

**OAK RIDGE CITY COUNCIL MEETING**  
Municipal Building Courtroom

January 9, 2017 - 7:00 p.m.

AGENDA

I. INVOCATION

Pastor Tim Kimsey, Woodland Park Baptist Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. RULES AND PROCEDURES

- a. Approve suspension of City Council Rules and Procedures for purpose of agenda formatting for the January 9, 2017 City Council meeting.

V. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

- i. Elect one (1) applicant to the Anderson County Board of Equalization
- ii. Elect one (1) applicant to the Anderson County Community Action Commission
- iii. Elect one (1) applicant to the Anderson County Economic Development Association
- iv. Elect two (2) applicants to the Oak Ridge Beer Permit Board
- v. Elect two (2) applicants to the Board of Building and Housing Code Appeals
- vi. Elect one (1) applicant to the Board of Zoning Appeals
- vii. Elect five (5) applicants to the Convention and Visitors Bureau (including hotel representatives)
- viii. Elect five (5) applicants to the Environmental Quality Advisory Board
- ix. Elect three (3) applicants to the Industrial Development Board
- x. Elect one (1) applicant to the Oak Ridge Heritage Railroad Authority
- xi. Elect one (1) applicant to the Oak Ridge Housing Authority
- xii. Elect three (3) applicants to the Oak Ridge Land Bank Corporation Board of Directors
- xiii. Elect four (4) applicants to the Oak Ridge Municipal Planning Commission
- xiv. Elect one (1) applicant to the Personnel Advisory Board
- xv. Elect four (4) applicants to the Recreation and Parks Advisory Board
- xvi. Elect four (4) applicants to the Senior Advisory Board
- xvii. Elect five (5) applicants to the Trade Licensing Board
- xviii. Elect three (3) applicants to the Traffic Safety Advisory Board

VI. APPEARANCE OF CITIZENS

VII. PROCLAMATIONS AND PUBLIC RECOGNITIONS

Proclamations

- a. A proclamation paying tribute to former Oak Ridge Mayor Andrew Jerome “Jerry” Kuhaida

VIII. SPECIAL REPORTS

- a. Transmittal of Report on Debt Obligation – State Form CT-0253 - \$9,665,000 in General Obligation Refunding Bonds, Series 2016 – Janice McGinnis, Finance Director

IX. CONSENT AGENDA

- a. Approval of the December 12, 2016 City Council regular meeting minutes
- b. Approval of the December 13, 2016 City Council special meeting minutes
- c. A RESOLUTION APPROVING THE SALE OF A SURPLUS EQUIPMENT ITEM (JOHN DEERE 7810 TRACTOR) AS REQUIRED BY CITY CODE §5-501 SINCE THE SALE PRICE EXCEEDS \$20,000.00.
- d. A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CTC TECHNOLOGY & ENERGY, KENSINGTON, MARYLAND, TO PERFORM A FIBER-TO-THE-PREMISES FEASIBILITY STUDY IN THE ESTIMATED AMOUNT OF \$47,500.00.

X. RESOLUTIONS

- a. A RESOLUTION APPROVING AN OPERATIONAL AGREEMENT BETWEEN THE CITY AND THE SCHOOLS WITH RESPECT TO FACILITY MAINTENANCE AND SCHEDULING FOR BLANKENSHIP FIELD.
- b. A RESOLUTION AUTHORIZING A TRANSFER OF \$120,000.00 FROM THE GENERAL FUND TO THE GOLF COURSE FUND TO PROVIDE OPERATIONAL FUNDING FOR TENNESSEE CENTENNIAL GOLF COURSE.
- c. A RESOLUTION ADOPTING UPDATED RULES AND PROCEDURES FOR CITY COUNCIL.

XI. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

- a. AN ORDINANCE TO AMEND TITLE 8, TITLED “ALCOHOLIC BEVERAGES,” CHAPTER 4, TITLED “BEVERAGES EXCEEDING FIVE PER CENT ALCOHOL – RETAILER’S AND EMPLOYEE’S PERMITS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO DELETE SECTION 8-406, TITLED “DOMICILE REQUIREMENTS FOR APPLICANT,” IN ITS ENTIRETY TO REMOVE THE RESIDENCY AND WAIVER REQUIREMENTS FOR THE RETAIL SALE OF LIQUOR.

XII. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO CHANGE ITS TITLE TO "BUSINESS, PEDDLERS, SOLICITORS, TAXICABS, ETC."; TO UPDATE PROVISIONS REGARDING TAXICABS WITH RESPECT TO DEFINITIONS, MAINTENANCE, ACCIDENT REPORTS, AND THE APPLICATION; AND TO ADDRESS A NEW STATE LAW PERTAINING TO TRANSPORTATION NETWORK COMPANIES (EX. UBER) WHICH ARE EXCLUDED BY STATUTE FROM TAXICAB REGULATIONS.

