

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

November 5, 2012—7:00 p.m.

AGENDA

I. INVOCATION

The Pastor Robert May, Oak Ridge Family Bible Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognition of Code Enforcement Officials in the Community Development Department for their recent training completion.

VI. SPECIAL REPORTS

- a. Oak Ridge Heritage Railroad Authority Annual Report 2011 from Gordon Fee, Chairman of the Board of Directors.
- b. Environmental Protection Agency (EPA) cost report from Public Works Department Director Gary Cinder.

VII. CONSENT AGENDA

- a. Approval of the October 22, 2012 City Council meeting minutes.
- b. Adoption of a resolution amending Resolution 12-141-06 to require the City Judge Salary Review Committee to recommend to City Council any modifications to the compensation of the City Judge no later than July 1 of the year in which the term of office is set to expire.
- c. Adoption of a resolution to accept and approve revised bylaws of the Personnel Advisory Board.
- d. Adoption of a resolution approving the FY2013 revised Classification Plan, as recommended by the City Manager.

VIII. RESOLUTIONS

- a. Adoption of a resolution authorizing an expenditure of \$50,000.00 from the Economic Diversification Fund for the 2013 Secret City Festival and designating the City as a "Festival Sponsor" for the event.
- b. Adoption of a resolution authorizing a Professional Services Agreement with the Arts Council of Oak Ridge to provide entertainment, production support, activities and programs related to the upcoming 2013 Secret City Festival and authorizing the reimbursement of actual costs incurred in an amount not to exceed \$150,000.00.

- c. Adoption of a resolution approving an agreement with Motorola Solutions, Inc., Knoxville, Tennessee, to provide a radio expansion system with Long Term Evolution (LTE) Technology for the City's Public Safety System in the estimated amount of \$1,044,622.00 to be paid for with federal grant funds.
- d. Adoption of a resolution authorizing the expenditure of up to \$340,000.00 from the Equipment Replacement Fund for the purchase and equipping of eight (8) patrol vehicles for the Police Department.
- e. Adoption of a resolution to amend the Professional Services Agreement with Kutak Rock, LLP, Washington D.C. to add an additional \$25,000.00 for contract negotiation with the United States Department of Energy (DOE) for a new water services agreement.
- f. Adoption of a resolution to provide for special consideration regarding the City's Utility Deposit Policy for residential utility account holders that are displaced due to the Kroger Marketplace development provided certain conditions are met.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R, RESIDENTIAL TO B, GENERAL BUSINESS; AND CHANGING THE DESIGNATION OF PARCELS 13-15, ANDERSON COUNTY TAX MAP 099K, GROUP B, FROM O, OFFICE/INSTITUTIONAL TO B, GENERAL BUSINESS.

X. FINAL ADOPTION OF ORDINANCES

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; FOR THE PURPOSE OF ELIMINATING THE CURRENT PROHIBITION ON THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."

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

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

COMMUNITY DEVELOPMENT MEMORANDUM
12-40

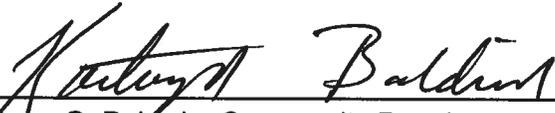
DATE: October 26, 2012

TO: Mark Watson, City Manager
Diana Stanley, City Clerk

FROM: Kathryn Baldwin, Community Development Director

SUBJECT: **Public Recognition**

Arnold Blackwell and Jake Martin, Code Enforcement Officials in the Community Development Department, recently completed training in the International Mechanical Code 2012 Edition. Subsequently they successfully completed the International Code Council Mechanical Exam and passed in October 2012, both on their first attempt. This certification allows the City of Oak Ridge to establish a Mechanical Licensing and Inspection Program, now a requirement of the State of Tennessee and a significant standard of the Insurance Service Office (ISO) Fire Suppressant Rating. This public recognition is done to show our support and appreciation for a job well done to these two outstanding employees.



Kathryn G. Baldwin, Community Development Director

SPECIAL REPORTS



**Oak Ridge
Heritage Railroad Authority**

P. O. Box 5163

Oak Ridge, TN 37831-5163

Phone: 865.220.4264

Fax: 865.483.3218

November 5, 2012

Mayor Tom Beehan
City of Oak Ridge
P.O. Box 1
Oak Ridge, TN 37831-0001

**Subject: Oak Ridge – Heritage Railroad Authority Annual Report 2012
(Covers from July 1, 2011 to June 30, 2012)**

Dear Mayor Beehan:

The Oak Ridge – Heritage Railroad Authority is pleased to submit its 2011/2012 Annual Report to City Council in accordance with Council's resolution and State Law. The Authority was created on November 2, 2001, for the purpose of helping assure the economic future of the Heritage Railroad by seeking to obtain State funds for track and bridge maintenance and rehabilitation. Working in tandem, the Authority and Heritage Railroad Corporation (HRC) continue to make significant upgrades and improvements consistent with the State's long-range plans for its rail transportation network. To date, the Authority has obtained nearly \$2.081M in upgrades and improvements.

Heritage Railroad continues to serve as a key element of Heritage Center's transportation infrastructure deemed critical to the long term success of the Heritage Center Industrial Park (formerly the East Tennessee Technology Park (ETTP)), and the future growth and development of the City's West end. The 11.5-mile Heritage Railroad is owned by Heritage Railroad Corporation (HRC), which is a wholly owned subsidiary of EnergySolutions. The land on which the railroad is constructed is leased from the Department of Energy. HRC contracts for the actual operations and maintenance of the railroad with Walden's Ridge Railway Corporation.

As you know, the August 20, 2001 Council resolution creating the Authority prohibits the use or obligation of City funds. To date, CROET or EnergySolutions has provided all financial and administrative support not otherwise obtained from grant funds.

The Authority consists of two members: myself as its Chairman, and Dr. Pete Craven, who serves as its Secretary/Treasurer. Mr. Troy Eshleman, Executive Manager of Heritage Railroad Corporation, serves as the Authority's elected Chief Executive Officer (non-voting) and coordinates the Authority's administrative support. Mr. Ken Krushenski, City Attorney, has attended all meetings of the Authority to ensure it complies with the enabling statute and applicable protocols as an instrumentality of the City of Oak Ridge. The Authority obtains technical engineering support for its activities under a contract with Crouch Engineering located in Brentwood, Tennessee. All compensation for engineering support is funded out of State grants.

Pursuant to its charter, the Authority continues to direct its efforts in performing requisite tasks to qualify for funding from the Tennessee Department of Transportation (TDOT) under its Track and Bridge Rehabilitation Program. A history of the Authority's appropriations received from the State of Tennessee to date is shown in the following Table:

Appropriations Received From State of Tennessee				
Fiscal Year	Engineering	Bridge Upgrade	Track Upgrade	Total Allocation
2002/2003	\$ 44,981.00	\$ 54,942.00	\$ 191,004.00	\$ 290,927.00
2003/2004	\$ 25,915.00	\$ 60,896.00	\$ 191,004.00	\$ 277,815.00
2004/2005	\$ 24,293.00	\$ 48,454.00	\$ 197,721.00	\$ 270,468.00
2005/2006	\$ 19,328.00	\$ 50,661.00	\$ 97,788.00	\$ 167,777.00
2006/2007	\$ 20,197.00	\$ 49,374.00	\$ 119,635.00	\$ 189,207.00
2007/2008	\$ 20,197.00	\$ 49,374.00	\$ 119,635.00	\$ 189,206.00
2008/2009	\$ 20,197.00	\$ 49,374.00	\$ 119,635.00	\$ 189,206.00
2009/2010	\$ 19,576.00	\$ 52,291.84	\$ 103,176.20	\$ 175,044.04
2010/2011	\$ 25,842.00	\$ 37,368.00	\$ 105,084.00	\$ 168,294.00
2011/2012	\$ 17,743.00	\$ 37,368.00	\$ 107,981.00	\$ 163,092.00
Total	\$ 238,269.00	\$ 490,102.84	\$ 1,352,663.20	\$ 2,081,036.04

Also for Fiscal Year 2011-2012 Tennessee Department of Transportation allocated additional funding made available to meet the requirements of the Federal Railroad Administration Bridge Safety Rules. Oak Ridge – Heritage Railroad Authority was allocated \$9,500.00 based upon the estimated cost of engineering work necessary to complete the required bridge safety management program. There are no matching requirements.

To comply with the new FRA bridge compliance rules, a bridge management plan was prepared in August for the Oak Ridge-Heritage Railroad Authority. As part of the bridge management plan load ratings were calculated for each bridge and new bridge plans were developed.

The TDOT Track and Bridge Rehabilitation Programs have a 10 percent match requirement of all projects requested by Heritage Railroad, and the 10 percent matching requirement must be made during the TDOT contract year. All matching funds for TDOT allocations received to date have been provided by the operating company EnergySolutions or its predecessor company CROET. By accepting TDOT funds, the Authority is agreeing that Heritage Railroad Corporation will provide rail service for a period of no less than five years subsequent to receipt of funds.

In order to qualify for State appropriations, the Authority must contract for an annual inspection of all bridges on the line and submit a report on the findings to TDOT. The most recent inspection was completed in May of 2012. No urgent or critical repairs were recommended at the completion of the inspections. The bridges continue to be overall in good to fair condition. . .

Plans and project documents have been completed for the Phase One rehabilitation of Bridge 3. This project consists of furnishing and installing steel piling for future replacement of the

substructure and will be bid out once the FY 2012-2013 bridge construction funds become available.

During the period covered by this report, Bundrick Grading & Construction Co., Inc. was awarded a contract from the 2011/2012 funds. The project included the cab track turnout rehabilitation at MP K1.8 and tie replacement and surfacing work at MP 3 to MP 3.5. The project was completed earlier this year. In April 2012 Bundrick Grading & Construction Co. was awarded a contract from 2011/2012 FY Track Rehabilitation Project for Highway 327 Grade Crossing and Track Rehabilitation. This project is ongoing at the time of this report.

In addition, TDOT is in process of executing a contract for the 2011-2012 FY Bridge Rehabilitation Project on Heritage Railroad – Bridge # 2, MP 2.09 to JRC Company Inc.

In determining how to expend the State appropriated funds, the Authority takes into consideration the recommendations of Heritage Railroad Corporation and the projected rail traffic over various sections of the line. We believe the State funds, coupled with the matching monies provided by Heritage Railroad Corporation, have made it possible to maintain safe and reliable rail services to the Heritage Center Site and thereby should assist in attracting new tenants.

Each year the State of Tennessee requires an audit of all grant funds, the audit for the 2010/2011 period was received on November 22, 2011. There were no findings by the auditors. A copy of the audit report was provided to the City and the State. The audit for the 2011/2012 period is on-going and will be completed prior to December 31, 2012. The Audit report will be distributed as soon as it is available.

Compared to the previous year, traffic on the Railroad showed a 25% increase (1032 cars in 2011 versus 820 cars in 2010). The total car count was up; however tonnage was down attributable to an increase in empty car storage and an increase in the number of passenger carloads. HAZMAT traffic decreased by roughly 36% in number of cars and tonnage compared to the previous year. Passenger (excursion) railcar traffic increased by 55% compared to the previous year, with 6753 passengers in 2011 versus 4364 in 2010. The historical average is 738 cars per year. The primary customers on the railroad continued to be Southern Appalachian Railroad Museum, EnergySolutions, East Tennessee Rail Car Services, JM Huber, and Olin Chemical.

We would be happy to provide any additional information you might require.

Sincerely,



Gordon Fee
Chairman

cc: Pete Craven, Secretary/Treasurer
Harvey Crouch, Crouch Engineering
Troy Eshleman, Chief Executive Officer
Ken Krushenski, Oak Ridge City Attorney
Mark Watson, Oak Ridge City Manager
Kwabena Aboagye, TDOT

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

October 22, 2012

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on October 22, 2012 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Mr. D. Ray Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by a Boy Scout.

ROLL CALL

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

Also present were Mark S. Watson, City Manager; Janice E. McGinnis, Finance Director; Tammy M. Dunn, Senior Staff Attorney serving in the absence of Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

APPEARANCE OF CITIZENS

Mr. Martin McBride, 954 West Outer Drive, requested a total cost estimate of sewer upgrades associated with Environmental Protection Agency (EPA) Administrative Order prior to the conclusion of the current election, and briefly noted his idea of the different cost components associated with these upgrades.

Ms. Joy Henderson, 103 Paris Lane, made inquiries regarding the opening of Woodland Town Center and citizen comments being accepted on agenda items prior to the vote.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

(NONE)

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the Consent Agenda be approved. The motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby:

Approving the October 8, 2012 City Council meeting minutes.

Adopting Resolution No. 10-81-2012 approving a grant agreement with Prevent Child Abuse Tennessee for use in the Healthy Start of Anderson County Program and authorizing the disbursement of budgeted funds in the amount of \$31,850.00 for this purpose.

Amendment to the Agenda

Councilmember Garcia Garland moved, seconded by Councilmember Smith to amend the agenda to consider the resolution titled "a resolution setting forth non-refundable fees for solicitor permits and a fee for obtaining replacement credentials for solicitors" under "Resolutions" *immediately following* consideration of the ordinance titled "an ordinance to amend Title 9, titled "Businesses, Peddlers, Solicitors, etc.," of the Code of Ordinances, City of oak ridge, Tennessee, by deleting Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," and substituting therefor a new Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," in order to update the provisions" under "Final Adoption of Ordinances."

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

RESOLUTIONS

Resolution No. 10-82-2012

Adoption of a resolution authorizing the Industrial Development Board of the City of Oak Ridge to enter into a ten-year payment in lieu of tax agreement with Family Pride Corporation of Loudon, Tennessee, for the Alexander Inn and Guest House.

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

The City Manager presented an overview of the project that included elements, such as consideration of the PILOT, a review of the application submitted by Family Pride, considerations of the City Council, a breakdown of property taxes, a review of public investment, and positive aspects of the project.

Mr. Rick Dover, General Manager of the Family Pride Incorporation, reviewed the organizations history and interest in converting the Alexander Inn property into an assisted living facility.

Mr. Ethiel Garlington, Director of Preservation of Field Services for Knox Heritage and East Tennessee Preservation Alliance, noted that the Department of Energy (DOE) Memorandum of Understanding for K-25 includes the Alexander Inn's preservation, and that the project is a viable use of the building that would in turn benefit not only the building, but the community as well.

Councilmember Smith suggested a few opportunities for the project from the community which included (1) incorporating the term "Guest House" into the facility name given its significance; and (2) pursuing some form of energy certification through the process of the project. Mr. Dover agreed to consideration of the opportunities mentioned by Councilmember Smith.

Following discussions and inquiries by Councilmember Smith regarding the abatement, Mr. Ray Evans, City Consultant, clarified that the abatement was for 90% of the eventual tax, and was calculated based on formulas used by the Industrial Development Board (IDB). Mr. Dover commented that developers would not come back to the City for any additional monies, and added that the difference between the requested \$643,841 listed in the PILOT application versus the budgeted total could be the result of legal fees and other costs of the transactions that are added to the total for labor and materials.

Mr. Wayne Blasius, President of InSite Development Corporation, provided additional information regarding payment of the project by Family Pride.

Councilmember Smith requested that specific language be included in the resolution that references what City Council is approving in terms of the abatement.

Public Works Director Gary Cinder responded to inquiries of Councilmember Garcia Garland regarding access to the neighboring United Church of Oak Ridge by explaining that staff had located and

researched the original deeds for both the Church and the Alexander Inn, and that both documents reference access rights across the Alexander Inn for the Church.

Ms. Trina Baughn, 119 Newport Drive, made several inquiries regarding the consideration of Family Pride for this project. Additionally, Ms. Baughn commented that public dollars are being contributed, in some fashion, to the project. Ms. Baughn raised several questions regarding consideration of the PILOT, the project, and organization.

Mayor Beehan noted that this project was a private transaction between a developer and a buyer, and that the City is participating as an incentive program.

Mr. Martin McBride, 954 West Outer Drive, expressed his support for the project given its opportunity for the City, especially with regards to tourism, and its historical value and significance to the country.

Mr. David Bradshaw, 116 Pratt Lane, President of Oak Ridge Heritage and Preservation Association (ORHPA), commented that although the project is not a perfect project for this facility, it is a very good fit, and noted the support received from other organizations, such as the DOE and the ORHPA. Mr. Bradshaw concluded by stating that the ORHPA unanimously approved their support of this project.

