

Section 5. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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

COMMUNITY DEVELOPMENT MEMORANDUM
13-21

DATE: July 25, 2013
TO: Mark S. Watson, City Manager
FROM: Kathryn Baldwin, Community Development Director
SUBJECT: RESIDENTIAL RENTAL DWELLING UNIT INSPECTION ORDINANCE AMENDMENT

Introduction

An item for City Council's consideration is an amendment to the existing Residential Rental Dwelling Unit Inspection ordinance (City Code §§13-501 et seq.) to expand the current residential rental inspection district from the Highland View Redevelopment Area into the Manhattan District Overlay. The proposed amendment also addresses a housekeeping issue by referencing the City Manager or the City Manager's designee instead of the Community Development Director.

Background

The Residential Rental Dwelling Unit Inspection ordinance was adopted by City Council in 2007 pursuant to the authority granted to the City by Tennessee Code Annotated §§13-21-301 through 13-21-314. This statute allows the City to create residential rental inspection districts and inspect residential rental dwelling units within the district that are deteriorated or are in the process of deteriorating. Certain criteria must be met by statute in order to establish a residential rental inspection district. At the time of initial adoption, City Council established the Highland View Redevelopment Area as the only residential rental inspection district.

The current ordinance sets forth an inspection program consisting of an initial inspection, periodic inspections, and follow-up inspections. By state law, inspection fees cannot be assessed, however, there is a provision for a \$50.00 per day penalty for refusal of an owner to comply with the ordinance which includes failure to allow an inspection.

Over the past year, the City has undergone significant changes in how staff approaches housing property maintenance. The City has taken a more proactive role in nuisance abatement and grant supported acquisition and demolition of the worst maintained properties, both rental and owner-occupied. To date, there are repeated cases of property neglect and substandard housing that could effectively be addressed by an expanded rental inspection program.

Consideration

Staff recommends expansion of the residential rental inspection district from Highland View Redevelopment Area into the Manhattan District Overlay (MDO). The MDO has approximately 1,724 rental units out of a total of 5,520 residential dwellings. These numbers indicate thirty one percent (31%) of the total dwellings in the MDO are rental property and will be subject to the provisions of the residential rental dwelling unit inspection ordinance if it is amended to expand the district.

The decision to focus on rental property within the MDO was proposed to address the ongoing deterioration of our rental housing stock and public calls for an effective measure designed to combat rental property blight. Further, the MDO meets the criteria set forth by statute and city ordinance for creation of a residential rental inspection district.

Recommendation

Staff recommends approval of the attached ordinance to expand the residential rental inspection district to the MDO which is an effort to improve the rental housing stock and quality of life within the MDO by ensuring continued compliance with housing codes and environmental standards. The attached ordinance also addresses a housekeeping issue by referencing the City Manager or the City Manager's designee instead of the Community Development Director, which is consistent with other ordinances in the City Code.

Attachment(s)


Kathryn Baldwin

City Manager's Comments:

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


Mark S. Watson


Date

TITLE

AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," CHAPTER 5, TITLED "RESIDENTIAL RENTAL DWELLING UNIT INSPECTIONS," BY DELETING SUBSECTION 13-503(3), TITLED "DIRECTOR," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 13-503(3), TITLED "CITY MANAGER"; BY DELETING SUBSECTION 13-504(2)(A), TITLED "HIGHLAND VIEW REDEVELOPMENT AREA," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 13-504(2)(A), TITLED "MANHATTAN DISTRICT OVERLAY"; AND TO REPLACE ALL REFERENCES WITHIN THE CHAPTER TO "DIRECTOR" TO NOW BE "CITY MANAGER," WITH ALL CHANGES FOR THE PURPOSE OF EXPANDING THE RESIDENTIAL RENTAL INSPECTION DISTRICT AND OTHER HOUSEKEEPING UPDATES.

WHEREAS, pursuant to Tennessee Code Annotated §13-21-301 through §13-21-314 (created by Public Chapter 949 of the Public Acts of 2006), the City is authorized to enact a residential rental dwelling unit inspection ordinance to address properties within designated districts that are deteriorating or are in the process of deteriorating in order to promote the health, safety and welfare of the citizens; and

WHEREAS, the City has established such an ordinance in City Code Title 13, Chapter 5, and has designated one residential rental inspection district known as the Highland View Redevelopment Area; and

WHEREAS, the City desires to establish a broader residential rental inspection district known as the Manhattan District Overlay which is a zoning designation established by the Zoning Ordinance and which area incorporates the existing Highland View Redevelopment Area; and

WHEREAS, the Manhattan District Overlay meets the requirements set forth in state law and city ordinance regarding establishment of a residential rental inspection district, specifically the need to protect public health, safety and welfare of the occupants of the dwelling units inside the geographic area; the residential rental dwelling units within the geographic area are deteriorating or in the process of deteriorating and inspections are needed to prevent deterioration, taking into account the number, age and condition of the units inside the geographic area; and inspections are necessary to maintain health, safety and welfare of tenants and other residents living in the geographic area; and

WHEREAS, City Council hereby designates the geographic area referred to as the Manhattan District Overlay as a residential rental inspection district; and

WHEREAS, City Council hereby finds that the Manhattan District Overlay meets the requirements set forth in Tennessee Code Annotated §13-21-302(a)(2) for establishment as a residential rental inspection district; and

WHEREAS, the City desires to amend the chapter to replace all references to the "Director" with "City Manager" for consistency with other code provisions.

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

Section 1. Title 13, titled "Property Maintenance Regulations," Chapter 5, titled "Residential Rental Dwelling Unit Inspections," Section 13-503, titled "Definitions," is hereby amended by deleting Subsection (3), titled "Director" in its entirety and substituting therefor a new Subsection (3), titled "City Manager," which new subsection said read as follows:

Section 13-503. Definitions.

(3) "City Manager." City Manager means the City Manager or the City Manager's duly authorized designee.

Section 2. Title 13, titled "Property Maintenance Regulations," Chapter 5, titled "Residential Rental Dwelling Unit Inspections," is hereby amended by replacing all references to the "Director" with "City Manager."

Section 3. Title 13, titled "Property Maintenance Regulations," Chapter 5, titled "Residential Rental Dwelling Unit Inspections," Section 13-504, titled "Residential Rental Inspection Districts," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Subsection (2)(a) in its entirety and substituting therefor a Subsection (2)(a) which shall read as follows:

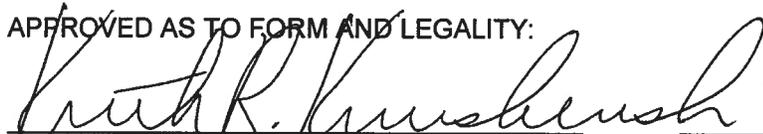
Section 13-504. Residential Rental Inspection Districts.

(2) (a) Manhattan District Overlay

The geographic area of this district is established by zoning designation. The Manhattan District Overlay is a zoning overlay district contained in the Zoning Ordinance pertaining to the older core neighborhoods.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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