XIII. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

- i. Elect one (1) member from the Oak Ridge City Council to the Oak Ridge Municipal Planning Commission
- ii. Elect one (1) member from the Oak Ridge City Council to the Oak Ridge Land Bank Corporation Board of Directors
- iii. Confirmation of appointment of Todd Wilson to the Oak Ridge Municipal Planning Commission
- iv. Confirmation of appointment of Thomas Tuck to the Anderson County Development Corporation Board of Directors
- v. Confirmation of appointment of Richard Chinn to the Anderson County Development Corporation Board of Directors

b. Announcements

c. Scheduling

XIV. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XV. SUMMARY OF CURRENT EVENTS

a. CITY MANAGER'S REPORT

b. CITY ATTORNEY'S REPORT

XVI. ADJOURNMENT

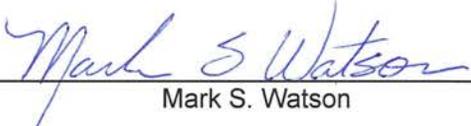
**RULES  
AND  
PROCEDURES**

**CITY COUNCIL MEMORANDUM**  
**16-40**

DATE: December 30, 2016  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: JANUARY 9, 2017 AGENDA FORMATTING

The January 9, 2017 City Council meeting agenda includes the election of members to eighteen City boards and commissions. In light of the fact that there were six applicants for vacancies to the boards who might be in attendance at the meeting during the elections, I am recommending that the order of the agenda be modified to allow for the elections to be moved up to the fifth item on the agenda.

In order to modify the order of the agenda, the Council shall suspend its Rules and Procedures to accept the agenda format as published, as it is the most efficient method of transacting necessary business at this meeting.

  
\_\_\_\_\_  
Mark S. Watson

**PROCLAMATIONS  
AND  
PUBLIC RECOGNITIONS**

**CITY CLERK MEMORANDUM**  
**16-34**

DATE: January 3, 2017  
TO: Honorable Mayor and Members of City Council  
FROM: Mary Beth Hickman, City Clerk  
SUBJECT: PROCLAMATION FOR THE JANUARY 9, 2017 CITY COUNCIL MEETING AGENDA

The following proclamation is presented for the January 9, 2017 City Council meeting for the City Council's consideration:

A proclamation paying tribute to former Oak Ridge Mayor Andrew Jerome "Jerry" Kuhaida.

This request was submitted by Mayor Warren Gooch to honor former Oak Ridge Mayor Jerry Kuhaida, who passed away on December 26, 2016.

  
Mary Beth Hickman

Attachment:  
Proclamation paying tribute to former Oak Ridge Mayor Andrew Jerome "Jerry" Kuhaida

# PROCLAMATION

**WHEREAS**, Dr. Andrew Jerome “Jerry” Kuhaida, Jr. was born on September 29, 1942 in Wheeling, West Virginia; and

**WHEREAS**, Dr. Kuhaida earned Bachelor’s and Master’s degrees in Geography from East Tennessee State University and a Ph.D. in Geography/Geology from the University of Denver; and

**WHEREAS**, upon returning to Oak Ridge in 1980, Dr. Kuhaida began his lengthy career in Environmental Restoration and Hazardous Waste Remediation; and

**WHEREAS**, Dr. Kuhaida served on several local boards and committees, including the Environmental Quality Advisory Board and the Scarboro Community Daycare Center Board; and

**WHEREAS**, Dr. Kuhaida was elected to the Oak Ridge City Council twice, serving from 1991 to 1995 and 1997 to 2003, as well as one term as Mayor of Oak Ridge from 1999 to 2001; and

**WHEREAS**, Dr. Kuhaida continued his passion for community and local government development while serving as a consultant in Russia and working with USAID and the United States Department of State assisting the Army’s development efforts in Iraq; and

**WHEREAS**, Dr. Kuhaida used his love of the Oak Ridge community to help further the progress of the City of Oak Ridge and was instrumental in ensuring a prosperous future for our residents; and

**WHEREAS**, the Oak Ridge City Council desires to express its appreciation and gratitude for his years of meritorious public service with the City Council and his tireless volunteer spirit.

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

That in recognition of his distinguished service to the community, the Oak Ridge City Council pays tribute to

## **ANDREW JEROME “JERRY” KUHAIDA**

and accords him an honored place in the history of this city.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this 9<sup>th</sup> day of January in the year 2017.

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**WARREN L. GOOCH, MAYOR**

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**KELLY CALLISON, COUNCILMEMBER**

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**RICK CHINN, JR., MAYOR PRO TEM**

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**JAMES DODSON, COUNCILMEMBER**

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**CHARLES J. HOPE, JR., COUNCILMEMBER**

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**ELLEN D. SMITH, COUNCILMEMBER**

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**HANS VOGEL, COUNCILMEMBER**

# SPECIAL REPORTS

**FINANCE DEPARTMENT MEMORANDUM**  
**16-18**

DATE: December 30, 2016  
TO: Mark S. Watson, City Manager  
FROM: Janice E. McGinnis, Finance Director  
SUBJECT: Transmittal of Report on Debt Obligation – State Form CT-0253 - \$9,665,000 in General Obligation Refunding Bonds, Series 2016

On December 12, 2016, City Council adopted a resolution authorizing the issuance of not to exceed \$10,000,000 in fixed interest rate General Obligation Bonds to refund the outstanding 2006 \$5,374,000 and 2012 \$4,501,000 in variable interest rate loans facilitated through the Tennessee Municipal Bond Fund (TMBF) loan program.

On December 13, 2016, Cumberland Securities, the City's financial advisor, handled the public offering of City of Oak Ridge \$9,925,000 General Obligation Refunding Bonds, Series 2016. There were 7 bidders for the bonds with bids ranging from a True Interest Cost (TIC) of 2.422036% to 2.677689%. The low bidder was Cantor Fitzgerald & Company. The sale of the bonds closed on December 23, 2016.