Mr. Jimmy Groton, 87 Outer Drive, Chairman of the Environmental Quality Advisory Board (EQAB), commented the EQAB would like to commend Family Pride on preserving the Alexander Inn and its innovative use of energy efficiencies. Mr. Groton expressed that the Board hopes the partners will implement and document as many sustainable projects as possible, and invited the partners to the November 1, 2012 EQAB meeting.

Mr. David Miller, 111 East Madison Road, reviewed the property's timeline in relation to its proximity to his house. Mr. Miller expressed his support for the project and excitement to begin soon.

In reference to Councilwoman Smith request for clarification in the resolution, the City Manager discussed language to include in the resolution that references the recommendation of the IDB, the percentage of abated taxes, and a provision for the City of Oak Ridge and Anderson County to collect a minimum of property taxes that is currently received.

Councilmember Smith moved to amend the resolution as suggested above, seconded by Councilmember Hensley.

The City Manager noted that the discussions regarding the language for the amendment are being recorded so as to adjust the language of the resolution accordingly.

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

(Mayor Beehan recused himself from participating in the resolutions and ordinance pertaining to the Kroger Marketplace project, and requested that Mayor Pro Tem Miller assume chairmanship.)

Resolution No. 10-83-2012

Adoption of a resolution approving accesses to Oak Ridge Turnpike (SR95), Illinois Avenue (SR62), and Robertsville Road, and approving a traffic signal at the intersection of Illinois Avenue and Ivanhoe Road, as shown on the Preliminary PUD Master Plan for a proposed grocery and retail development project; said accesses and signal subject to approval by the Tennessee Department of Transportation.

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

Public Works Director Gary Cinder reviewed the traffic signals and accesses of the project, as well as

responded to questions and comments of City Council.

Mr. Paul Xhajanka, Kroger Real Estate Manager, responded to Council's inquiries regarding accesses of trucks for businesses purposes of Kroger to which Mr. Xhajanka noted different access routes for the trucks, and commented that peak hours for delivery are not the peak hours for customer movements.

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

Resolution No. 10-84-2012

Adoption of a resolution abandoning rights-of-way for Iris Circle and Robin Lane, and abandoning the sewer, water, and electric easements and associated utility services on the future Kroger Center Site as shown on the Preliminary PUD Master Plan.

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

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Public Hearing and Final Adoption of an Ordinance

Ordinance No. 17-2012

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-1-C MDO, ONE-FAMILY RESIDENTIAL MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; PARCELS 13-15, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 58-59, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM 0-2, OFFICE, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND PARCELS 53-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-2 MDO, LOW DENSITY RESIDENTIAL MANHATTAN DISTRICT OVERLAY TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.

(The public hearing is on the PUD Preliminary Master Plan)

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

Councilmember Hope moved, seconded by Councilmember Smith to open the floor for a public hearing with the following participants:

Ms. Julie Chris, 117 Robin Lane, inquired to the reasoning of why it was in the best interest of the City to approve a new commercial development and remove affordable housing when there are other abandoned properties in the City.

Mr. Paul Xhajanka responded that Kroger had been reviewing other facilities for years, but that logistics of other sites and buildings were not working out. Mr. Xhajanka added that the site for

Kroger was viewed as a center point and an ideal location for this development.

Mr. David Hetes, 99 Tabor Road, presented an idea to City Council about salvaging the old homes that are a part of the development for cost savings efforts, and commented that he would like to be a part of that process if possible.

Councilmembers Garcia Garland, Mosby, Hensley, Smith, and Mayor Pro Tem Miller provided comments in response to Ms. Chris' inquiry.

Mr. Martin McBride, 954 West Outer, noted that it is important remember the sacrifice of the residents being impacted by the project and the investment by Kroger. Mr. McBride added that the City Council was in a position to assist the residents and Kroger for their efforts and partnership.

Mr. Parker Hardy, President of the Oak Ridge Chamber of Commerce (ORCC), 123 Amanda Drive, commented that Blanchard and Calhoun received information from the Chamber regarding available commercial properties and demographics. Mr. Hardy noted several conditions that impacted the developer's consideration of other properties and buildings, and that this development has piqued the interest of other potential retailers who have contacted the Chamber.

Councilmember Hensley moved, seconded by Councilmember Smith that the public hearing be closed. The motion was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller "Aye."

Senior Staff Attorney Tammy Dunn noted that staff had provided a substitute ordinance for City Council's consideration that included an amendment approved from first reading, as well as additional language and clarifications for the Preliminary PUD Master Plan.

Councilmember Hensley moved, seconded by Councilmember Smith to replace the ordinance on the floor with the substitute ordinance provided in the agenda. The motion was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller "Aye."

The substitute ordinance was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller "Aye."

FINAL ADOPTION OF ORDINANCES

Ordinance No. 18-2012

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "BUILDING CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "BUILDING CODE," TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

Councilmember Hope moved, seconded by Councilmember Smith that the ordinance be approved.

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

Ordinance No. 19-2012

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 11, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 11, TITLED "RESIDENTIAL CODE," TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

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

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

Ordinance No. 20-2012

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 10, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 10, TITLED "MECHANICAL CODE," TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

Councilmember Hope moved, seconded by Councilmember Smith that the ordinance be approved.

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

Ordinance No. 21-2012

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 3, TITLED "TRADE LICENSING BOARD," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," AND SUBSTITUTING THEREFOR A NEW SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," TO DESIGNATE TWO MEMBERS AS MECHANICAL LICENSE HOLDERS AND STAGGERING THE TERMS OF THOSE TWO MEMBERS.

Councilmember Smith moved, seconded by Councilmember Hope that the ordinance be approved.

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

(Postponed)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; AND BY DELETING TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC." IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "ALCOHOL," ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."

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

Senior Staff Attorney Tammy Dunn reviewed the suggested amendments from staff that were offered as a result of discussions of City Council from the October 8, 2012 City Council meeting, as well as reviewed the amendments that were approved on first reading.

Councilmember Smith proposed an amendment to the ordinance based on the intent to repeal the current provision which does not allow brown bagging at establishments with beer permits and reserve the remaining items for a later date. Councilmember Smith noted her concern that the new arrangements would impact current restaurants that currently do not have a beer permit. Councilmember Smith moved to remove Sections 2 and 3 of the proposed ordinance. The motion was seconded by Councilmember Hensley.

Following discussions regarding Councilmember Smith's amendment, the City Manager recommended

postponing consideration of the ordinance so as to receive further suggestions from City Council for staff.

Ms. Trina Baughn, 119 Newport Drive, requested that City Council continue with the consideration of the ordinance, as well as continue the Council's original goal of a simplification of the section of the code.

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

Police Chief James Akagi explained that the Police Department has used the Beer Permit Board to address issues and, that if brown bagging is permitted, issues of enforcement by the Police Department could arise.

Following deliberation of City Council, Councilmember Hensley moved to allow Section 11-201 titled "Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public" to remain in the ordinance, as presented in the agenda, to allow brown bagging with an establishment possessing the proper license for better enforcement by the Police Department. The motion was not seconded.

Deliberation of the ordinance continued with city staff responding to questions and comments of the City Council.

Discussion on the Councilmember Hensley's request to allow Section 11-201 to remain in the ordinance continued with city staff clarifying that the ordinance, as amended, would allow establishments with no beer permit and no liquor license to consume on the premises, and that if Section 11-201 were reinstated, consumption would not be permitted unless the establishment/place was properly licensed.

Councilmember Hensley, once more, moved to allow Section 11-201 titled "Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public" to remain in the ordinance, as presented in the agenda. The motion was seconded by Councilmember Mosby.

Following additional discussions, Councilmember Mosby moved, seconded by Councilmember Hope that consideration of the ordinance be tabled. The motion was approved by unanimous voice vote Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Ordinance No. 22-2012

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESSES, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," AND SUBSTITUTING THEREFOR A NEW CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," IN ORDER TO UPDATE THE PROVISIONS.

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

Electric Department Director Jack Suggs reviewed key points on the ordinance, as well as highlighted language that City Council could substitute based on comments that staff received from City Council on the October 8, 2012 City Council meeting.

Councilmember Hensley moved, seconded by Councilmember Smith to include the substitute language presented by city staff as noted in bold text below:

Section 9-112. Exemptions

The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, sellers responding to a prior invitation by the owner or occupant of a residence, or to bona fide

candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency. The provisions of this chapter are also not applicable to **students enrolled in grades K through 12 while engaged in fundraising activities**, or any persons under the age of eighteen (18) except when they are agents of a for-profit organization.

Any other person or organization claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a fee, shall cite to the Utility Business Office the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such an exemption.

Section 9-109. Expiration and Renewal of Permits

Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year, **except permits issued to non-profit organizations, which shall be issued for two (2) years**. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.

Following brief discussion, the motion to amend the ordinance as presented above was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

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

RESOLUTIONS

Resolution No. 10-85-2012

Adoption of a resolution setting forth non-refundable fees for solicitor permits and a fee for obtaining replacement credentials for solicitors.

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

Following brief explanations from Electric Department Director Jack Suggs, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Mayor Beehan noted that a special meeting is scheduled for December 17, 2012 for the annual appointments to City Boards and Commissions.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Beehan requested that staff look into the AT&T U-Verse connection and provide a report on the

situation

Councilmember Hope requested an agenda in December or January regarding the current budget to begin preparation.

Councilmember Garcia Garland noted that City Council had received a letter from CROET guaranteeing the financial obligations associated with the SARM, and questioned if the item should return to City Council for reconsideration. Based on this inquiry, the City Manager requested to provide this information via his City Manager's Report.

(Diverting from the original order of the agenda)

CITY MANAGER'S REPORT

The City Manager provided a verbal report regarding status of the enhancement grant project for the proposed Southern Appalachian Railway Museum (SARM). Mr. Watson noted that SARM has made several adjustments to their project, including the design and estimated costs.

Mr. Charlie Polling, Museum Director for the Southern Appalachia Railway Museum, 8201 Ewing Road, Powell, Tennessee, briefly updated City Council on the group's progress. Mr. Polling commented that the museum does not wish to interfere with progress for the City, and that the organization has reasonable expectations of meeting November 1, 2012 deadline as they are working to complete the necessary work.

(Reverting back to the original order of the agenda)

Councilmember Smith requested information on upgrades of the Oak Ridge Animal Shelter.

Councilmember Hensley requested update about complaints of trucks Jake breaking on Melton Lake Drive.

Councilmember Garcia Garland requested to explore opportunities to euthanize injured deer, as she had received information that this procedure was not allowed.

The Oak Ridge Police Chief responded to Councilmembers Smith and Garcia Garland's request by noting that euthanizing injured deer had been reinstated and that upgrades were now complete on the Oak Ridge Animal Shelter complete with air conditioning.

Councilmember Mosby would like to have discussions with the City Council for increased efficiency and responses to help grow businesses in the City.

SUMMARY OF CURRENT EVENTS

CITY ATTORNEY'S REPORT

(NONE)

ADJOURNMENT

The meeting adjourned at 11:05 p.m.

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

MEMORANDUM

DATE: October 22, 2012

TO: Fellow Members of City Council

FROM: City Judge Salary Review Committee
Councilmember Anne Garcia Garland, Chair
Mayor Thomas L. Beehan
Councilmember David N. Mosby

SUBJECT: CITY JUDGE SALARY REVIEW COMMITTEE RECOMMENDATIONS

The City Judge Salary Review Committee (the Committee) met on October 17, 2012 to develop its recommendation to the Council based on their review of the current compensation received by the City Judge. All Committee members were present along with the City Manager Mark S. Watson, and City Clerk Diana R. Stanley.

Following a review and discussion, the Committee unanimously recommended that no changes be made in compensation for the City Judge (see Ordinance No. 19-06).

Additionally, the Committee unanimously approved a recommendation to City Council that the Committee meet and set the City Judge's compensation prior to candidates registering for elections. Should the Council decide to approve said recommendation, a resolution has been attached to this memo for Council's consideration.

The attached resolution amends Resolution No. 12-141-06 that established the City Judge Salary Review Committee to include the suggestion of the Committee mentioned in the above paragraph.

Respectfully submitted,



Anne Garcia Garland, Chair
City Judge Salary Review Committee, 2012

Attachments

TITLE

AN ORDINANCE TO REPEAL ORDINANCE NO. 9-95 AND TO ESTABLISH THE BASE SALARY AND ELIGIBILITY FOR LONGEVITY PAYMENTS FOR THE CITY JUDGE OF THE CITY OF OAK RIDGE, TENNESSEE.

WHEREAS, Article III, Section 2, of the Charter of the City of Oak Ridge, Tennessee, provides that the City Council shall by ordinance provide for the compensation of the City Judge; and

WHEREAS, with the adoption of Ordinance No. 9-95, City Council set the salary of the City Judge at \$23,400 per year, effective with the pay period commencing on June 18, 1995; and

WHEREAS, The Honorable Robert A. McNees, III, as City Judge has petitioned City Council for an increase in the salary of the City Judge and has requested that said Judge also be eligible for longevity payments; and

WHEREAS, Tennessee Code Annotated § 16-18-205 provides that the salary of the popularly elected City Judge may be fixed prior to the term of office and shall not be increased nor diminished during the term; and

WHEREAS, the term of office for The Honorable Robert A. McNees, III, as City Judge will end on June 5, 2007 and the new term will begin immediately thereafter upon taking of the oath of office.

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

Section 1. Ordinance No. 9-95 which established the base salary of the City Judge at \$23,400.00 per year is hereby repealed, effective with the June 5, 2007 Oak Ridge Municipal Election.

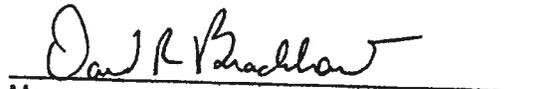
Section 2. Effective with the first full pay period following said election, the base salary of the City Judge shall be \$41,600.00 per year.

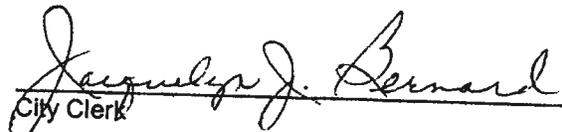
Section 3. The City Judge shall be eligible for longevity payments in the same manner as other City employees as specified in Article 6 of the Personnel Plan for Employees of the City of Oak Ridge.

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

APPROVED AS TO FORM AND LEGALITY:


City Attorney


Mayor


City Clerk

First Reading: 11/20/06
Publication Date: 11/27/06
Second Reading: 12/18/06
Publication Date: 12/25/06
Effective Date: 12/28/06

RESOLUTION

A RESOLUTION AMENDING RESOLUTION 12-141-06 TO REQUIRE THE CITY JUDGE SALARY REVIEW COMMITTEE TO RECOMMEND TO CITY COUNCIL ANY MODIFICATIONS TO THE COMPENSATION OF THE CITY JUDGE NO LATER THAN JULY 1 OF THE YEAR IN WHICH THE TERM OF OFFICE IS SET TO EXPIRE.

WHEREAS, Article III, Section 2 of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall by ordinance provide for the compensation of the City Judge; and

WHEREAS, Tennessee Code Annotated § 16-18-205 provides that the salary of the popularly elected City Judge may be fixed prior to the term of office and shall not be increased nor diminished during the term; and

WHEREAS, the City Judge of Oak Ridge is elected at the same time as members of City Council and the Board of Education and serves the same term of four years; and

WHEREAS, by Resolution 12-141-06, City Council established a policy and procedure for determining the appropriate level of compensation for the City Judge based upon a review to be conducted at four-year intervals in compliance with the provisions of the Oak Ridge City Charter and the Tennessee Code Annotated; and

WHEREAS, at their October 17, 2012 meeting, the City Judge Salary Review Committee unanimously voted to recommend to that, in the future, any modification in the City Judge's salary be established by ordinance prior to judicial candidates registering for the election.

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

That the recommendation of the City Judge Salary Review Committee is approved and Resolution 12-141-06 is hereby amended to require the Salary Review Committee to recommend to City Council any modifications to the compensation of City Judge no later than July 1 of the year in which the term of office is set to expire so as to afford ample opportunity for City Council to enact an ordinance on said salary modification prior to the deadline for candidates to register for the election.

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PERSONNEL DEPARTMENT
12-127

October 26, 2012

TO: Mark S. Watson, City Manager
FROM: Penelope H. Sissom, Personnel Director
SUBJECT: REVISED PERSONNEL ADVISORY BOARD BYLAWS

The attached resolution submits the revised Bylaws of the Personnel Advisory Board to City Council for approval. These Bylaws were unanimously approved and signed at the Board's October 5, 2012 meeting.

The changes in the Bylaws result in part from City Council's current policy on how and when members of City Boards and Commissions are appointed. That change necessitated a change in the organizational meeting of PAB relative to when its officers are elected. The revised Bylaws also contain City Council's current attendance policy.

Another basic change is when meetings are held. The old Bylaws specified the exact time for both regular meetings and grievance hearings. The revised Bylaws provide flexibility in that meetings will be scheduled as needed and when a quorum of members can be present. The change in grievance hearing timing is similar and will make it easier to schedule when the aggrieved employee has retained legal counsel.

Attached is a letter from the Chair of the Personnel Advisory Board submitting the revised Bylaws to City Council for approval.

If you have any questions or need additional information, please let me know.


Penelope H. Sissom

Attachments

City Manager's Comments:

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


Mark S. Watson


Date

CITY OF OAK RIDGE



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

October 24, 2012

The Honorable Mayor and Members of City Council
City of Oak Ridge
200 South Tulane Avenue
Oak Ridge, TN 37830

In January of 1995, the original Bylaws of the Personnel Advisory Board were submitted to you and received for the record. These Bylaws were amended in 1996 and again were forwarded to you for acceptance.

In accordance with your policy change in the manner in which City residents are appointed to City Boards and Commissions, it was necessary for the Personnel Advisory Board's Bylaws to be modified to reflect a different organizational meeting at which time Board officers are elected.

In addition to changing the annual election of officers section, the Bylaws have also been modified to specify that regular meetings and grievance hearings will be held as required and at a time and date when a quorum of members can be present and at the convenience of an aggrieved party and/or his or her legal representative. We also modified the requirement that a uniformed police officer attend employee grievance hearings to be at the discretion of the Board and/or the Board Chair and made the attendance provisions consistent with City Council policy.

These changes were discussed at our meetings on September 7, 2012 and September 14, 2012 and were unanimously approved and signed by all Board members at our October 5, 2012 meeting.

The revised Bylaws are now submitted to you for approval.

Mary Frances Tolliver
Chair, Personnel Advisory Board

cc: Mark S. Watson, City Manager
Members of Personnel Advisory Board
Penelope H. Sissom, Personnel Director

**BYLAWS
OF
THE CITY OF OAK RIDGE
PERSONNEL ADVISORY BOARD**

1. BACKGROUND:

- a. Origin - Established by Article III, Sec. 5, of the City Charter and Sec. 2-68 of the Code of Ordinances of Oak Ridge.
- b. Composition - The Personnel Advisory Board is composed of five citizens appointed by the Oak Ridge City Council for three-year staggered terms.
- c. General Powers and Duties - The Personnel Advisory Board reviews the City Manager's comprehensive pay plan, the merit system, and personnel rules setting forth employment conditions, and submits them to the Council with recommendations for adoption. It investigates complaints made in writing by any officer or City employee who is covered by the merit system and who is suspended or removed from his or her position or otherwise adversely affected by a personnel action. If in the opinion of the Board, the procedures established for such personnel action were not complied with, the Board can make decisions that will be binding on the City Manager. In all other cases, the Board makes recommendations to the City Manager in an advisory capacity only, and the decision of the Manager is final. The Board can make recommendations to the Council and the City Manager on improvements in conditions of municipal employment and can investigate violations of sound personnel administration. It can assist the City Manager in other personnel matters as set forth by ordinance. The City Manager will acknowledge receipt of all recommendations and inform the Board of what actions, if any, will be taken in response to Board recommendations.

2. MEETINGS:

- a. Regular meetings shall be held as required when a quorum of members can be present. If an employee grievance is part of the agenda, the meeting will begin at a time agreed upon by the staff and the aggrieved party. The first meeting of the calendar year shall constitute the annual organizational meeting of the Board.
- b. Special meetings may be called upon the request of the Chairperson or any two members of the Board. The notice of special meetings shall be given at least 24 hours prior to the meeting and shall state the subject matter to be considered and no other matter shall be before the Board.
- d. In the event that there is no matter to be considered, the Chairperson may dispense with a meeting by assuring each board member and any other expected participants are notified at least twenty-four (24) hours prior to the time set for the meeting.

3. QUORUM:

The presence of a majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

4. ATTENDANCE POLICY

a. ATTENDANCE RECORD:

The Secretary of each Board and Commission authorized by the Oak Ridge City Council shall record the full names of those members present and absent in the minutes of each scheduled meeting and shall provide the Oak Ridge City Clerk with a signed copy of the minutes upon their approval by the Board. The Secretary shall also maintain a separate attendance record which shall be provided to the Chairman of the Board and the City Clerk within seven (7) days after each meeting. If a Board or Commission has no secretary, the person responsible for recording the minutes shall perform this function. The attendance record form will be provided by the City Clerk who shall establish a format that will meet the need to provide a continuous attendance record for periodic reporting to City Council and allow attendance problems to be identified and addressed in a timely manner.

b. ABSENCE FROM MEETINGS:

When a member of any Board or Commission authorized by the Oak Ridge City Council is absent from three (3) regularly-scheduled or regularly-called meetings during the Board's term-year 1, the Chairman shall request that the member provide a written explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered "excused" and will not accrue for purposes of removal from the Board. If the Board votes to reject the explanation, the absences will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no effort to comply with the Chairman's request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board as outlined in Item 3.

c. REMOVAL DUE TO ABSENCES:

When a member is absent from four (4) regularly-scheduled or regularly-called meetings during the Board's term-year and, consistent with the procedure set forth in Item 2, the Board rejects the explanation of absences or no explanation is forthcoming, the member shall be notified that he/she has been removed from the Board by a vote of his/her peers. The Chairperson of the Board or Commission shall notify City Council of the vacancy by letter, and the City Clerk shall schedule an

election to fill the vacancy in the customary manner.

d. INCORPORATION OF ATTENDANCE POLICY INTO BYLAWS:

The attendance policy established by City Council shall be incorporated into the bylaws of those Boards and Commissions authorized by City Council for which bylaws have been adopted. The bylaws will be subject to approval by City Council.

5. OFFICERS:

a. There shall be elected annually from among the members of the Board the following officers:

1. Chairperson
2. Vice Chairperson

Officers shall be elected at the first meeting of the calendar year and will serve until the next election.

b. In the absence of the Chairperson, the Vice Chairperson shall assume all the duties of the Chairperson.

6. RECORD KEEPING AND CORRESPONDENCE:

After consulting with the Chairperson of the Personnel Advisory Board, the City Personnel Director (or the Director's designee) shall prepare and distribute an agenda for each Board meeting. The Director (or designee) shall also keep a record of all official actions of the Board, and distribute "action minutes" of each meeting to members of the Board for review and approval. Any required clerical support to prepare Board correspondence shall be provided by the City's Personnel Department.

7. AGENDA:

The deadline for submissions of agenda items is two weeks prior to the monthly meeting. At least 5 days prior to each meeting, the members shall be furnished an agenda reflecting items to be considered. No matter shall be brought before the Board unless it is on the agenda without the unanimous consent of all members present. The Chairperson or such other person designated by the Board shall be responsible for preparation and distribution of the agenda.

8. ORDER OF BUSINESS:

The order of business of all regular meetings shall be as follows:

- a. Roll Call
- b. Approval of "action minutes" of previous meeting
- c. Unfinished business

- d. New business (to include grievance hearing, if applicable.)
- e. Communications and miscellaneous business
- f. Adjournment

9. GRIEVANCE HEARING GUIDELINES:

a. Provision of Pertinent Information:

The Members of the Personnel Advisory Board shall receive a copy of the grievance as submitted by the employee and a copy of the employee's letter to the Board requesting the hearing at least five days prior to the hearing. The letter to the Board must specify which provision of the personnel ordinance has allegedly been violated, and the specific remedy the employee seeks to resolve the grievance. The members will also receive a copy of City management's response to the grievance. Other pertinent information that will help to clarify issues and facilitate efficient conduct of the hearing will also be provided, in advance, to all parties. These documents shall be forwarded to the Human Resources Director for distribution to all parties.

b. Hearing Procedures:

Pre-hearing Actions:

- (1) A court reporter may be requested to record the proceedings and swear witnesses. If a court reporter is requested by the aggrieved employee, the employee shall pay one-half of the court reporter's invoice. If the City requests a court reporter, it will bear the full cost of the court reporter's invoice. Any party may request a transcription of the hearing; the cost of such transcription will be borne in total by the requesting party.
- (2) The Personnel Advisory Board may, at its discretion, appoint a third party to serve as a Hearing Officer. The Hearing Officer will conduct the hearing and rule on questions of procedure, including interpretation of these rules, or rules of evidence such as admissibility, relevancy or materiality. If no Hearing Officer is designated, the Board Chairperson shall serve as Hearing Officer.
- (3) A uniformed police officer will be present at the discretion of the Board and/or Board Chair.

c. Hearing Process:

- (1) All parties addressing the board will be concise in their presentations and maintain a decorum indicative of mutual respect for all participants.

- (2) The aggrieved employee shall make a statement of his/her grievance to the Board. The employee's opening statement shall specify the Personnel Ordinance provision which is alleged to have been violated, and a statement describing the action the employee seeks.
- (3) First the employee and then the City shall present its proofs and witnesses. This should normally not take longer than 30 minutes for each party. All witnesses are subject to direct questioning, cross examination and redirect. Board members may question witnesses at any time on any subject deemed relevant to the grievance.
- (4) The City Attorney shall attend all grievance hearings and act as independent counsel to the Board.
- (5) After hearing the presentations of the employee and the City, the Board shall rule by majority vote whether the City Manager has violated the Personnel Ordinance. The Board may also, upon majority vote, make recommendations to the City Manager concerning policy modifications or applications.
- (6) The City Manager will acknowledge receipt of all recommendations and inform the Board of what actions, if any, will be taken in response to Board recommendations.

d. Waiving of Rules:

The Chairperson may waive any of the above rules after consultation and majority vote of the Board.

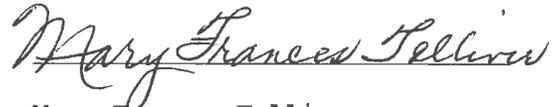
10. NOTICE:

Adequate public notice of all meetings and matters to be discussed shall be given to the public by City staff. All meetings and hearings shall be open to the public.

11. AMENDMENT:

These Bylaws may be amended by majority vote of the members of the Board at any regular meeting.

The above Bylaws have been accepted by unanimous vote on October 5, 2012 by the below listed Board members.



Mary Frances Tolliver
Chairperson



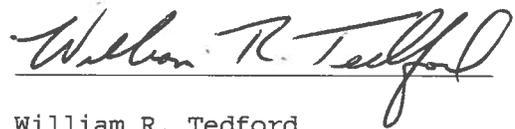
Trina Baughn



Ella H. DuBose



Jonathan Forstrom



William R. Tedford

RESOLUTION

A RESOLUTION TO ACCEPT AND APPROVE REVISED BYLAWS OF THE PERSONNEL ADVISORY BOARD.

WHEREAS, City Council has created a Personnel Advisory Board as required by Article III, Section 5 of the City Charter; and

WHEREAS, the Bylaws of the Personnel Advisory Board were last amended and adopted by City Council through Resolution 6-102-96; and

WHEREAS, by Resolution 2-8-11, City Council adopted a new election process for boards and commissions which requires a change in the Personnel Advisory Board's Bylaws pertaining to election of officers; and

WHEREAS, on October 5, 2012, the Personnel Advisory Board unanimously approved changes to its Bylaws to incorporate the following changes: the time in which officers are selected, to specify meetings will be held as needed when a quorum can be present, and to incorporate City Council's current attendance policy; and

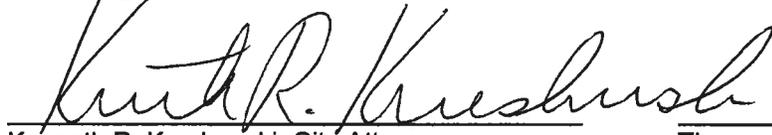
WHEREAS, the City Manager and the Personnel Advisory Board recommend approval of the revised Bylaws by City Council.

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

That the recommendations of the City Manager and the Personnel Advisory Board are accepted and the attached Bylaws of the Personnel Advisory Board are hereby approved.

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**BYLAWS
OF
THE CITY OF OAK RIDGE
PERSONNEL ADVISORY BOARD**

1. BACKGROUND:

- a. Origin - Established by Article III, Sec. 5, of the City Charter and Sec. 2-68 of the Code of Ordinances of Oak Ridge.
- b. Composition - The Personnel Advisory Board is composed of five citizens appointed by the Oak Ridge City Council for three-year staggered terms.
- c. General Powers and Duties - The Personnel Advisory Board reviews the City Manager's comprehensive pay plan, the merit system, and personnel rules setting forth employment conditions, and submits them to the Council with recommendations for adoption. It investigates complaints made in writing by any officer or City employee who is covered by the merit system and who is suspended or removed from his or her position or otherwise adversely affected by a personnel action. If in the opinion of the Board, the procedures established for such personnel action were not complied with, the Board can make decisions that will be binding on the City Manager. In all other cases, the Board makes recommendations to the City Manager in an advisory capacity only, and the decision of the Manager is final. The Board can make recommendations to the Council and the City Manager on improvements in conditions of municipal employment and can investigate violations of sound personnel administration. It can assist the City Manager in other personnel matters as set forth by ordinance. The City Manager will acknowledge receipt of all recommendations and inform the Board of what actions, if any, will be taken in response to Board recommendations.

2. MEETINGS:

- a. Regular meetings shall be held as required when a quorum of members can be present. If an employee grievance is part of the agenda, the meeting will begin at a time agreed upon by the staff and the aggrieved party. The first meeting of the calendar year shall constitute the annual organizational meeting of the Board.
- b. Special meetings may be called upon the request of the Chairperson or any two members of the Board. The notice of special meetings shall be given at least 24 hours prior to the meeting and shall state the subject matter to be considered and no other matter shall be before the Board.
- d. In the event that there is no matter to be considered, the Chairperson may dispense with a meeting by assuring each board member and any other expected participants are notified at least twenty-four (24) hours prior to the time set for the meeting.

3. QUORUM:

The presence of a majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

4. ATTENDANCE POLICY

a. ATTENDANCE RECORD:

The Secretary of each Board and Commission authorized by the Oak Ridge City Council shall record the full names of those members present and absent in the minutes of each scheduled meeting and shall provide the Oak Ridge City Clerk with a signed copy of the minutes upon their approval by the Board. The Secretary shall also maintain a separate attendance record which shall be provided to the Chairman of the Board and the City Clerk within seven (7) days after each meeting. If a Board or Commission has no secretary, the person responsible for recording the minutes shall perform this function. The attendance record form will be provided by the City Clerk who shall establish a format that will meet the need to provide a continuous attendance record for periodic reporting to City Council and allow attendance problems to be identified and addressed in a timely manner.

b. ABSENCE FROM MEETINGS:

When a member of any Board or Commission authorized by the Oak Ridge City Council is absent from three (3) regularly-scheduled or regularly-called meetings during the Board's term-year 1, the Chairman shall request that the member provide a written explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered "excused" and will not accrue for purposes of removal from the Board. If the Board votes to reject the explanation, the absences will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no effort to comply with the Chairman's request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board as outlined in Item 3.

c. REMOVAL DUE TO ABSENCES:

When a member is absent from four (4) regularly-scheduled or regularly-called meetings during the Board's term-year and, consistent with the procedure set forth in Item 2, the Board rejects the explanation of absences or no explanation is forthcoming, the member shall be notified that he/she has been removed from the Board by a vote of his/her peers. The Chairperson of the Board or Commission shall notify City Council of the vacancy by letter, and the City Clerk shall schedule an

election to fill the vacancy in the customary manner.

d. INCORPORATION OF ATTENDANCE POLICY INTO BYLAWS:

The attendance policy established by City Council shall be incorporated into the bylaws of those Boards and Commissions authorized by City Council for which bylaws have been adopted. The bylaws will be subject to approval by City Council.