The bond issuance was resized to a par of \$9,665,000 based on the low bid offering for purchase of the bonds. The specifics of the bond sale transaction are outlined in the attached State Form CT-0253. The bonds were sold at a premium of \$277,462.20, with issuance costs of \$155,405, resulting in a final TIC of 2.4004058%. Due to the premium on the sale, the City reduced its outstanding debt principal balance by \$210,000 as a result of the refunding. Box 10 of the CT-0253 Form contains the principal payment amount and interest rate of the annual bond maturities. The interest rates the City will pay on the bonds are higher than the TIC due to the premium paid by the low bidder to purchase the bonds. The netting of the interest and premium amounts results in the lower calculated TIC of 2.4004058%.

As with the City's other debt, State Form CT-0253 Report on Debt Obligation is required to be transmitted to City Council. The presentation is for transparency regarding debt transactions; no action is required by City Council.

Attachment  
State Form CT-0253

  
\_\_\_\_\_  
Janice McGinnis

**REPORT ON DEBT OBLIGATION**

(Pursuant to Tennessee Code Annotated Section 9-21-151)

**1. Public Entity:**  
 Name: City of Oak Ridge, TN  
 Address: 200 South Tulane Ave  
Oak Rdige, TN 37831  
 Debt Issue Name: General Obligation Refunding Bonds, Series 2016  
 If disclosing initially for a program, attach the form specified for updates, indicating the frequency required

**2. Face Amount:** \$ 9,665,000  
Premium/Discount: \$ 277,462.20

**3. Interest Cost:** 2.4004058 %  Tax-exempt  Taxable  
 TIC  NIC  
 Variable: Index \_\_\_\_\_ plus \_\_\_\_\_ basis points; or  
 Variable: Remarketing Agent \_\_\_\_\_  
 Other: \_\_\_\_\_

**4. Debt Obligation:**  
 TRAN  RAN  CON  
 BAN  CRAN  GAN  
 BOND  \_\_\_\_\_ Loan Agreement  Capital Lease  
 If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Official State and Local Finance ("OSFL")

**5. Ratings:**  
 Unrated  
 Moody's \_\_\_\_\_ Standard & Poor's AA+ Fitch \_\_\_\_\_

**6. Purpose:**

			BRIEF DESCRIPTION
<input type="checkbox"/>	General Government	_____ %	_____
<input type="checkbox"/>	Education	_____ %	_____
<input type="checkbox"/>	Utilities	_____ %	_____
<input type="checkbox"/>	Other	_____ %	_____
<input checked="" type="checkbox"/>	Refunding/Renewal	100%	Refinance portion (2006) Loan Agreement & (2012) Loan Agreement

**7. Security:**  
 General Obligation  General Obligation + Revenue/Tax  
 Revenue  Tax Increment Financing (TIF)  
 Annual Appropriation (Capital Lease Only) Other (Describe): \_\_\_\_\_

**8. Type of Sale:**  
 Competitive Public Sale  Interfund Loan  
 Negotiated Sale  Loan Program \_\_\_\_\_  
 Informal Bid \_\_\_\_\_

**9. Date:**  
 Dated Date: 12/23/2016 Issue/Closing Date: 12/23/2016



**REPORT ON DEBT OBLIGATION**

(Pursuant to Tennessee Code Annotated Section 9-21-151)

**12. Recurring Costs:**  
 No Recurring Costs

	AMOUNT (Basis points/\$)	FIRM NAME (if different from #11)
Remarketing Agent		
Paying Agent/Registrar	\$ 500.00	Regions Bank
Trustee		
Liquidity/Credit Enhancement		
Escrow Agent		
Sponsorship/Program/Admin		
Other		

**13. Disclosure Document/Official Statement:**  
 None Prepared  
 EMMA Link <http://emma.msrb.org/ER1001853-ER783897-ER1185091.pdf> or  
 Copy Attached

**14. Continuing Disclosure Obligations:**  
 Is there an existing continuing disclosure obligation related to the security for this debt?  Yes  No  
 Is there a continuing disclosure obligation agreement related to this debt?  Yes  No  
 If yes to either question, date that disclosure is due 6/30/2016  
 Name and title of person responsible for compliance Cumberland Securities Company, Inc.

**15. Written Debt Management Policy:**  
 Governing Body's approval date of the current version of the written debt management policy 11/14/2011  
 Is the Debt obligation in compliance with and clearly authorized under the policy?  Yes  No

**16. Written Derivative Management Policy:**  
 No Derivative  
 Governing Body's approval date of the current version of the written derivative management policy \_\_\_\_\_  
 Date of Letter of Compliance for derivative \_\_\_\_\_  
 Is the derivative in compliance with and clearly authorized under the policy?  Yes  No

**17. Submission of Report:**  
 To the Governing Body: on 12/23/2016 and presented at the public meeting held on 1/9/2016  
 Copy to Director of OSLF: on 12/23/2016 either by:  
 Mail to: \_\_\_\_\_  Email to: StateAndLocalFinance.PublicDebtForm@cot.tn.gov  
 505 Deaderick Street, Suite 1600  
 James K. Polk State Office Building  
 Nashville, TN 37243-1402

**18. Signatures:**

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	<u>Joe Ayres</u>	Joseph Ayres
Title	<u>Mayor</u>	President
Firm	<u>City of Oak Ridge, Tennessee</u>	Cumberland Securities Company, In
Email	<u>JMcGinnis@oakridgetn.gov</u>	<u>joe.ayres@cumberlandsecurities.com</u>
Date	<u>12/23/2016</u>	<u>12/23/2016</u>

**OAK RIDGE CITY COUNCIL MEETING**  
Municipal Building Courtroom

December 12, 2016

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on December 12, 2016 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

**INVOCATION**

The invocation was given by Bruce Marshall, Director of the Contact Care Line.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Andrew Krusen with Boy Scout Troop 42.