5. OFFICERS:

a. There shall be elected annually from among the members of the Board the following officers:

1. Chairperson
2. Vice Chairperson

Officers shall be elected at the first meeting of the calendar year and will serve until the next election.

b. In the absence of the Chairperson, the Vice Chairperson shall assume all the duties of the Chairperson.

6. RECORD KEEPING AND CORRESPONDENCE:

After consulting with the Chairperson of the Personnel Advisory Board, the City Personnel Director (or the Director's designee) shall prepare and distribute an agenda for each Board meeting. The Director (or designee) shall also keep a record of all official actions of the Board, and distribute "action minutes" of each meeting to members of the Board for review and approval. Any required clerical support to prepare Board correspondence shall be provided by the City's Personnel Department.

7. AGENDA:

The deadline for submissions of agenda items is two weeks prior to the monthly meeting. At least 5 days prior to each meeting, the members shall be furnished an agenda reflecting items to be considered. No matter shall be brought before the Board unless it is on the agenda without the unanimous consent of all members present. The Chairperson or such other person designated by the Board shall be responsible for preparation and distribution of the agenda.

8. ORDER OF BUSINESS:

The order of business of all regular meetings shall be as follows:

- a. Roll Call
- b. Approval of "action minutes" of previous meeting
- c. Unfinished business

- d. New business (to include grievance hearing, if applicable.)
- e. Communications and miscellaneous business
- f. Adjournment

9. GRIEVANCE HEARING GUIDELINES:

a. Provision of Pertinent Information:

The Members of the Personnel Advisory Board shall receive a copy of the grievance as submitted by the employee and a copy of the employee's letter to the Board requesting the hearing at least five days prior to the hearing. The letter to the Board must specify which provision of the personnel ordinance has allegedly been violated, and the specific remedy the employee seeks to resolve the grievance. The members will also receive a copy of City management's response to the grievance. Other pertinent information that will help to clarify issues and facilitate efficient conduct of the hearing will also be provided, in advance, to all parties. These documents shall be forwarded to the Human Resources Director for distribution to all parties.

b. Hearing Procedures:

Pre-hearing Actions:

- (1) A court reporter may be requested to record the proceedings and swear witnesses. If a court reporter is requested by the aggrieved employee, the employee shall pay one-half of the court reporter's invoice. If the City requests a court reporter, it will bear the full cost of the court reporter's invoice. Any party may request a transcription of the hearing; the cost of such transcription will be borne in total by the requesting party.
- (2) The Personnel Advisory Board may, at its discretion, appoint a third party to serve as a Hearing Officer. The Hearing Officer will conduct the hearing and rule on questions of procedure, including interpretation of these rules, or rules of evidence such as admissibility, relevancy or materiality. If no Hearing Officer is designated, the Board Chairperson shall serve as Hearing Officer.
- (3) A uniformed police officer will be present at the discretion of the Board and/or Board Chair.

c. Hearing Process:

- (1) All parties addressing the board will be concise in their presentations and maintain a decorum indicative of mutual respect for all participants.

- (2) The aggrieved employee shall make a statement of his/her grievance to the Board. The employee's opening statement shall specify the Personnel Ordinance provision which is alleged to have been violated, and a statement describing the action the employee seeks.
- (3) First the employee and then the City shall present its proofs and witnesses. This should normally not take longer than 30 minutes for each party. All witnesses are subject to direct questioning, cross examination and redirect. Board members may question witnesses at any time on any subject deemed relevant to the grievance.
- (4) The City Attorney shall attend all grievance hearings and act as independent counsel to the Board.
- (5) After hearing the presentations of the employee and the City, the Board shall rule by majority vote whether the City Manager has violated the Personnel Ordinance. The Board may also, upon majority vote, make recommendations to the City Manager concerning policy modifications or applications.
- (6) The City Manager will acknowledge receipt of all recommendations and inform the Board of what actions, if any, will be taken in response to Board recommendations.

d. Waiving of Rules:

The Chairperson may waive any of the above rules after consultation and majority vote of the Board.

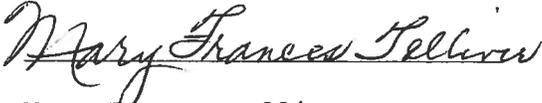
10. NOTICE:

Adequate public notice of all meetings and matters to be discussed shall be given to the public by City staff. All meetings and hearings shall be open to the public.

11. AMENDMENT:

These Bylaws may be amended by majority vote of the members of the Board at any regular meeting.

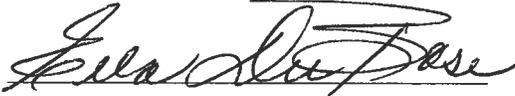
The above Bylaws have been accepted by unanimous vote on October 5, 2012 by the below listed Board members.



Mary Frances Tolliver
Chairperson



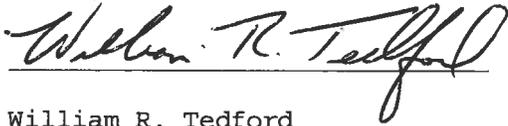
Trina Baughn



Ella H. DuBose



Jonathan Forstrom



William R. Tedford

PERSONNEL MEMORANDUM
12-128

October 29, 2012

TO: Mark S. Watson, City Manager
FROM: Penelope H. Sissom, Personnel Director
SUBJECT: REVISED CLASSIFICATION PLAN

The accompanying Resolution provides for approval of a revised Classification Plan for City employees for FY 2013.

The classification plan is adopted by resolution and reflects any changes that occur during the fiscal year. The FY 2013 Budget transmittal letter dated May 8, 2012 referenced that there would be salary classification adjustments since some departments and positions have been reclassified and restructured; but the Budget included no new positions in the General Fund. Many of the changes result from administrative changes in the City as a whole with a new City Manager, new Police Chief, new Fire Chief, the Electric Director assigned responsibility for the Business Office and reassignment of duties previously handled by the Deputy City Manager who retired.

New positions added to the Classification Plan include: Assistant to the City Manager (1002, grade 23) in the City Administration Department; Administrative Specialist (1102, grade 17) in the Office and Administrative Services section; Business Office Manager (1204, grade 27), Utility Account Analyst (1210, grade 17), Utility Accounts Specialist (1212, grade 15), and Utility Account Clerk (1211, grade 13) in the Business Office; Accountant II (1214, grade 24) and Senior Accounting Specialist (1213, grade 20) in the Finance Department; Remediation Specialist (1503, grade 27) in the Community Development Department; Assistant Chief (Prevention/Training) (3002, grade 29) in the Fire Department; Crime Analyst (3031, grade 21) in the Police Department and Public Works Administrative Manager (6004, grade 27) in the Public Works Department. Some of these positions reflect an additional step in a career ladder.

Other changes in the Classification Plan were two upgrades and title changes: Personnel Specialist to Personnel/Benefits Program Specialist (1805, grade 20) and Government & Public Affairs Coordinator to Government Affairs and Information Services Director (1701, grade 32). The position of Deputy Chief – Fire Operations was upgraded from 29 to 32 to be consistent with the staffing chart in the Police Department. There are two title changes: Substation Maintenance Technician to Substation Maintenance Supervisor (5032, grade 27) and Accountant to Accountant I (1203, grade 21). Minor wording changes were approved by the Board in several other job descriptions.

Attached is a letter from the Chair of the Personnel Advisory Board recommending the revised Plan. All members of the Board were present at the three meetings in which the above changes were discussed and agreed unanimously with the changes.

Staff recommends adoption of the attached resolution that will approve a revised Classification Plan for FY 2013.



Penelope H. Sissom

Attachments

City Manager's Comments:

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


/ Mark S. Watson

10/30/12
Date



October 25, 2012

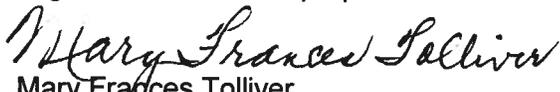
The Honorable Mayor and Members of City Council
City of Oak Ridge
200 South Tulane Avenue
Oak Ridge, TN 37830

Article 4 –Classification Plan of the Personnel Plan (Ordinance No.27-85 as Amended) specifies that the City's Classification Plan shall consist of classes submitted by the City Manager, reviewed by the Personnel Advisory Board and adopted by the City Council by resolution. This Article also states that job descriptions shall be established by the City Manager with the review and advice of the Personnel Advisory Board.

At our regular meetings on September 7, 2012, September 14, 2012 and October 5, 2012, the Board reviewed and unanimously approved several modifications in the Classification Plan. Many of the changes result from administrative changes in the City as a whole with a new City Manager, new Police Chief, new Fire Chief, the Electric Director assigned responsibility for the Business Office and reassignment of duties previously handled by the Deputy City Manager who retired. New positions added to the Classification Plan include: Crime Analyst in the Police Department; Business Office Manager, Utility Account Analyst, Utility Account Clerk, Utility Accounts Specialist in the Business Office; Assistant Chief (Prevention/Training) in the Fire Department; Remediation Specialist in the Community Development Department; Public Works Administrative Manager in the Public Works Department; Assistant to the City Manager in the City Administration Department; Accountant II and Senior Accounting Specialist in the Finance Department; and Administrative Specialist in the Office and Administrative Services section. Some of these positions reflect an additional step in a career ladder.

Other changes in the Classification Plan that the Board unanimously approved were two upgrades and title changes: Personnel Specialist to Personnel/Benefits Program Specialist and Government & Public Affairs Coordinator to Government Affairs and Information Services Director. The position of Deputy Chief – Fire Operations was upgraded from 29 to 32 to be consistent with the staffing chart in the Police Department; and the title was changed from Substation Maintenance Technician to Substation Maintenance Supervisor. Minor wording changes were approved by the Board in several other job descriptions.

All members of the Board were present at all three meetings and agreed unanimously with the changes. Members of the Personnel Advisory Board are available to answer any questions you might have about this proposed resolution to provide a revised Classification Plan.


Mary Frances Tolliver
Chair, Personnel Advisory Board

cc: City Manager
Members of Personnel Advisory Board
Personnel Director

NUMBER _____

RESOLUTION

A RESOLUTION APPROVING THE FY2013 REVISED CLASSIFICATION PLAN, AS RECOMMENDED BY THE CITY MANAGER.

WHEREAS, the City periodically needs to make modifications in its Classification Plan because of key staffing changes, increased responsibilities of some employees and new positions that are necessary to better carry out the functions of various departments in providing services to Oak Ridge citizens; and

WHEREAS, Article 4, Subsection 4.2 of the Personnel Plan for Employees of the City of Oak Ridge, Tennessee (Ordinance No. 27-85) specifies that the Classification Plan of City employees shall consist of classes submitted by the City Manager, recommended by the Personnel Advisory Board, and adopted by City Council by resolution; and

WHEREAS, the Personnel Advisory Board by its actions at its September 7, 2012, September 14, 2012 and October 5, 2012 meetings reviewed the recommended job descriptions from several City departments and, with all members present and voting, unanimously approved the attached revised Classification Plan for FY 2013; and

WHEREAS, the City Manager recommends approval of the revised Classification Plan for FY 2013.

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 revised Classification Plan for FY 2013 is hereby adopted.

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CLASSIFICATION PLAN - FY 2013								
CLASS	SALARY				CLASS	SALARY		
CODE	RANGE	CLASS TITLE	FLSA		CODE	RANGE	CLASS TITLE	FLSA
1000		ADMINISTRATIVE SERIES			3000		PUBLIC SAFETY SERIES	
		CITY ADMINISTRATION					FIRE OPERATIONS	
1001	34	Deputy City Manager	E		3001	34	Fire Chief	E
1003	25	City Clerk	E		3003	32	Deputy Chief - Fire Operations	E
1002	23	Assistant To The City Manager	E		3002	29	Assistant Chief (Prevention & Training)	E
1006	4	Administrative Intern III	N		3005	25	Battalion Chief	N
1007	3	Administrative Intern II	N		3012	24	Fire Projects Officer	N
1008	2	Administrative Intern I	N		3006	21	Fire Captain	N
					3010	19	Fire Inspector	N
		OFFICE & ADMINISTRATIVE SERVICES			3007	17	Fire Fighter/Engineer	N
1101	21	Senior Administrative Assistant	N		3008	16	Fire Fighter - Trainee	N
1102	17	Administrative Specialist	N					
1105	16	Court Clerk	N				POLICE OPERATIONS	
1108	16	Printing Services Specialist	N		3021	34	Police Chief	E
1103	15	Administrative Assistant	N		3022	32	Deputy Police Chief	E
1109	13	Office Specialist	N		3023	29	Police Captain	E
1106	11	Office Assistant	N		3024	25	Police Lieutenant	N
					3025	21	Police Sergeant	N
		FINANCE & ACCOUNTING			3029	19	Detective	N
1201	32	Finance Director	E		3027	17	Police Officer	N
1202	27	Accounting Division Manager	E		3028	16	Police Officer - Trainee	N
1204	27	Business Office Manager	E					
1214	24	Accountant II	N				POLICE ADMINISTRATION	
1302	23	Contracts/Grants Coordinator	E		3031	21	Crime Analyst	N
1303	21	Purchasing/Contracts Coordinator	N		3032	17	Lead Public Safety Communications Officer	N
1304	21	Purchasing/Inventory Coordinator	N		3033	15	Public Safety Communications Officer	N
1203	21	Accountant I	N		3035	15	Lead Police Records Specialist	N
1213	20	Senior Accounting Specialist	N		3036	11	Police Records Specialist	N
1205	17	Accounting Specialist	N		3038	5	School Crossing Guard	N
1210	17	Utility Account Analyst	N					
1208	15	Utilities Service Representative	N				ANIMAL CONTROL	
1212	15	Utility Accounts Specialist	N		3041	17	Animal Control Supervisor	N
1211	13	Utility Account Clerk	N		3042	15	Animal Control Officer	N
1206	13	Accounting Clerk	N		3043	11	Animal Shelter Attendant	N
1306	11	Warehouse Clerk	N					
1207	11	Service Center Cashier	N		4000		RECREATION & PARKS SERIES	
1209	11	Meter Reader	N				RECREATION PROGRAM OPERATIONS	E
		LEGAL SERVICES			4001	32	Recreation & Parks Director	E
1401	29	Senior Staff Attorney	E		4003	23	Recreation Manager	E
1402	27	Staff Attorney	E		4004	19	Recreation Program Supervisor	N
					4005	17	Recreation Program Coordinator	N
		ECONOMIC & COMMUNITY DEVELOPMENT			4007	13	Recreation Assistant	N
1501	32	Economic Development Director	E		4008	11	Facility Monitor	N
1503	32	Community Development Director	E		4009	11	Security Guard	N
1504	27	Community Development Division Manager	E		4006	5	Senior Recreation Leader	N
1503	27	Remediation Specialist	E		4010	3	Recreation Leader	N
1505	24	Senior Planner	E					
1507	24	Code Enforcement Supervisor	E				AQUATICS PROGRAM OPERATIONS	
1506	22	Planner	N		4013	7	Senior Lifeguard	N
1514	22	Community Development Specialist	E		4014	5	Lifeguard	N
1508	21	Senior Code Enforcement Inspector	N					
1509	19	Code Enforcement Inspector	N				PARK MAINTENANCE OPERATIONS	
1512	17	Property Maintenance Enforcement Officer	N		4021	21	Parks Maintenance Supervisor	N
1510	15	Mapping Technician	N		4022	17	Parks Maintenance Crew Chief	N
		INFORMATION SERVICES			5000		ELECTRIC OPERATIONS SERIES	
1701	32	Govt' Affairs & Information Services Director	E					
1702	29	Information System Manager	E				ELECTRIC DEPARTMENT ADMINISTRATION	
1703	29	Senior Systems Analyst	E		5001	34	Electric Director	E
1704	24	Systems Analyst	E		5011	32	Electric Engineering Division Manager	E
1706	24	Senior Information Systems Technician	E		5021	30	Electric Operations Manager	E
1707	21	Information Systems Technician	E		5030	27	Special Area Supervisor	N
		PERSONNEL SERVICES					ELECTRICAL ENGINEERING	
1801	32	Personnel Director	E		5013	30	Electric Engineer	E
1803	27	Personnel/Risk Program Manager	E		5014	28	Electric Project Manager	E
1805	20	Personnel/Benefit Program Specialist	N		5015	26	Senior Electric Project Specialist	N
					5016	24	Electric Project Specialist	N
2000		LIBRARY SERIES					ELECTRIC LINE MAINTENANCE OPERATIONS	
2001	32	Library Director	E		5022	28	Electric Operations Superintendent	N
2002	27	Library Operations Manager	E		5023	27	Electric Line Crew Chief	N
2004	21	Librarian	N		5024	25	Electric Line Technician	N
2005	16	Library Assistant	N		5025	19	Electric Line Technician - Apprentice	N
2006	13	Senior Library Clerk	N		5026	14	Electric Line Technician - Trainee	N
2008	11	Library Clerk	N					
2009	3	Library Page	N					

RESOLUTIONS

RECREATION AND PARKS MEMORANDUM
12-11

DATE: October 23, 2012
TO: Mark S. Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: SECRET CITY FESTIVAL SPONSORSHIP

The accompanying Resolution authorizes a sponsorship of \$50,000 from the Economic Diversification Fund and designates the City of Oak Ridge as a "Festival Sponsor" for the 2013 Secret City Festival.

The Secret City Festival Executive Committee is requesting City sponsorship for the June 21 & 22, 2013 event. In 2012, the City of Oak Ridge and B&W Y-12 were recognized as "Festival Sponsors" playing a significant role in the success of the event. In the past, the City's financial commitment to the festival has sent a strong message to potential sponsors in the community and has encouraged others to get involved. The festival provides the public with an opportunity to learn about the history of the City and the sacrifices that were made during the Manhattan Project days. The festival also showcases the diversity and community pride of the City. The City of Oak Ridge, the Arts Council of Oak Ridge and the Oak Ridge Convention and Visitors Bureau are "Festival Presenters" and comprise the Festival Executive Committee.

At the August 22, 2011, Council Work Session, several councilmembers expressed a desire to make the festival more self-supporting by increasing sponsorship, reducing the actual dollars contributed by the City, and looking for ways to reduce City manpower costs. The executive committee, through the efforts of Mayor Pro Tem Miller, increased sponsorship from \$136,500 in 2011 to \$146,500 in 2012. The festival spent approximately \$36,000 of the allocated \$50,000 City sponsorship, thus reducing the impact on the Economic Diversification Fund. The committee also reevaluated manpower assignments from past festivals and focused more on participant safety/event management. These lessons learned during the 2012 festival will be applied to future events.

In spite of a sluggish economy, over 20,000 residents and visitors from 22 states attended the festival in 2012 and enjoyed a variety of entertainment opportunities. The committee anticipates an even larger crowd in 2013 for activities such as:

- Live Friday and Saturday Night Entertainment
- World War II Reenactment
- Fine Arts Show
- ORHPA's Historical Displays
- Arts & Crafts
- Historical Tours
- Expanded Children's Area
- Lots of Food

Last year's festival generated approximately \$190,000 in sponsorships (including the City's sponsorship), admission/booth fees and sales. The return on the City's sponsorship is detailed below:

The City's sponsorship at the "Festival Level" will provide the City with:

- Name and logo on 25 billboards posted for 30 days throughout the region
- Name and logo on 20,000 rack cards distributed to promote the festival
- Name and logo on 20,000 placemats distributed to restaurants throughout Anderson County
- Name and logo in newspaper ads in The Oak Ridger to run one month prior to festival
- Name and logo on public service advertisements running on Comcast Cable
- Name mention on public service announcement radio spots to run two weeks prior to the festival
- Name mention in all press materials related to the festival
- Feature article submitted to print media

- Corporate link from the Secret City Festival web site
- Name and logo on banners to be placed at prominent locations during the festival
- Name prominently displayed on signage at the festival
- Opportunity to make stage announcements at various times throughout the day
- Priority booth placement at the festival
- Complimentary combo tickets for Friday and Saturday night entertainment

Staff recommends approval of the accompanying Resolution as submitted. Funding for a Festival Sponsorship for the City of Oak Ridge will come from the Economic Diversification Fund.

Attachments

City Manager's Comments:

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

Mark S. Watson
Mark S. Watson

10/30/12
Date

RESOLUTION

A RESOLUTION AUTHORIZING AN EXPENDITURE OF \$50,000.00 FROM THE ECONOMIC DIVERSIFICATION FUND FOR THE 2013 SECRET CITY FESTIVAL AND DESIGNATING THE CITY AS A "FESTIVAL SPONSOR" FOR THE EVENT.

WHEREAS, the City's annual Secret City Festival continues to grow and expand in an effort to attract visitors from throughout the region; and

WHEREAS, the Secret City Festival Steering Committee has marketed the festival as an opportunity to learn about the history of Oak Ridge and the sacrifices that were made during the days of the Manhattan Project; and

WHEREAS, the festival also showcases community pride and the diversity of Oak Ridge; and

WHEREAS, the proposed budget for the 2013 festival is \$200,000.00; and

WHEREAS, funds in the amount of \$50,000.00 are available in the Economic Diversification Fund to help cover the costs associated with festival expenses; and

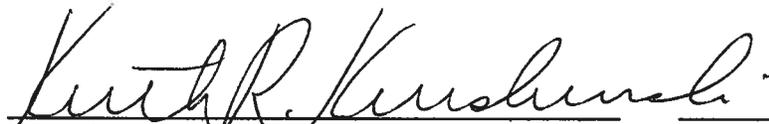
WHEREAS, the City Manager recommends authorization to expend \$50,000.00 from the Economic Diversification Fund for expenses associated with the 2013 Secret City Festival.

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 an expenditure of \$50,000.00 from the Economic Diversification Fund for 2013 Secret City Festival expenditures is hereby approved and the City shall be designated as a "Festival Sponsor" for the event.

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RECREATION AND PARKS MEMORANDUM
12-10

DATE: October 23, 2012
TO: Mark S. Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: ARTS COUNCIL CONTRACT FOR THE SECRET CITY FESTIVAL

The accompanying Resolution approves a contract to the Arts Council of Oak Ridge to provide professional services and activity support for the Secret City Festival and authorizes the reimbursement of actual costs incurred in an amount not to exceed \$150,000.

The proposed award will allow the City to contract with the Arts Council of Oak Ridge to provide entertainment, production support, activities and programs for the Secret City Festival and reimburses the organization for actual costs incurred. These costs are already included in the Secret City Festival 2013 budget and will be offset by sponsorships, ticket sales and event vendor booth fees. The proposed contract will not result in additional compensation for the Arts Council of Oak Ridge. Currently, the Arts Council joins the Oak Ridge Convention and Visitor's Bureau and the City of Oak Ridge as presenters of the festival. The Arts Council schedules and manages the entertainment and production set-up for the two-day event. The contract will designate certain responsibilities to the Arts Council and provide them with the flexibility to secure the services of professional artists and performers in a timely fashion. Under this contract, the Arts Council of Oak Ridge will be able to expedite the process of contacting, negotiating, contracting and accommodating the festival entertainers and service providers. In addition to providing a more flexible process, the contract will reduce staff time spent on securing services, preparing contracts and processing individual invoices for performers.

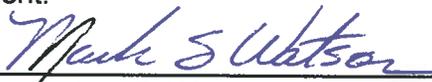
With the planning effort for the 2013 festival well underway, securing the Friday and Saturday night entertainment within the next two months is essential. The Arts Council has already started the process of evaluating performers and hopes to have arrangements finalized later this calendar year. The Secret City Festival Executive Committee will continue its role of directing and managing the festival and will rely heavily on the Arts Council for its expertise in entertainment.

Staff recommends approval of the accompanying Resolution as submitted. Funding for this contract and the reimbursement of actual costs incurred will be provided from sponsorships, booth fees and ticket sales.

Attachment

City Manager's Comments:

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



Mark S. Watson

10/30/12
Date

RESOLUTION

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE ARTS COUNCIL OF OAK RIDGE TO PROVIDE ENTERTAINMENT, PRODUCTION SUPPORT, ACTIVITIES AND PROGRAMS RELATED TO THE UPCOMING 2013 SECRET CITY FESTIVAL AND AUTHORIZING THE REIMBURSEMENT OF ACTUAL COSTS INCURRED IN AN AMOUNT NOT TO EXCEED \$150,000.00.

WHEREAS, the City of Oak Ridge has a need for professional services to provide entertainment, production support, activities, and programs related to the upcoming 2013 Secret City Festival; and

WHEREAS, the Arts Council of Oak Ridge has been providing such services in the past to the satisfaction of the City; and

WHEREAS, the City and the Arts Council of Oak Ridge desire to enter into an agreement to provide such services for the upcoming 2013 Secret City Festival, which agreement the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and a Professional Services Agreement between the City of Oak Ridge and the Arts Council of Oak Ridge, P.O. Box 4324, Oak Ridge, Tennessee 37831, to provide entertainment, production support, activities, and programs related to the upcoming 2013 Secret City Festival is hereby approved; said agreement in an amount not to exceed \$150,000.00.

BE IT FURTHER RESOLVED that this agreement is for reimbursement of actual costs incurred and the funding will be provided from sponsor donations, booth fees and ticket sales.

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

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

OAK RIDGE POLICE DEPARTMENT MEMORANDUM
12-05

DATE: **October 26, 2012**

TO: **Mark S. Watson, City Manager**

FROM: **James T. Akagi, Chief of Police**

SUBJECT: **Grant Expenditure for Radio System Expansion**

Introduction

An item for the agenda is a resolution approving an agreement with Motorola Solutions, Inc., for the procurement of a radio expansion system with advanced Long Term Evolution (LTE) technology in the amount of \$1,044,622 paid from federal grant funds.

Background

In 2008, the City of Oak Ridge received two grants for expansion of the Oak Ridge Police Department (ORPD) radio system: a Community Oriented Policing Services Technology Grant and an Edward Byrne Memorial Justice Assistance Grant, together totaling \$1,124,078. The purpose of the grants is to provide funding for the purchase of technologies to advance communications interoperability, information sharing, crime analysis and prevention, as well as law enforcement technology improvement. To date, \$79,456 has been expended, leaving \$1,044,622 remaining which must be allocated by the City prior to December 31, 2012.

Due to the complexity and imperative nature of security around the City of Oak Ridge and critical nuclear facilities' infrastructure, the Department of Energy (DOE) and the City enlisted Motorola as a partner to provide advanced communication technology for enhancement of security and response times between the City and federal nuclear sites located within the ORPD's area of responsibility. The primary focus of this technology is in three areas:

- High Speed Private Broadband
- Operational and Tested LTE User Equipment
- Mobile Virtual Private Network (VPN) to integrate LTE, a single site low speed Data Radio System, and an eventual Motorola P25 radio system using Integrated Voice and Data (IV&D).

The proposed LTE solution will allow utilization of both the existing ORPD radio system and the advanced LTE technology. An integrated solution will also be available as ORPD migrates towards a Last Message Replay (LMR) radio system. With the proposed solution, the City of Oak Ridge and DOE will have a system supporting shared wireless broadband, shared interoperability and shared mobile operations with local, regional, enterprise and state public safety resources.

The City must maintain a close working relationship with DOE to enhance security and provide emergency response to incidents on federal reservations. The partnership with DOE to share an integrated LTE system will reduce initial capital expenditures and ongoing operational expenses. With a shared wireless broadband network, DOE and the City take a major step forward in providing instantaneous access to information and applications from anywhere within the LTE coverage area. In addition to its many benefits to operational efficiency, broadband access enhances users' situational awareness, enhancing ORPD's ability to protect life and property.

Recommendation

Adoption of the attached resolution is recommended to provide for improved radio interoperability between ORPD and federal nuclear reservations, as well as local, regional, enterprise and state public safety resources. This will greatly enhance public safety for the City, in that it will provide faster and expanded radio coverage for entities responding to crisis or disaster scenarios. The funding for procurement of this technology comes entirely from existing federal grants previously awarded to the City.



James T. Akagi, Chief of Police

Attachment

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 APPROVING AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC., KNOXVILLE, TENNESSEE, TO PROVIDE A RADIO EXPANSION SYSTEM WITH LONG TERM EVOLUTION (LTE) TECHNOLOGY FOR THE CITY'S PUBLIC SAFETY SYSTEM IN THE ESTIMATED AMOUNT OF \$1,044,622.00 TO BE PAID FOR WITH FEDERAL GRANT FUNDS.

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

WHEREAS, the federal legislative agenda included a funding request in the amount of \$1.5 million for a wireless communication system upgrade for the police department; and

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

WHEREAS, the City is now ready to expend the remaining grant funds in the amount of \$1,044,622 to purchase materials, equipment, software, hardware, and services from Motorola for this project; and

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

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

That the recommendation of the City Manager to waive competitive bidding is approved and award is hereby made to Motorola Solutions, Inc., Knoxville, Tennessee, for the furnishing of materials, equipment, software, hardware, and services for the wireless communications system upgrade project, in the estimated amount of \$1,044,622, which shall be paid for through federal grant funds.

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

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

OAK RIDGE POLICE DEPARTMENT MEMORANDUM
12-06

DATE: **October 26, 2012**

TO: **Mark S. Watson, City Manager**

FROM: **James T. Akagi, Chief of Police**

SUBJECT: **Fleet Purchases**

Introduction

An item for the agenda is a resolution authorizing the purchase and equipping of eight (8) patrol vehicles (Ford Interceptors or Dodge Chargers) for the Police Department in an amount not to exceed \$340,000.

Background/Analysis

The Oak Ridge Police Department (ORPD) patrol fleet consists of forty-three (43) vehicles: thirty-two (32) marked vehicles, twenty-one (21) of which are assigned to individual officers, each averaging approximately 5.8 years of service with 95,000 miles; eleven (11) pool vehicles, each averaging approximately 3.9 years of service and 54,000 miles; and eleven (11) are unmarked assigned vehicles, each averaging approximately 7.4 years of service and 83,000 miles.

The Take Home Vehicle Program (THVP) was instituted in September 2011. There are fourteen (14) marked and five (5) unmarked vehicles assigned to officers under the THVP, with an additional five (5) officers being immediately eligible for assigned vehicles. However, no vehicles are currently available for them to be issued. It should be noted that five (5) officers moved into the City Limits in 2012, all citing the THVP as one of the major considerations for doing so. The THVP significantly increases visibility of marked units in the City, which in turn creates magnified police presence in neighborhoods where officers reside. THVP officers are immediately available to go in service from their residences, enhancing emergency response capabilities and improving productivity. THVP officers' pride and ownership in their assigned vehicles has also been observed during vehicle inspections by supervisors, as these officers are taking exceptional care of their vehicles, which increases the length of service due to lower mileage and maintenance costs. Additional documentation and reports have been provided as an attachment to this memo of other cities utilizing/considering similar programs in Tacoma, Washington; Stillwater, Oklahoma; Casper, Wyoming; and Galloway, New Jersey.

The Police Department is the sole City department tasked with immediate response from deployed resources 24 hours per day, 365 days per year. This is accomplished through a minimum of six (6) patrol vehicles in constant use every day, which in turn necessitates the replacement of vehicles at a higher rate than other departments. To maintain a safe and efficient fleet, ORPD's vehicle lifecycle management plan recommends replacement of vehicles with more than 100,000 miles. Currently, thirty percent (30%) of the fleet has more than 100,000 miles, which will double to sixty percent (60%) within five years. This year, three (3) vehicles will have more than 200,000 miles. To extend the lifecycle of each vehicle and reduce vehicle maintenance and repair costs, the fleet should be gradually expanded to allow for further participation of officers in the THVP. Transition to an assigned vehicle patrol fleet necessitates the procurement of eight (8) vehicles this year. Cost estimates to equip vehicles are further detailed as follows:

- Radios – ORPD currently has six (6) new mobile radios in inventory. Additional radios may be purchased from the Emergency Communications Fund.
- Computers – ORPD is currently budgeted to replace seven (7) mobile data terminals (laptop computers) per year. Each laptop requires a modem (\$3,800 each) to transmit information. Modems may be removed from retired vehicles and reused as long as serviceable.
- Unmarked Vehicles – Equipment for unmarked vehicles costs around \$10,000 less than patrol vehicles, as not as much equipment is needed. Each year, at least one (1) unmarked vehicle should be replaced.