**ROLL CALL**

Upon roll call the following councilmembers were present: Councilmember Kelly Callison; Councilmember Rick Chinn, Jr.; Mayor Warren L. Gooch; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; and Mayor Pro Tem Ellen D. Smith. Councilmember Trina Baughn was absent.

Also present were Mark S. Watson, City Manager; Mary Beth Hickman, City Clerk; Janice McGinnis, Finance Director and Kenneth R. Krushenski, City Attorney.

**RULES AND PROCEDURES**

Councilmember Chinn moved to suspend the City Council Rules and Procedures for the purpose of agenda formatting for the December 12, 2016 City Council meeting. The motion was approved unanimously by voice vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye."

**APPROVAL OF THE NOVEMBER 14, 2016 CITY COUNCIL REGULAR MEETING MINUTES**

Councilmember Hensley moved for approval of the November 14, 2016 City Council regular meeting minutes, and Mayor Pro Tem seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye."

**ADJOURNMENT: 7:05 p.m.**

**CALL TO ORDER WITH THE NEWLY ELECTED CITY COUNCIL**

The new City Council convened at 7:10 p.m.

**PUBLIC RECOGNITIONS – OATHS OF OFFICE**

Oaths of office for the office of Oak Ridge City Council were administered to the following newly-elected members: Mr. James Dodson; Mr. Charles J. "Chuck" Hope; and Mr. Hans Vogel. Oaths of office for the office of Oak Ridge Board of Education member were administered to the following newly elected members: Mr. Keys Fillauer, Ms. Angi Agle.

## **ROLL CALL**

Upon roll call, the following Councilmembers were present: Councilmember Kelly Callison; Councilmember Rick Chinn; Councilmember James Dodson; Mayor Warren Gooch; Councilmember Charles J. Hope; Mayor Pro Tem Ellen Smith; and Councilmember Hans Vogel.

## **PROCLAMATIONS AND PUBLIC RECOGNITIONS**

### Proclamations

*A proclamation paying tribute to Councilmember Trina Baughn for her service on the Oak Ridge City Council.*

Councilmember Chinn moved for approval, and Councilmember Mayor Pro Tem Smith seconded. Several Councilmembers made comments thanking Councilmember Baughn for her service on the City Council. The proclamation was approved unanimously by voice vote with Councilmembers Callison, Chinn, Dodson, Hope, Vogel, Mayor Gooch and Mayor Pro Tem Smith voting "Aye."

*A proclamation paying tribute to Councilmember L. Charles Hensley for his service on the Oak Ridge City Council.*

Councilmember Chinn moved for approval, and all members of City Council seconded. Several Councilmember made comments regarding Councilmember Hensley's service both on the City Council and the Planning Commission. On behalf of the Board of Education, Chairman Keys Fillauer thanked Councilmember Hensley for his dedication to the Oak Ridge Schools. Councilmember Hensley delivered special remarks. The proclamation was approved unanimously by voice vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye." City Manager Mark Watson presented Councilmember Hensley with a framed photo from the City.

Mayor Gooch acknowledged receipt of a letter from Oak Ridge resident Gene Dunaway honoring the service of Councilmembers Baughn and Hensley and asked that the letter be made part of the official meeting record.

## **ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

### Elections/Appointments

#### *Election of Mayor of the City of Oak Ridge*

City Clerk Mary Beth Hickman distributed the ballots for the election of Mayor. City Attorney Ken Krushenski outlined the election process and stated that if there was only one candidate, the Mayor could be elected by acclamation. Councilmember Hope moved that Warren Gooch be re-elected Mayor of the City of Oak Ridge by acclamation, and Councilmember Callison seconded. By unanimous voice vote, Warren Gooch was re-elected Mayor of the City of Oak Ridge, with Councilmembers Callison, Chinn, Dodson, Hope, Vogel, Mayor Gooch and Mayor Pro Tem Smith voting "Aye." Mayor Gooch delivered special remarks following the vote.

#### *Election of Mayor Pro Tem of the City of Oak Ridge*

City Clerk Mary Beth Hickman distributed the ballots for the election of Mayor Pro Tem. City Attorney Ken Krushenski outlined the election process and stated that the two candidates are current Mayor Pro Tem Ellen Smith and Councilmember Rick Chinn, Jr.

On first ballot:

Councilmember Callison voted for Councilmember Chinn. Councilmember Chinn voted for himself. Councilmember Dodson voted for Councilmember Chinn. Mayor Gooch voted for Councilmember Chinn. Councilmember Hope voted for Councilmember Chinn. Mayor Pro Tem Smith voted for herself.

Councilmember Vogel voted for Mayor Pro Tem Smith.

Councilmember Chinn was elected Mayor Pro Tem with five votes from Councilmembers Callison, Chinn, Dodson, Hope, and Mayor Gooch. Mayor Pro Tem Smith received two votes from herself and Councilmember Vogel.

### **SPECIAL REPORTS**

#### *Report on Debt Obligation and Capital Outlay Note Extension*

Finance Director Janice McGinnis provided City Council with a report on the City's debt obligation and the extension of a capital outlay note. The report was received for the record.

### **RESOLUTIONS**

A RESOLUTION GRANTING A PERMIT TO KALPESH TRAMBADIA AND NILAYKUMAR TRAMBADIA TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAK RIDGE AT TURNPIKE LIQUOR STORE, 331 OAK RIDGE TURNPIKE, AND WAIVING THE RESIDENCY REQUIREMENT FOR BOTH APPLICANTS.

Councilmember Callison moved for approval of the resolution, and Councilmember Smith seconded.

Mayor Gooch informed Council that the potential legal conflict that caused him to recuse himself on these resolutions at the October meeting has been resolved and that he will be voting on these two resolutions. City Attorney Ken Krushenski provided an overview of the resolution.

Councilmember Smith requested that staff consider bringing back before Council an ordinance to eliminate the residency requirement.

Dan Robbins, 41 Riverview Drive, Oak Ridge, spoke in support of the Trambadia's permit application.

Melanie Fillauer, 17 Palisades Parkway, Oak Ridge, spoke in support of the Trambadia's permit application.

The resolution passed unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ISSUE ON BEHALFOF THE CITY OF OAK RIDGE CERTIFICATES OF COMPLIANCE FOR KALPESH TRAMBADIA AND NILAYKUMAR TRAMBADIA TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES AT TURNPIKE LIQUOR STORE, 331 OAK RIDGE TURNPIKE.

Councilmember Smith moved for approval of the resolution, and Councilmember Hope seconded.

The resolution passed unanimously by board vote with Councilmembers Callison, Chinn, Dodson, Hope, Mayor Gooch and Mayor Pro Tem Smith voting "Aye."

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TRESTLES, LLC, NASHVILLE, TENNESSEE, FOR ENGINEERING SERVICES TO DESIGN UPGRADES TO THE TURTLE PARK WASTEWATER PUMP STATION IN AN AMOUNT NOT TO EXCEED \$187,500.00.

Councilmember Callison moved for approval of the resolution, and Councilmember Hope seconded. Public Works Director Shira McWaters provided an overview of the resolution and answered questions from Council.

The resolution passed unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch, and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION AMENDING THE PROFESSIONAL SERVICES AGREEMENT (FY2016-062) WITH CTI ENGINEERS, INC., KNOXVILLE, TENNESSEE, TO PROVIDE DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, AND INSPECTION SERVICES FOR A REHABILITATION AND REPAINTING PROJECT FOR THE STEEL RAW WATER STORAGE TANK AT THE WATER TREATMENT PLANT BY ADDING AN ADDITIONAL \$8,000.00 IN COMPENSATION DUE TO CONSTRUCTION DELAYS.

Councilmember Smith moved for approval of the resolution, and Councilmember Callison seconded. Public Works Director Shira McWaters provided an overview of the resolution and answered questions from Council.

The resolution passed unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch, and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION WAIVING COMPETITIVE BIDS AND AUTHORIZING THE CITY TO ENTER INTO A LABOR AND EQUIPMENT CONTRACT WITH BLALOCK CONSTRUCTION, INC., FOR ADDITIONAL IMPROVEMENTS TO THE CITY'S WATER DISTRIBUTION SYSTEM AT THE MAIN STREET OAK RIDGE PROJECT SITE.

Councilmember Callison moved for approval of the resolution, and Councilmember Vogel seconded. City Engineer Roger Flynn provided an overview of the resolution and answered questions from Council.

The resolution passed unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION AUTHORIZING THREE PROFESSIONAL SERVICES AGREEMENTS WITH PATTERSON & DEWAR ENGINEERS, INC., GALLATIN, TENNESSEE, FOR ENGINEERING SERVICES RELATED TO THE AREA OF HORIZON CENTER AND IMPLEMENTATION OF SCADA FOR THE ELECTRIC DEPARTMENT IN THE TOTAL ESTIMATED AMOUNT OF \$256,870.00.

Councilmember Callison moved for approval of the resolution, and Councilmember Smith seconded. Electric Department Director Jack Suggs provided an overview of the resolution and answered questions from Council.

The resolution passed unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION AWARDED A CONTRACT (FY2017-089) TO PADDOCK CONSTRUCTION COMPANY, INC., ROCK HILL, SOUTH CAROLINA, FOR THE FILTER REPAIR PROJECT AT THE OAK RIDGE MUNICIPAL SWIMMING POOL IN THE ESTIMATED AMOUNT OF \$97,332.00.

Councilmember Smith moved for approval of the resolution, and Councilmember Dodson seconded. Recreation and Parks Director Jon Hetrick provided an overview of the resolution and answered questions from Council.

The resolution passed unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION APPROVING THE FY2017 REVISED PERSONNEL CLASSIFICATION PLAN, AS RECOMMENDED BY THE CITY MANAGER.

Councilmember Smith moved for approval of the resolution, and Mayor Pro Tem Chinn seconded. City Manager Mark Watson provided an overview of the resolution, and Interim Personnel Director Bruce Applegate answered questions from Council.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MCGRATH HUMAN RESOURCES GROUP, WONDER LAKE, ILLINOIS, TO PERFORM A COMPENSATION ANALYSIS AND REVIEW OF THE CITY'S COMPENSATION PLAN STRUCTURE AND RELATED POLICIES.