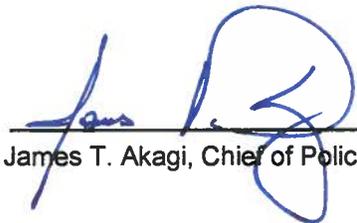
- Lifecycle Management Plan – Implementation of the fleet lifecycle management plan will require retirement of five (5) vehicles in 2013 – four (4) patrol vehicles and one (1) unmarked vehicle. By reusing the modems in the four (4) patrol vehicles, replacement of these five (5) vehicles will be \$170,000 - \$200,000. Adding three (3) more vehicles with new modems will be \$118,000 - \$137,000. The total cost for eight (8) vehicles will be an estimated \$284,000 - \$336,000.

	<u>Base</u>	<u>Equipment</u>	<u>Subtotal</u>	<u>QTY</u>	<u>Total</u>
Ford Patrol Vehicle w/used modem	28,360	13,365	41,725	4	166,900
Ford Patrol Vehicle w/new modem	28,360	17,165	45,525	3	136,575
Ford Unmarked Vehicle	28,360	3,770	32,130	<u>1</u>	<u>32,130</u>
Total				8	\$335,605
Dodge Patrol Vehicle w/used modem	22,000	13,365	35,365	4	141,460
Dodge Patrol Vehicle w new modem	22,000	17,165	39,165	3	117,495
Dodge Unmarked Vehicle	22,000	3,770	25,770	<u>1</u>	<u>25,770</u>
Total				8	\$284,725

[Note: Ford Interceptors and Dodge Chargers were selected as the two types of vehicle due to their production for police equipment package, fuel economy and performance in nationwide trial tests by other law enforcement agencies].

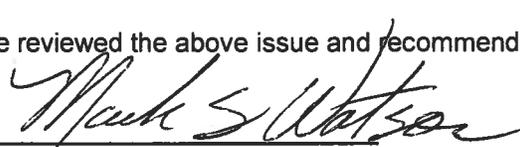
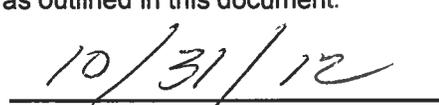
Recommendation

Adoption of the attached resolution is recommended to provide for the purchase and equipping of eight vehicles for an amount not to exceed \$340,000, utilizing either the state contract pricing system or the City's competitive bid process, whichever is more cost effective. This allows for the replacement of five vehicles and the addition of three new THVP vehicles. There are sufficient funds accumulated from prior year charges for police vehicle replacement in the Equipment Rental Fund to fund the purchase of these vehicles. The accumulated funds for police vehicle replacement and current year replacement funding charges will be utilized to formulate a plan for the ongoing replacement of eight Police vehicles on an annual basis. It is the intent of the program to allocate for the purchase of two units per quarter. This will facilitate cash flow, while allowing future amounts to accrue.



 James T. Akagi, Chief of Police

Attachments

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

**Final Report on Cost-Benefit Analysis of Assigned Vehicle
Program**

Police Department, City of Tacoma, WA

by

Donald T. Lauria[♣]

October 2004

♣ Professor, University of North Carolina, Chapel Hill, NC 27599-7431 (dlauria@unc.edu)

Summary of Findings and Recommendations

Findings

1. The majority of citizen respondents to the Neighborhood Council questionnaire favor: 1) assigning vehicles to police officers rather than having them use pool vehicles, and 2) allowing assigned vehicles to be taken home rather than parked in the city when officers are off-duty.
2. The citizen respondents expressed concern that the quality of police services would suffer adversely if 1) police cars were not assigned, or 2) if officers could not take them home.
3. The attitudes of the citizens on these matters were similar to those of the police officers themselves who felt that they are able to render their best services with assigned vehicles that they can take home.
4. The citizen respondents to the questionnaire did not express much concern about the possibility of officers abusing the privilege of taking their vehicles home. About 80% of respondents said they had no personal knowledge of what seemed to them like vehicle abuse.
5. On the other hand, the citizens favored a policy that would limit subsidies for commuting using police vehicles to a certain distance beyond city limits such as 10 miles.
6. About 225 police officers routinely take their assigned vehicles home. The majority work 4 days per week (about 200 days/year).
7. The average one-way commuting distance of officers who take their assigned vehicles home is 9.4 miles beyond city limits. About 20% of the officers with assigned vehicles live within Tacoma city limits, 30% live more than 10 miles beyond city limits, and 10% live more than 20 miles beyond city limits.
8. When they switched from pool vehicles to assigned vehicles, police officers on average saved about 40 minutes each workday in not having to check-out a vehicle from the pool and not having to transfer their gear to it at the beginning of each shift.
9. Although officers can prepare most of their reports and do other office work in their cars using their personal computers, about half them still need office space in addition to their assigned vehicles.
10. In May and June 2004, each officer made an average of 3 'contacts' per month on his/her way to/from work while off-duty to assist an arrest, a fellow

officer, etc. In addition, each officer was called out to service while off-duty an average of 4 times per month.

11. About half the police officers said that the Assigned Vehicle Program played no role in their decision to take employment with Tacoma's Police Department.

12. The City of Tacoma is divided by the Police Department into 4 sectors, each of which is divided into 4 districts, for a total of 16 districts in the city. Average elapsed times in responding to calls for service is a commonly used indicator of the quality of emergency services provided by a city. For Tacoma as a whole, the average response time in May and June 2004 was a little under 10 minutes. The variation in average response times from one district to another was small, ranging from a low of 8.5 minutes to a high of about 13 minutes. These findings suggest that the way the Police Department currently allocates its personnel and vehicles results in a generally high level of service to the city and that no district seems to be under or over served.

13. The benefit-cost (BC) analysis was arguably the centerpiece of this study. Three questions emerged as central to the BC analysis: 1) Should vehicles be assigned to officers or should they use vehicles from a pool? 2) If vehicles are assigned, should officers be allowed to take them home while off-duty or should they be parked in the city? 3) If officers take their vehicles home, what criterion should be used for setting the policy on how the city subsidizes commuting costs?

14. Regarding the first question about whether it is better to assign a vehicle to each officer or have officers use pool vehicles, a formal BC model was developed with a 20-year planning period in which future costs and benefits were discounted to equivalent present values and net present value (NPV) was used as the criterion to assess the economic efficiency of two alternatives: 1) assigning a car to each officer v. 2) using pool cars.

15. In the case of a simple example with only two officers, the present value of net benefits (NPV) of assigning a separate car to each officer exceeded the NPV of having the officers share a single vehicle by about \$140,000 over the 20-year planning period; the present value saving was equivalent to an annual saving of about \$10,000 per year. When the example was scaled up for all 260 or so officers with assigned vehicles, the present value saving was about \$20 million, and the equivalent annual saving was about \$1.5 million per year. The optimal result of assigning vehicles was robust under a wide set of uncertainty conditions. The main reason for the saving was due to increased officer productivity as a result of not having to check out pool cars and transfer gear into and out of them.

16. The net savings accrue to the city. Thus, the BC analysis provided convincing evidence that it is far better for the city to assign vehicles to police officers than for them to use vehicles from a pool.

17. Regarding the second question for BC analysis: Whether assigned vehicles should be taken home or parked in the city when officers are off-duty, the two alternatives for comparison are: 1) the cost of commuting by officers using their private cars plus the cost of parking police cars in a city-garage v. 2) the cost of commuting using police cars plus free parking and other benefits at officers' homes. The analysis showed that the economic costs of taking police vehicles home are about \$800/year per vehicle less than the alternative of parking them in a city-garage and having officers use their personal cars to access them (no-take-home option). This difference for the entire fleet of take-home vehicles is about \$200,000/year, which has equivalent present value of about \$2.7 million over a 20-year planning period.

18. Taking police vehicles home provides additional benefits due to officers making 'contacts' on their way to/from work and responding more rapidly to call outs while off duty (see item 10 above). Also, the take-home program gives citizens an added sense of security, officers spend personal time caring for their police cars, and some officers pay a reduced insurance premium on their personal cars. These additional benefits plus the economic advantage clearly make the take-home option best for society.

19. BC analysis treats society as a whole and pays no attention to who benefits and who pays. The city pays for commuting with a take-home policy, and the officers pay for commuting with a no-take-home policy. In addition, the city would have to pay for parking with a no-take-home policy, and the officers have to provide parking with a take-home policy, which happens to be free because of the excess parking capacity at officers' homes.

20. The take-home policy, however, has two perverse incentives: 1) it might encourage officers to use their police vehicles for personal business, and 2) it might encourage them to live outside Tacoma where the costs of living might be lower than in the city. The combination of Police Department policies that prohibit use of police cars for personal business plus the inclination of officers not to draw attention to themselves as police officers seem to negate the first negative incentive; personal use does not seem to be a problem.

21. Regarding the second negative incentive, limits could be imposed on the amount of commuting subsidized by the city using financial (not economic) criteria. For example, it could be decided that if it is less expensive for the city to provide in-city parking when officers are off duty, then officers should not take their cars home. On the other hand, if it is less expensive for the city to pay for commuting using police cars rather than in-city parking, then officers should be encouraged to take their police cars home.

22. Based on realistic but approximate estimates of parking and commuting costs using police vehicles, the break-even distance for subsidized commuting using this approach is in the range 7 to 14 miles. It appears that it may be less expensive for the city to provide in-city parking for officers who live more than this many miles beyond city limits. If the city were to use other criteria for setting policy, the city might decide to subsidize commuting for all (or most) of the officers with assigned cars.

Recommendations

1. Police officers should be: 1) assigned cars, and 2) allowed to take them home when off-duty. The city needs to decide criteria and policy for subsidizing commuting costs of take-home vehicles. This work should begin with a careful examination of in-city parking options and costs. The policy however should not be based strictly on a financial break-even analysis. The city needs to keep in mind that police officers render services while commuting to and from work which argue that it would be short sighted only to consider financial costs.

2. Fleet services should make an audit of its costs and services, including comparisons with other municipal fleet service departments.

3. The Police Department needs to be as sensitive to appearances of abuse of take-home vehicles as to the realities of abuse. Although no evidence of abuse was found, policies and procedures need to be routinely examined to ensure that they are working satisfactorily.

4. The analysis of how the Police Department allocates personnel and vehicles to meet the demands for police services revealed no particular problems demanding attention. Nevertheless, because demands are always shifting, the department needs to exert constant vigilance and scrutiny of its policies and practices to ensure that the citizens of Tacoma are well served.

Date: February 22, 1999
Subject: Police Unit Take Home Program
Purpose of Report: Provide information about Police Unit Take Home Programs

Background:

A request was made by members of the City Commission that Staff provide information on Police take home units. The following information is based on interviews with administrators of police departments with such programs, and includes information relative to our own department experience and fleet.

Advantages to take home police units

Operation costs per unit: While the number of cars operated by a department increases with the implementation of a take-home program, the cost of operation per unit, per mile decreases. Each car is driven fewer miles during a given period. Also, less wear and tear will be noticed as only one person operates each unit, instead of three or more. Hours of per-unit patrol operation are decreased from 20 hours a day, 7 days a week, to 4 10 hour shifts per week. Accountability for damage and possible abuse becomes easier, as does the ability to reward those individuals that take exceptional care of their equipment. Most departments that have implemented such a program report the useful lifetime of each car has been extended by several thousand miles, and 3-5 years.

Take home programs require less frequent vehicle equipment installations and removals as opposed to pool units, resulting in savings annually. It costs approximately \$1,000 a unit in labor to transfer equipment from one car to another.

Routine maintenance of take home units is taken care of on the officer's day off. Currently, we spend a great deal of man hours shuffling cars from place to place for repair and maintenance. This is typically done by on duty officers, whose time could be better utilized. We often run short on units due to cars being in the shop.

Officer presence, visibility: Take home programs result in more police units being driven on the streets as officers go to and from work, or other approved activity. Citizens will see a more visible police presence. So will potential offenders, offering a deterrent effect. Even an unattended unit parked in a lot or driveway has the effect of police presence. As our shifts are scheduled relevant to rush hours and other peak activity, the influx of patrol cars coming and going would envelope these peak times. Citizens in cities with this program report that they like the presence of police cars in their neighborhoods. This could also have an impact on problems such as recent complaints about speeding in residential areas.

Officer response to emergencies: In a situation that requires a large number of officers to respond, this program offers perhaps it's most valuable asset. Currently when we have a major event, officers drive their personal cars to City Hall, where they gather equipment, and are briefed. This creates a loss of valuable time, and is worsened as units already busy and needed in the field are called to the police department to transport officers to assignments, due to a lack of available units. Criminal Investigators currently must come to the department to pick up a unit and crime scene equipment before responding to major crime scenes, losing potentially valuable time. Take

home cars allow for patrol officers, criminal investigators, and command staff to respond where needed, when needed. By having the cars equipped with appropriate tools, the officers arrive prepared for the task they face. In thankfully rare situations, such as a tornado or other major disaster, the department could activate all sworn officers in a relatively short time, and send officers directly to assignment upon notification.

Increased public/officer safety, morale, arrests: Officers operating police units on duty or off would be required to render aid to motorists and others in need of assistance, enhancing that element of service to the community.

Likewise, since officers would be required to take action upon witnessing a violation, arrests would increase. When operating a police vehicle, it is required that radio and other communications equipment be in operation, so Command staff and supervisory personnel would be more aware of activity in the city, and often would be immediately available, without having to be paged.

In critical situations, while the nearest on-duty unit may be across town, an off-duty officer may be just around the corner from an emergency call for service, or another officer needing assistance. This cuts down on response time during a critical incident, and lessens the risk of accidents, as officers attempt to get across town to assist citizens, or another officer in trouble. In high risk situations, the quicker back-up arrives on the scene, the less likely a suspect will resist or assault a single officer or another citizen. Often times, just the sight of a 2nd officer on the scene causes a suspect to reconsider such action. In situations where a subject does attack another person or officer, two officers can handle the situation with less likelihood of injury, or less severe injury, to those involved.

As mentioned earlier, it is our current policy to, "drop off," officers at assignments when we are short on units. This occurs during occasions as routine as major sporting events, and during major flooding, etc. Due to the lack of available units officers work traffic control assignments in darkness and in all weather conditions, with little or no visible warning to approaching motorists. Some officers, especially in emergency situations, when transportation may not be available in a timely manner, report to assignments in their personal vehicles, creating a potential liability issue. By having a police unit on the scene, officer safety is enhanced by warning lights which alert approaching drivers to the situation before driving upon the officer, who may otherwise be visible only by a flashlight or reflective vest.

Cities that utilize this program report a higher level of officer morale. Most report that officers wash and wax the cars, and do other minor repairs and maintenance at home, on their own time. Strict policies regarding the use of these vehicles are a matter of routine within these programs. The policies vary greatly from department to department. Some departments allow use of the units for off-duty personal business to further enhance police visibility, while others allow use of the vehicles only to and from work, or for job related activities such as training and court. In the event such a program was initiated, Staff would write policies in accordance with community expectations.

Drawbacks to the program

Initial Capital Expense: The major disadvantage to implementing such a program is the initial capital outlay. The below estimated costs are based on the current bid for police units effective 11-16-98, from the local vendor, Owen Thomas Ford. Also included is the cost of equipping the units. Using today's costs, completely equipped, ready to roll police vehicle costs look something like

this:

- A. Patrol unit: \$38,665.60
- B. Unmarked unit: \$30,890.60

These costs include items such as radar units, lap top computers, video cameras in marked units, and other equipment as needed to equip a unit and officer for particular assignments. We have found that, like cars, the laptop computers are showing need of repair and replacement at a faster rate than anticipated due to multiple users, and being transferred from car to car and person to person. These figures assume a desire to equip officers completely.

If it were to be the desire to fully implement such a plan in one year, the following vehicles would be required:

- A. 22 @ \$38,665.60= \$850,643.20
- B. 9 @ \$30,890.60= \$278,015.40

\$1,128,658.60

This figure is assuming we keep all current vehicles in the fleet, and add those needed to implement the program. Due to the magnitude of implementing such a program, a 10% contingency to allow for unanticipated increase in parts, materials, and labor related to preparing the units for use would be worthy of consideration.