Councilmember Callison moved for approval of the resolution, and Councilmember Smith seconded. City Manager Mark Watson provided an overview of the resolution, and Interim Personnel Director Bruce Applegate answered questions from Council.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WINDROW PHILLIPS GROUP, NASHVILLE, TENNESSEE, FOR THE PROVISION OF CONSULTING SERVICES IN THE AREA OF RELATIONS WITH THE STATE LEGISLATORS, AGENCIES, AND OFFICIALS FOR AGREED UPON PRIORITIES FOR THE CITY IN THE AMOUNT OF \$30,000.00 WITH AN ALLOWANCE OF UP TO \$600.00 FOR EXPENSES RELATED TO REGISTRATION WITH THE TENNESSEE ETHICS COMMISSION.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Callison seconded. City Manager Mark Watson provided an overview of the resolution.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION APPROVING A ONE-YEAR EXTENSION TO THE 2013 PILOT REAUTHORIZATION DOCUMENTS APPROVED BY RESOLUTION 11-107-2013 FOR USE BY THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE (IDB) AS A GUIDELINE FOR TAX ABATEMENTS AND PAYMENTS IN LIEU OF TAXES FOR QUALIFYING ENTITIES IN OAK RIDGE, FOR A NEW EXPIRATION DATE OF DECEMBER 31, 2017.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Hope seconded. City Manager Mark Watson provided an overview of the resolution.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF OAK RIDGE, TENNESSEE IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000, IN ONE OR MORE SERIES; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS, ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS.

Councilmember Callison moved for approval of the resolution, and Councilmember Smith seconded. Finance Director Janice McGinnis provided an overview of the resolution, and she and Chris Bessler with Cumberland Securities answered questions from Council.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION TO ADOPT THE CITY OF OAK RIDGE, TENNESSEE 2017 STATE LEGISLATIVE AGENDA TO INFORM STATE OFFICIALS OF KEY PROJECTS, POLICIES AND PRIORITIES IN THE CITY OF OAK RIDGE, AND TO HELP SECURE FUNDING FOR AGREED UPON PRIORITIES OF THE COMMUNITY.

Councilmember Hope moved for approval of the resolution, and Mayor Pro Tem Chinn seconded. Director of Government Affairs and Information Services Amy Fitzgerald provided an overview of the resolution and answered questions from Council.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A RESOLUTION TO GENERALLY ESTABLISH MONTHLY REGULAR CITY COUNCIL MEETINGS AND MONTHLY WORK SESSION MEETINGS FOR CALENDAR YEAR 2017.

Councilmember Callison moved for approval of the resolution, and Councilmember Dodson seconded. City Manager Mark Watson provided an overview of the resolution and recommended adoption of the calendar.

The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

### **PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

#### **First Reading of Ordinances**

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO CHANGE ITS TITLE TO "BUSINESS, PEDDLERS, SOLICITORS, TAXICABS, ETC."; TO UPDATE PROVISIONS REGARDING TAXICABS WITH RESPECT TO DEFINITIONS, MAINTENANCE, ACCIDENT REPORTS, AND THE APPLICATION; AND TO ADDRESS A NEW STATE LAW PERTAINING TO TRANSPORTATION NETWORK COMPANIES (EX. UBER) WHICH ARE EXCLUDED BY STATUTE FROM TAXICAB REGULATIONS.

Councilmember Smith moved for approval of the ordinance, and Councilmember Vogel seconded. City Manager Mark Watson provided an overview of the ordinance, and Bruce Applegate answered questions from Council.

Councilmembers Smith, Hope and Vogel provided suggestions for changes to the ordinance and items that they would like to see additional information on.

The ordinance was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

### **FINAL ADOPTION OF ORDINANCES**

AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," CHAPTER 6, TITLED "OAK RIDGE LAND BANK CORPORATION," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 13-604, TITLED "BOARD OF DIRECTORS," SUBSECTION (C), TO GRADUALLY CHANGE THE TERM OF OFFICE FOR DIRECTORS FROM TWO YEARS TO THREE YEARS.

Councilmember Callison moved for adoption of the ordinance, and Councilmember Dodson seconded.

The ordinance was adopted unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

## **ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

### **Elections/Appointments**

City Clerk Mary Beth Hickman reminded Council that the deadline for applications to City boards and commissions is December 19<sup>th</sup> at 5:00 p.m., and that the elections will take place at the January 9, 2017 City Council meeting.

### **Announcements**

### **Scheduling**

City Manager Mark Watson reminded Council about the special called meeting on Tuesday, December 13 in the Municipal Building Courtroom.

## **COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS**

Mayor Gooch asked if the joint committee on the pre-school is going to meet in January. Councilmember Smith stated that the committee no longer exists after a final report was given. City Manager Mark Watson stated that the City has asked for an assessment of the remaining site and have architects that are available to be engaged on that project. The City is in the process of working with the Board of Education to devise an agenda for the joint work session on January 26<sup>th</sup>. Councilmember Smith also discussed the possibility of using the land adjacent to the Scarboro Community Center as a possible pre-school site. Mayor Gooch requested that Councilmember Smith coordinate

Councilman Vogel advised Council that the Community Development Department and the Planning Commission have been planning a citywide planning activity in January and more information will be forthcoming.

Councilman Hope requested an update on the moving process for the Senior Center and asked staff to continue to work with them and communicate with them during this time. City Manager Mark Watson stated that the City would have additional time in the month of January for the move from the current building to the Civic Center.

## **SUMMARY OF CURRENT EVENTS**

### **CITY MANAGER'S REPORT**

### **CITY ATTORNEY'S REPORT**

**ADJOURNMENT: 9:04 p.m.**

Dear Editor:

Monday night, December 12, 2016, there will be a changing of the guard when two city council members "retire". Both have been instrumental in bringing the dawn of a new day for the city. Neither cannot be accused of slacking their elected duties. And while their approaches have been different, their mutual goal was to make Oak Ridge the best city it could be. And, in a season of strange electoral occurrences, both chose not to run for re-election even though the odds were they would be voted back into office.