The need for pool cars would be lessened, but we would perhaps need to maintain a few unmarked for civilian staff use, and some marked pool units would be required for use by motorcycle officers during bad weather conditions, or when an officer's assigned patrol unit is in need of major repair.

This approach would provide the department with take home cars for all sworn officers, and allows for two marked pool cars for use by the motor officers when the cycles cannot be used, and for use by other officers when their assigned units are out of service. Without a history of experience, it is not known if two marked pool cars would be enough to prevent officers from having to use other cars. Also, this amount would not provide unmarked cars for use by civilian employees conducting in-town City business, but staff officers' cars could be used for that purpose. Without unmarked pool cars, reimbursement for use of civilian employees' private vehicles for out of town training would be required.

Consideration should be given to the fact that as sworn personnel are added to the department, either because of annexation, or for other reasons, in order to keep the program intact, additional units would need to be added also. Related to that issue, the department is studying the possibility that one or more additional 4X4 vehicles may need to be added to the fleet, due to the nature of some of the area under consideration for annexation. Prices for these vehicles are in the \$28,000 dollar range, plus equipment.

Increase in OVERALL fleet operation expense: While the operating cost per mile decreases with a take home program, as does overall mileage per unit, the overall fleet expenses will increase, due simply to the number of vehicles in operation. There will be some increase in overall fleet mileage due to the vehicles being operated by off-duty officers during permitted activities.

Permitted activities would be addressed in policy.

Increased Overtime Expenses: Because officers will change from off-duty status to duty status upon responding to an emergency situation, motorist assist, or traffic stop, overtime hours would increase.

Discussion:

Administrators interviewed indicate they expect 100,000 miles, or 6 to 8 years of service from vehicles assigned to only one person.

Assuming we can extend the life of the cars by three years, considering the current allotment of \$245,502 (21.7% of the estimated cost to fully implement the program) budgeted this year for replacement of police units, \$736,506 of the required amount to implement the program would be recovered over the course of the first 3 years. If the life of the cars was to be extended by 5 years as some departments have experienced, \$1,227,510 would be recovered. While it is not known that the 5 year extension is realistic, particularly for patrol cars, a three year extension seems probable, and a 5 year extension of administrative vehicles appears plausible. These figures do not take into account the overall increase in fleet operation expenses due to the added number of cars being operated.

Implementation of a take home program does not end the need to maintain or replace units. Although current fleet units would be placed into the program, they already have a considerable number of multi-user miles, and may become more expensive to maintain, even as a take home unit. Several factors determine when any given vehicle may need to be replaced. Number of operators, number and nature of miles driven, accidents, and age all contribute to higher operation costs. When these costs become too high, and downtime on the unit becomes excessive, replacement should be considered. It is likely in 2-3 years we would need to begin replacing units at about the current rate of 5 - 6 per year.

Failure to replace units when needed has created problems for some departments that have the program. Oklahoma City failed to replace cars as needed, and has received publicity regarding older units that have become unsafe to operate, and cost more to maintain than to replace. Such units being out of service for extended periods of time places a strain on the program due to officers having to drive worn out pool cars, or another officer's assigned unit, defeating the intent and benefits of the program.

There are, of course, methods to phase in a program, or lessen the initial capital outlay. Departments that have attempted to phase in the program a few cars at a time have experienced difficulty, "catching up," in replacing vehicles. This is because some officers have take home cars, and some don't, resulting in units continuing to be operated as fleet cars, driven by several officers at least two shifts a day. When these cars are out of service for maintenance or repairs, officers then use someone else's take home car, and they find themselves right back where they started.

Some departments purchase used police package cars to implement the program. While this allows the purchase of more units for the same money, higher maintenance costs and fewer years of overall service to the agency are built in factors with this approach.

Our current fleet, some in-house examples:

The oldest officer-operated vehicle in the fleet is assigned to Chief McNickle. It is a 1992 Ford Crown Victoria with 48,437 miles. (Average annual miles 8,073, operation cost per mile, 10.4 cents) It is basically used as a one-man take-home car, but does not experience routine patrol use.

We have 5 1993 model vehicles. Three are Dodge Dynasties assigned as staff pool cars, averaging 47,000 miles. (Average annual miles 9400.)

One is a Dodge Ram Charger lake patrol vehicle (4X4), with 72,382 miles, (average annual miles, 14,476, operation cost per mile, 10.5 cents.) The Lake Patrol Unit is primarily a one-man unit, used by the lake patrol officer, but it is utilized by other officers, as needed, during poor weather conditions, when there is a shortage of available units, etc. The low cost per mile on this vehicle is significant, as 4 wheel drive vehicles are typically more expensive to maintain, and the vehicle is used for off-road lake patrol and in other severe operating conditions.

The remaining 1993 unit is assigned to the K9 officer. The K-9 unit is a take-home, patrol use vehicle. It serves as an example of extended years of service as a result of being a one-man, take home unit. This vehicle, due to the nature of the K-9 officer's assignment, in fact is driven more miles than an average patrol unit due to more frequent out of town training, and call-backs. Also, it experiences more wear and tear than an average unit due to the need to run the heater and air-conditioner when the dog is in the car, causing it to be idled much more than average. This unit has 74,897 miles on it. (Average annual miles, 14,979, operation cost per mile, 15.1 cents).

All 1994 model units (5) are retired patrol cars, being used as CID, DARE, or staff pool cars. Mileage on these cars vary from 59,498 to 65,285 miles. (Average annual miles, 15,266.) Considering these vehicles started as patrol pool cars, it can be seen that the average annual miles driven drops significantly as units are shifted from patrol pool to other use.

The balance of the fleet consists of 17 1995-1997 models, one assigned to CID, and the rest to Patrol. (We were not budgeted for new cars in FY 97-98.) Mileage on these units range from 21,334 to 81,127. The unit with only 21,334 miles skews the picture, as it is assigned primarily to one officer, and is used to fill in assignments at other times. The next low mileage unit in this group has 33,676 miles. (Average mileage per year on these vehicles is 30,376.) Unit 118, a typical patrol pool car, is a 1996 Crown Victoria with 65,799 miles on it. (Average annual miles, 32,900, operation cost per mile, 19.9 cents.)

According to information available, the cost of operation per mile ranges from 10.4 cents a mile for the Chief's car, and increases to 15.1 cents a mile for a the K9 unit (probably not typical to the average take home car, due to assignment factors), and increases to 19.9 cents a mile for a pool operated patrol unit.

Unknown impacts:

It is not known what impact such a program would have on the City Garage. While the number of vehicles increases with a take-home program, service intervals should become more spread out.

Parking conditions at City Hall might improve, as the number of personal cars in the lot would be fewer, and many of the units driven to work by officers would be on the street following shift change.

The units that are normally seen parked on the drive when not in use would be in neighborhoods or traveling the streets.

Departments with take home programs report a significant increase in resale values of used police vehicles, even though they are older than discarded pool patrol cars. Since we typically transfer used police cars to other City departments, consideration should be given as to how the vehicle needs of other departments would be addressed.

Summary:

Take home car programs have an overall cost associated with them, as opposed to an actual savings in terms of money spent. The decision to be made is whether or not the associated costs represent an equal or greater investment in terms of quality and efficiency of service to the community and employee morale. Every administrator visited reports favorable public response to the program, and all feel that if the program is implemented, **and maintained** properly, the benefits more than compensate for the associated costs.

Recommendation:

Staff has no recommendation at this time. The purpose of this report is to provide information on take-home car programs. If the Commission desires more research, Staff is at your service.

Prepared by: Major David Lester

Reviewed by: Norman McNickle, Chief of Police

Some Oklahoma departments known to have take home programs:

This list is not all inclusive, but represents those that responded to a State wide inquiry by teletype.

Oklahoma Highway Patrol	Oklahoma City	Tulsa
Bartlesville	Ponca City	Broken Arrow
Altus	Ardmore	Sequoyah County
Mustang	Salpulpa	Clinton
Yukon	Lone Grove	Norman
McAlester	El Reno	Beckham County

Casper, Wyo., Considering Take-Home Vehicle Plan and New Patrol Cars for Officers

May 14, 2012

CASPER, WY – At a recent city council meeting for the City of Casper, Wyo., council members and the City's police chief discussed a plan to purchase an additional 42 marked police vehicles and make them available as take-home vehicles for the police department's officers.

According to City meeting documents, Casper's Police Chief Chris Walsh, said the program would reduce fuel and maintenance costs, increase effective patrol time, officer morale, and allow officers to respond to any major events with all the City's police officers. The police department would assign a single officer per vehicle.

Currently, the City plans to spend \$2.37 million on 30 Ford Interceptor all-wheel-drive patrol cars and 12 Ford Interceptor Utility SUVs. The city council discussed the potential funding sources for the new vehicles, and Walsh suggested using excess optional sales tax funds. Casper City Manager John Patterson suggested using the City's \$1.8 million in surplus funds to purchase the vehicles and would keep the City from having to use optional sales tax funding.

The city council also discussed whether to purchase the vehicles all at once or budget a smaller amount for this year and supplement that amount in the following year. Walsh said purchasing the vehicles all at once would allow for potential savings from a volume purchase of equipment for the vehicles.

In terms of labor savings, City Manager Patterson said the program would effectively provide 4,000 hours of patrol time per year, as officers would be "on patrol" during their commutes.

For officers, Walsh said they would need their badge, handcuffs, and a weapon while driving the vehicles. They would be required to respond to "off-duty" calls in the case of calls where a person or people were in danger but not for minor calls such as traffic violations. Also, officers would have to maintain a minimum dress code standard when driving the vehicles for personal use.

The Casper city council plans to formally vote on this plan on May 29.

By Greg Basich

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Galloway Township Police Department

"Bravely Protecting a Safer Community"

Patrick S. Moran, Chief

300 E. Jim Leeds Rd
Galloway, NJ 08205

Phone: (609) 652-3705 Fax: (609) 652-0667



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The "Lexington Plan": Our Take Home Police Vehicle Policy

The Lexington Plan is a policy of allocating and maintaining police vehicles, and was started in Lexington, Kentucky in the 1970's. Many Departments simply refer to it as a "take home" plan. Instead of a pool of cars used by every officer, the plan calls for each officer to be assigned a vehicle for use. The officer may use the car anywhere for personal use while off duty. The vehicle is kept at the officer's house and must be parked in a conspicuous location. The plan is intended to prevent crime, save the city money and serve as an increase of patrol manpower allocation.

Galloway Township has used a "modified" Lexington Plan since the mid eighties. Officers are assigned cars, take them home and park them in conspicuous locations. This policy was slightly modified again in 2003, permitting officers to use their vehicles for personal reasons within the geographical confines of Galloway. When using the cars on off duty time, officers are required to be armed, carry body armor and assist on duty officers as needed. They are required to intervene in any law enforcement situation that they encounter while using the department's vehicle off duty. Officers are not permitted to put in for pay during any of these off duty occurrences except in extreme circumstances (there have been no payments since this policy was initiated in 2003). Some officers living outside of Galloway and assigned to special critical units, such as the Emergency Response Team (ERT= SWAT) and the Fatal Accident Team, take their vehicles home as well so they may respond to critical incidences in an expedient manner. These officers do not use them outside of Galloway off duty.

The Department sees the benefits of such a policy as:

1. **Crime Prevention:** Criminals are less likely to commit crimes in a neighborhood where a marked police vehicle is parked. Residents feel safer.
2. **Increased Patrol:** Anytime an officer is using his/her car off duty, patrol is increased, at no charge to the Township. Officers can provide assistance to residents and fellow officers.
3. **Cars Last Longer:** The typical life span of a police car used 24/7 by several officers is 2-3 years. Take home cars can be expected to be in use for 5-7 years.
4. **A Sense of Ownership:** Human nature dictates that officers will take better care of cars assigned only to them. Officer's moral is increased. It can be a recruitment tool. The fleet looks better and a professional projection of the Department is bolstered. Accountability for the misuse and faulty care of the vehicle is easier.
5. **Overtime is Drastically Decreased Almost Daily:** Officers are "on-duty" upon signing on in their vehicles at home en route to the station. This could be up to a half hour before their shift actually begins. During shift change these on coming officers routinely take calls for off going officers without being paid for this time. If officers were not already in cars on their way at that time, officers already on duty would have to respond (remaining past their shift and creating OT) or;

these calls would have to be “stacked”—response delayed until the oncoming shift was available. The consequences of delaying response to motor vehicle accidents, in progress emergency calls, etc., is obvious.

6. **Quicker Response and Better Preparedness to Critical Incidents:** Every officer, including officers assigned to critical response units, can respond from home at anytime with all the needed equipment. Without a take home car, officers must respond to the station first, (perhaps proceeding past the incident location) locate a vehicle, gather equipment, then respond. In critical situations such as barricaded persons, shootings, explosive device threats, manhunts, etc., swift manpower allocation is vital and minutes count a great deal. At a moment's notice, because every officer is equipped with a pager and a vehicle, the Township can mobilize its entire police force, fully equipped. Very few Departments the size of ours can do that.
7. **Lastly, and Perhaps the Most Important to Many People— IT SAVES TAX DOLLARS:** Figures studied by the Galloway Township Police Department and Township officials over the years have shown that maintenance costs are drastically reduced using a take home program. Ed Isaacoff, Division Vice President of First Vehicle Services (the Township's contracted fleet maintenance provider with corporate offices in Severna Park, MD) provided Galloway with data stating that the cost of maintaining a pool fleet for the Galloway Township Police Department would cost approximately 228,000 dollars annually, while the maintenance cost of the Township's take home program is 130,000 dollars annually. An independent assessment of Galloway Township operations by Richard T. Walsh, Ph.D., commissioned by Council in 2006, concluded that the take home policy "is very effective and should be maintained." There are also independent studies from police departments across the country indicating similar findings. Studies show that in order to maintain a safe, adequate pool system, the same number of patrol cars would have to budgeted by the Township annually as is required to maintain a take home program. Maintenance costs would increase, and the benefits of the take home program outlined above would be eliminated. Galloway's Lexington Plan is the envy of many police departments. The start-up cost of purchasing enough vehicles for a take home program prevents many departments from benefiting from such a system. Galloway passed that point years ago.

For information gathered by other sources about police take home programs visit:

- a. Police Fleet Magazine (Article regarding East Peoria, IL take home program, *J.D. Schmechel, Sergeant, East Peoria, IL*)
- b. Stillwater City, OK (Stillwater City, OK study in reference to that city's program, *Major David Lester, Stillwater City Police Department*)
- c. Police Fleet Magazine (Article regarding Tacoma Police Department's take home program, Tacoma, WA, *Bruce Mann & Douglas Goodman, PhD, Professors of Economics at the University of Puget Sound*)
- d. Mercury Associates Study for Tacoma, WA (*Mercury Associates, Inc., a national fleet management firm, for the city of Tacoma, WA on that city's take home program*)



RESOLUTION

A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$340,000.00 FROM THE EQUIPMENT REPLACEMENT FUND FOR THE PURCHASE AND EQUIPPING OF EIGHT (8) PATROL VEHICLES FOR THE POLICE DEPARTMENT.

WHEREAS, the Police Department instituted a Take Home Vehicle Program (THVP) in September 2011 for officers living in the City Limits as a means to provide magnified police presence in residential neighborhoods and to reduce vehicle maintenance costs; and

WHEREAS, the Police Department desires to expand the THVP by five (5) additional patrol vehicles; and

WHEREAS, the Oak Ridge Police Department is also in need of three (3) replacement patrol vehicles due to high mileage and maintenance; and

WHEREAS, the Police Department selected two types of replacement patrol vehicles for consideration – Ford Interceptors and Dodge Charges – with estimates ranging from \$284,000.00 to \$336,000.00 to purchase and equip the vehicles for use in patrol; and

WHEREAS, in order to expedite the process, the City Manager requests approval to spend up to \$340,000.00 from the Equipment Replacement Fund for the purchase and equipping of eight (8) patrol vehicles, without further Council action, with the understanding that the City's competitive bid process or a state contract will be used.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to spend up to \$340,000.00 in funds from the Equipment Replacement Fund for the purchase and equipping of eight (8) patrol vehicles for the Police Department utilizing the City's competitive bid process or the state contract process.

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

LEGAL DEPARTMENT MEMORANDUM
12-62

DATE: October 29, 2012

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: CITY AND U.S. DEPARTMENT OF ENERGY WATER SERVICES AGREEMENT

An item for the agenda is a resolution approving an amendment to the June 1, 2012 Professional Services Agreement between the City and Kutak Rock, LLP, Washington D.C., for special counsel and legal services to assist the City in negotiating a Water Rate and Services Agreement with the U.S. Department of Energy (DOE).

On April 28, 2000, as part of the City's acquisition of the DOE water plant, a contract (DE-AC05-00OR22777) was jointly executed by the City and Doe which provided for the sale of city drinking and raw water to DOE's sites at Y-12 and ORNL. Seth Kirshenberg of Kutak Rock, LLP, in Washington D.C., was retained by the City to negotiate both the transfer of the water plant and terms of the water services contract. The original water services agreement ended on April 30, 2010; however, it has been extended by City Council on various occasions with the latest extension by Resolution 9-69-2012 for a new termination date of December 31, 2012.

The City Manager executed a professional services agreement with Kutak Rock, LLP, in June of 2012 to retain the legal services of Mr. Kirshenberg to assist the City in contract negotiations for a new water services contract. A copy of this agreement is attached for your reference. It appears the \$25,000 compensation limit under the professional services agreement may be exceeded so it will be necessary for City Council to authorize additional funding. It is requested that City Council authorize the City Manager to execute an amendment to the professional services agreement to provide for an additional \$25,000.00.

Approval of the attached resolution is recommended.



Kenneth R. Krushenski

Attachments

City Manager's Comments:

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



Mark S. Watson 10/30/12
Date

**PROFESSIONAL SERVICES AGREEMENT
(Special Counsel – Water Rate and Services Contract)**

This Professional Services Agreement is entered into by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the City, and Kutak Rock, LLP, 1101 Connecticut Avenue, Suite 1000, Washington, D.C. 20036-4374, hereinafter referred to as Kutak Rock.

WHEREAS, the City has a need for professional legal services/special counsel to assist the City in negotiating a Water Rate and Services Agreement between the City and the U.S. Department of Energy (DOE); and

WHEREAS, the Washington D.C. office of Kutak Rock has extensive experience working on Federal real and personal property acquisitions, has previously counseled the City on the water plant transfer from DOE, and is therefore very qualified to provide such services; and

WHEREAS, Kutak Rock is willing to provide such services to the 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 KUTAK ROCK

The City hereby engages Kutak Rock, Washington, D.C. office, to perform the services hereinafter set forth, and Kutak Rock hereby accepts such engagement. The services provided by Kutak Rock shall be performed by Seth D. Kirshenberg and other associates and paralegals under the direction and supervision of Mr. Kirshenberg.

2. SCOPE OF SERVICES

The City desires to engage Kutak Rock to provide consultation related to negotiating a Water Rate and Services Agreement between the City and DOE. Kutak Rock agrees to keep detailed records of activities conducted on behalf of the City and expenses related to the business of the City. Kutak Rock agrees to report to the City on the status of the project and to advise the City on additional steps to be taken in order to achieve the City's goals and objectives related to this project.

3. TERM

This Professional Services Agreement shall commence on the 1ST day of June, 2012 and shall terminate on notice from the City to Kutak Rock or from Kutak Rock to the City.

4. COMPENSATION

For the services provided under this Professional Services Agreement, the City shall pay Kutak Rock an amount not to exceed \$25,000.00 for work completed and expenses incurred. Kutak Rock shall bill the City monthly for all fees and expenses incurred in the previous month. The City agrees that Kutak Rock shall not be obligated to work on the project to the extent the fees and expenses exceed \$25,000.00.

5. ASSISTANCE FROM THE CITY

To assist Kutak Rock in performing legal representation, the City shall furnish to the Consultant without charge copies of all available agreements, reports, memoranda, correspondence, ordinances, legislation, rules and regulations, technical data and other information reasonably requested by Kutak Rock relevant to the services to be provided under this Professional Services Agreement.

6. ENTIRE AGREEMENT

This Professional Services Agreement constitutes the entire agreement between the parties with respect to the transactions contemplated by this Professional Services Agreement, and it supersedes all prior oral or written agreements, commitments or understandings with respect to matters provided for in this Professional Services Agreement. No amendment, modification or discharge of this Professional Services 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.

7. INDEPENDENT CONTRACTORS

The parties acknowledge that the relationship created under this Professional Services Agreement is that of independent contracting parties and this Professional Services 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 contractual commitments or other obligations third parties.

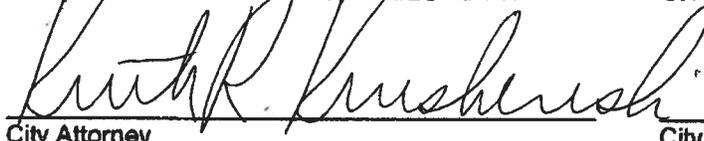
8. GOVERNING LAW

This Professional Services 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.

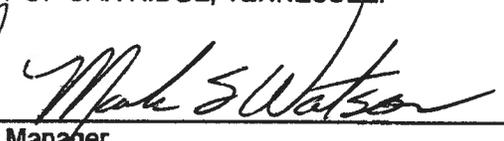
IN WITNESS WHEREOF, the parties have caused this Professional Services Agreement to be duly executed on their behalf, as of the day and year first written above.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE:



City Attorney



City Manager

KUTAK ROCK, LLC
WASHINGTON D.C. OFFICE



Signature

Seth Kirshenber, Partner
Printed Name and Title

EIN 470597598

Tax ID Number for Tax Reporting Purposes

RESOLUTION

A RESOLUTION TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH KUTAK ROCK, LLP, WASHINGTON D.C., TO ADD AN ADDITIONAL \$25,000.00 FOR CONTRACT NEGOTIATION WITH THE UNITED STATES DEPARTMENT OF ENERGY (DOE) FOR A NEW WATER SERVICES AGREEMENT.

WHEREAS, by Resolution 4-47-98, City Council approved a Memorandum of Understanding between the City and the United States Department of Energy (DOE) to transfer the Y-12 Water Plant from DOE to the City; and

WHEREAS, the transfer documents included a water services agreement whereby DOE purchases water from the City; and

WHEREAS, the water services agreement had an original term of ten years (May 1, 2000 through April 30, 2010) with DOE having the option to extend for up to six (6) months; and

WHEREAS, DOE exercised its option to extend through October 31, 2010; and

WHEREAS, by Resolutions 10-98-10, 6-46-11, 5-34-2012 and 9-69-2012, City Council amended the water services agreement to provide for additional extensions through December 31, 2012; and

WHEREAS, the City Manager executed a Professional Services Agreement with Kutak Rock, LLP, Washington D.C., for legal services in negotiating a new water services agreement with DOE; and

WHEREAS, the City Manager requests City Council amend the Professional Services Agreement to add an additional \$25,000.00 for said services.

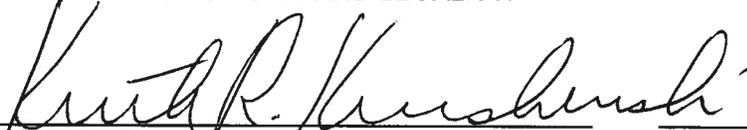
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the Professional Services Agreement with Kutak Rock, LLP, Washington D.C., for legal services in contract negotiations with the United States Department of Energy for a new water services agreement is hereby amended to add an additional \$25,000.00.

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

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM
12-32

DATE: October 30, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: EXCEPTION TO DEPOSIT POLICY FOR UTILITY ACCOUNTS FOR PARTIES
SUBJECT TO RELOCATION FOR THE KROGER PROJECT

An item for the agenda is a resolution to provide for special consideration regarding the City's Utility Deposit Policy for residential utility account holders who are displaced due to the Kroger Marketplace development provided certain conditions are met.

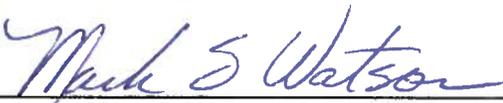
As you are aware, the redevelopment required for the new Kroger Marketplace development will displace approximately fifty-seven residential property owners. The existing City Utility Deposit Policy is geared toward parties who voluntarily relocate within the City. The existing policy does not allow for a customer's deposit to be "transferred" to a new account, but rather stipulates that a new risk evaluation be conducted on the customer and that a deposit as required by that evaluation be charged for the new account.

I believe that in the case of a major redevelopment, where the residents are being relocated en-masse, the current policy does not serve the community well; therefore, FOR THIS PROJECT ONLY, I suggest that persons with an acceptable payment history should be allowed to transfer their existing deposits to a new location if the account holder relocates inside the city service area and has an acceptable payment history.

The attached resolution grants staff permission to examine the payment history of individuals or households directly affected by the Kroger project and to make a deposit decision based on payment history rather than evaluated risk. This would apply to residential accounts, as an effort to ensure transition to new housing within Oak Ridge.

To be eligible for special consideration, a customer must have maintained an active account for twenty-four months. During that period, they must not have had more than four delinquent payments, or ever been cut off for non-payment. Persons qualifying would be allowed to open a new account and transfer their existing deposits to that new account regardless of the amount, provided the new utility account is established by June 30, 2013. In addition, the deposit would not be credited against the final bill when the original account is closed, but rather that final bill would be due in full.

The attached resolution provides a degree of relief for those parties who have sold their property for a project that will benefit the City overall. I recommend approval of the resolution.



Mark S. Watson, City Manager

Attachment

RESOLUTION

A RESOLUTION TO PROVIDE FOR SPECIAL CONSIDERATION REGARDING THE CITY'S UTILITY DEPOSIT POLICY FOR RESIDENTIAL UTILITY ACCOUNT HOLDERS THAT ARE DISPLACED DUE TO THE KROGER MARKETPLACE DEVELOPMENT PROVIDED CERTAIN CONDITIONS ARE MET.

WHEREAS, the City has an existing utility deposit policy that establishes a deposit amount for new utility accounts after evaluation of an account holder's risk; and

WHEREAS, said policy does not allow for utility deposit transfers from one account to another; and

WHEREAS, a large number of residents and several businesses are being displaced by the new Kroger Marketplace development are uniquely impacted; and

WHEREAS, the City Manager recommends an accommodation in the existing utility deposit policy be made for those displaced residential utility account holders who are relocating within Oak Ridge provided certain conditions are met.

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's current utility deposit policy is hereby amended for residential utility account holders that are being displaced by the new Kroger Marketplace development provided certain conditions are met.

BE IT FURTHER RESOLVED that provided said utility account holder has maintained an active account for at least the past twenty-four (24) months, has not made more than four (4) delinquent utility payments, has not had a utility account disconnected for non-payment, and establishes a new utility account within the City Limits of Oak Ridge by June 30, 2013, the existing utility deposit (if any) will be transferred to the new utility account as sufficient deposit for the new utility account without regard to the account holder's risk assessment.

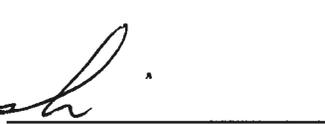
BE IT FURTHER RESOLVED that if said utility account holders meeting the above conditions do not pay the final bill on the prior utility account when due, said amount will be added to the new utility account and will be due and payable as part of the current utility account with the City's standard utility policies being in effect for any nonpayment.

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**PUBLIC HEARING
AND
FIRST READING
OF
ORDINANCES**

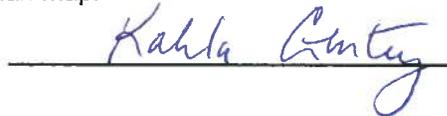
**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
PLANNING DIVISION
12-39**

DATE: October 25, 2012
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director
FROM: Kahla Gentry, Senior Planner
SUBJECT: **Land Use Plan Amendment**



An item for the City Council agenda is a request to approve a major amendment to the Land Use Plan by changing the designation for Parcels 16-37, Anderson County Tax Map 099K, Group B, and Parcels 28-57, Anderson County Tax Map 099K, Group C, from R, Residential to B, General Business; and changing the designation of Parcels 13-15, Anderson County Tax Map 099K, Group B, from O, Office/Institutional To B, General Business. This area is the proposed site of the Kroger Marketplace PUD located between Illinois Avenue, Oak Ridge Turnpike, Robertsville Road, Raleigh Road and Ivanhoe Road. By approving this amendment the Land Use Plan map will be changed to coincide with the zoning for this property. The Planning Commission recommended approval of the Land Use Plan amendment by a vote of 6-0.

The proposed amendment is consistent with Comprehensive Plan policies to locate commercial development in the city center with access to major thoroughfares and to support the development of retail sales as an important component of the Oak Ridge economic development strategy. Staff recommends approval of the proposed amendment to the Land Use Plan map.

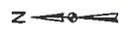


City Manager's Comments:

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

 10/30/12
Mark S. Watson Date

Current Land Use Designation



TITLE

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R, RESIDENTIAL TO B, GENERAL BUSINESS; AND CHANGING THE DESIGNATION OF PARCELS 13-15, ANDERSON COUNTY TAX MAP 099K, GROUP B, FROM O, OFFICE/INSTITUTIONAL TO B, GENERAL BUSINESS.

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

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

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

Section 1. The Comprehensive Plan's Land Use Plan is hereby amended, as a major amendment, by changing the designation of Parcels 16-37, Anderson County Tax Map 099K, Group B, and Parcels 28-52, Anderson County Tax Map 099K, Group C, from R, Residential to B, General Business; and changing the designation of Parcels 13-15, Anderson County Tax Map 099K, Group B, from O, Office/Institutional to B, General Business.

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: 11/05/2012
Publication Date: 10/03/2012
First Reading: 11/05/2012
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

**FINAL ADOPTION
OF
ORDINANCES**

SUBSTITUTE ORDINANCE

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES,"; **AND TO DESIGNATE CITY CODE SECTION 11-201, CURRENTLY UNTITLED, TO BE TITLED "BROWN BAGGING," ALL FOR THE PURPOSE OF SETTING FORTH REGULATIONS CONCERNING ELIMINATING THE CURRENT PROHIBITION ON THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."**

WHEREAS, by City Code §8-805, the City of Oak Ridge prohibits the practice of brown bagging alcoholic beverages exceeding five percent (5%) alcoholic content by weight in establishments with a beer permit; and

WHEREAS, the City desires to ~~eliminate~~**expand** the prohibition on brown bagging **with one exception**.

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

Section 1. Title 8, titled, "Alcoholic Beverages," Chapter 8, titled "Beer and Other Light Beverages – Prohibitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-805, titled "Drugs or Liquor on Premises," in its entirety and substituting therefor a new Section 8-805, titled "Drugs on Premises," which new section shall read as follows:

Sec. 8-805. Drugs on premises.

It is unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any prohibited drugs within the meaning of Tennessee Code Annotated §§53-10-101, et seq., and 39-17-401, et seq.

Section 2. Title 11, titled, "Municipal Offenses," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by designating City Code §11-201, currently untitled, to be titled "Brown bagging," which new section shall read as follows:

Sec. 11-201. Brown bagging.

Brown bagging is permitted only as specified herein. With the owner's consent, brown bagging of wine is permitted in food service establishments that have a minimum square footage of one thousand square feet (1000 sq. ft.) and whose management possesses a valid server permit from the Tennessee Alcoholic Beverage Commission. This section shall not be interpreted to provide additional allowances or restrictions on establishments with a Tennessee license for liquor by the drink.

For the purposes of this section, the term "food service establishment" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and customers; and providing that more than fifty percent (50%) of the gross revenue of the establishment is generated from the serving of food/meals.

SUBSTITUTE ORDINANCE

Section 23. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; FOR THE PURPOSE OF ELIMINATING THE CURRENT PROHIBITION ON THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."

WHEREAS, by City Code §8-805, the City of Oak Ridge prohibits the practice of brown bagging alcoholic beverages exceeding five percent (5%) alcoholic content by weight in establishments with a beer permit; and

WHEREAS, the City desires to eliminate the prohibition on brown bagging.

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

Section 1. Title 8, titled, "Alcoholic Beverages," Chapter 8, titled "Beer and Other Light Beverages – Prohibitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-805, titled "Drugs or Liquor on Premises," in its entirety and substituting therefor a new Section 8-805, titled "Drugs on Premises," which new section shall read as follows:

Sec. 8-805. Drugs on premises.

It is unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any prohibited drugs within the meaning of Tennessee Code Annotated §§53-10-101, et seq., and 39-17-401, et seq.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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