Councilwoman Trina Baughn and I, on occasion, have found ourselves on different sides of an issue or two. However, she has treated me and my ideas with respect. I have not been the exception. I hope I have behaved in the same manner. In recent history Trina probably has been the most prepared council member to discuss the issues at hand. I will not forget her toting a black notebook (or two) holding her "homework" as she took her seat on the dais. In the wrong hands, minutiae can be boring. In Trina's hands, they were generally irrefutable landmarks supporting her position. Being a person of strong disposition, Mrs. Baughn never wavered when her views were ridiculed or attacked. But she was also willing to compromise when unity was necessary. At times, I thought Trina knew more about what was happening in city governance than the city manager did. I feel that her expenditure of time and effort doing the city's business affected the time and effort she could devote to her family, her church, and other civic activities. But no facet of her life was sacrificed on the altar of politics. Trina's life is overflowing with an expanded consulting business, a daughter who was a child when Trina joined council and is now entering young womanhood and needs more "mommy" time, and is being given more responsibilities at her church, the High Places Community Church based in the historic Grove Center. But I am sure Mrs. Baughn is not going to ride off into the sunset. I fully expect to seeing her express her views during the public comments section of council meetings and reading her well documented letters to the editor when her voice is needed to provide a clarion call to action. Personally, we were friends when she joined council. We are still friends as she retires.

It was a shock to my system when I heard that Charles "Charlie" Hensley would not run for re-election. I have had the privilege of knowing and working with some of the finest solons on the local, state and national levels. Charlie ranks among them. Over a decade ago he was among the first citizens of this city who became a trusted friend. With Charlie, what you see is what you get. Honesty, humility, and humor are some of his character traits. And, being a private pilot, he has seen this city from above and has brought this aerial perspective to the council chamber. He has gone out of his way to seek the thoughts of the citizenry on issues of the day. And the man is unflappable. Charlie is also a major supporter of, among others, the Oak Ridge Playhouse, public radio station WUOT, the Oak Ridge Unitarian Universalist Church, several civic associations, and the athletic program of the Oak Ridge High School. As a WUOT volunteer answering phones during pledge week, I personally know that Charlie is among the first callers to renew his pledge and adds to it as special occasions pop up, like Pet Pledge Day. Charlie has recently become a grandfather. While some "politicians" retire to have more "family time" (that is, face losing an election), Charlie is relinquishing the reins so he can devote more time to this bundle of joy. Being a grandfather of a certain age myself, I can appreciate his reasoning.

So, on Monday night two new people will be sworn in as Oak Ridge City Council members. Messrs. Jim Dotson and Hans Vogel will occupy the seats once held by the individuals mentioned above. But they cannot replace them. Oak Ridge is a better place to live and work thanks to the efforts of Councilwoman Baughn and Councilman Hensley. And, along with the re-election of Chuck Hope, we look to a future of progress for our city.

Respectfully submitted,  
Gene R. Dunaway

**OAK RIDGE CITY COUNCIL SPECIAL MEETING**  
Municipal Building Courtroom

December 13, 2016

Minutes

The special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 1:00 p.m. on December 13, 2016 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

**ROLL CALL**

Upon roll call the following councilmembers were present: Councilmember Kelly Callison; Mayor Pro Tem Rick Chinn, Jr.; Councilmember James Dodson; Mayor Warren L. Gooch; Councilmember Charles J. Hope, Jr.; Councilmember Ellen D. Smith; and Councilmember Hans Vogel.

Also present were Mark S. Watson, City Manager; Mary Beth Hickman, City Clerk; and Kenneth R. Krushenski, City Attorney.

**ITEMS FOR DISCUSSION**

A RESOLUTION APPROVING THE CITY MANAGER'S NEGOTIATIONS WITH THE U. S. DEPARTMENT OF ENERGY (DOE) AND TN OAK RIDGE ILLINOIS, LLC, PURSUANT TO RESOLUTION NO. 6-32-2016 TO SECURE APPROXIMATELY 17.12 ACRES OF DOE OWNED PROPERTY UPON WHICH THE AMERICAN MUSEUM OF SCIENCE AND ENERGY IS LOCATED AND ADJACENT UNDEVELOPED LAND, AND AUTHORIZING THE APPROPRIATE LEGAL INSTRUMENTS TO ACCOMPLISH THE SAME.

Mayor Pro Tem Chinn moved for approval, and Councilmember Callison seconded. City Manager Mark Watson provided an overview of the resolution, and Senior Staff Attorney Tammy Dunn answered questions from Council.

Tom Row, 114 Nebraska Avenue, Oak Ridge, addressed Council in support of the American Museum of Science and Energy. Mayor Gooch requested that Mr. Row's remarks be made part of the official meeting record.

Martin McBride, 954 West Outer Drive, stated that the Department of Energy in Washington is responsible for the American Museum of Science and Energy, and he urged Council to bring Department of Energy officials to a meeting to discuss the residency issue. He also spoke in support of tying the celebration of the 75<sup>th</sup> Anniversary of Oak Ridge to the Secret City Festival.

Lloyd Stokes, 131 Orchard Lane, Oak Ridge, spoke in opposition to the changes being proposed for the American Museum of Science and Energy.

Chris Light, 131 W. Emory Lane, Oak Ridge, addressed Council regarding the importance of outreach activities at the American Museum of Science and Energy and how decreasing the space of the museum would negatively impact outreach.

Steve Stowe, 12430 Comblain Road, Knoxville, addressed Council in support of maintaining the American Museum of Science and Energy's current role in the Oak Ridge community.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Smith voting “Aye.”

A SPECIAL REPORT BY MIKE BROWN OF THE SECRET CITY FESTIVAL OF OAK RIDGE, TENNESSEE, TO DISCUSS THE DIRECTIONS AND PROGRESS OF THE ORGANIZATION.

Mike Brown, Chairman of the Secret City Festival of Oak Ridge, Tennessee Board of Directors, provided an update on the progress being made by the board for next year’s Secret City Festival and answered questions from Council. This report was for information only. No action was taken.

A RESOLUTION AUTHORIZING AN EXPENDITURE OF UP TO \$50,000.00 TO THE SECRET CITY FESTIVAL OF OAK RIDGE, TENNESSEE, A 501(C)(3) NON-PROFIT ORGANIZATION, FOR CERTAIN EXPENSES ASSOCIATED WITH THE 2017 FESTIVAL/CELEBRATION.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Callison seconded.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

**ADJOURNMENT: 7:49 p.m.**

Tom Kow  
114 Nebraska Ave  
OR

①

As you enter the American Museum of Science and Energy (AMSE) you see a large bronze plaque honoring U.S. Rep Joe L. Evins. Years back, local attorney, Jean Joyce told a story that explains why the plaque is there. Joyce was driving Evins around during ~~to~~ a visit and took him by the original Museum building, in front of Jefferson Drug. <sup>Joyce explained</sup> That location was having some funding problems as well as a building far too small to tell the Oak Ridge Story. Two years after that visit the new

(2)

building was dedicated today

We see a move to the "old Sears

store" location - Shades of AMSE #1!

I feel the space is not adequate.

AMSE is a true asset to

Oak Ridge. / Since founded, over

8.8 million visitors have come to

the museum. Our current attendance

averages 65,000/year

AMSE needs an advocate

within the City of Oak Ridge

government. I suggest you seriously

consider an Advisory Committee of

community volunteers to keep

you in touch with the operations

3

and needs of this significant  
community asset. It has proven  
its value to Oak Ridge, 8.8M visitors.

The new location will offer  
challenges and you need to  
be aware of them as they  
occur. Thank you

↓ appreciate the time you give to our city  
~~asset~~

\* I am disappointed in the interest  
in assessing AMSE success in the  
new location.

Developer - cool

City - cool

AMSE - good luck

# CONSENT AGENDA

**PUBLIC WORKS DEPARTMENT MEMORANDUM**

**16-36**

**DATE:** December 21, 2016  
**TO:** Mark S. Watson, City Manager  
**FROM:** Shira McWaters, P.E.; Public Works Director  
**SUBJECT: SALE OF JOHN DEERE 7810 TRACTOR**

Introduction

An item for City Council consideration is the sale of a John Deere Tractor through GovDeals.com. The funds acquired through the sale of this tractor will be placed back into the waterworks fund for the purchase of assets specific to the needs of the wastewater system. Examples of equipment that this money can be applied to include, but is not limited, to a mini excavator, portable pump, and/or a jet rodder.

Background

In 2000, the John Deere 7810 Tractor was purchased new by the City. Its original purpose was to land apply biosolids, on fields located within the DOE reservation, from the Turtle Park Wastewater Treatment Plant. In 2014, the practice of land applying the wastewater biosolids was discontinued. The City currently hauls all biosolids from the Turtle Park Wastewater Treatment Plant to an offsite landfill, at a cost savings to the City.

This tractor is large with a width of approximately 12 feet. Although adequately sized to land apply sludge, this tractor is too large for use by the City for other applications. For the past couple of years, this tractor has sat in the Public Works yard with little to no use. It is in very good condition and has low hours of use (334 hours), which makes it a high demand on the market. Therefore, it was determined that the City would benefit through the sale of this tractor. With the money acquired through its sale, new equipment that will be more frequently used will be purchased.

The City originally paid \$87,777 for this tractor. The final bid for the tractor, received on December 20, 2016, was \$80,025. After applicable fees, the City will receive \$74,023.13.

Recommendation

Staff recommends approval of this sale.



Shira McWaters, P.E.

Attachment(s)

Picture of tractor, final bid quote from GovDeals.com

**City Manager's Comments:**

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

  
Mark S. Watson  
Date



**Oak Ridge, City of, TN**  
**Date range: 12/20/2016 - 12/20/2016**

Item	Inventory ID	Description	Category	Buyer	Starting Bid	Sold Amount	GovDeals Fee	Net Results	Buyer's Premium	Add'l Fees	Admin Fee	Bids	Auction Ended	Status
676	tractor#411PW	2000 4WD JOHN DEERE 7810 TRACTOR #411	Tractor - Farm	Dave Seif	\$1,000.00	\$80,025.00	\$6,001.87	\$74,023.13	\$4,001.25	\$0.00	\$0.00	219	12/20/16 9:00 PM	NP
					<b>\$1,000.00</b>	<b>\$80,025.00</b>	<b>\$6,001.87</b>	<b>\$74,023.13</b>	<b>\$4,001.25</b>	<b>\$0.00</b>	<b>\$0.00</b>			

**RESOLUTION**

A RESOLUTION APPROVING THE SALE OF A SURPLUS EQUIPMENT ITEM (JOHN DEERE 7810 TRACTOR) AS REQUIRED BY CITY CODE §5-501 SINCE THE SALE PRICE EXCEEDS \$20,000.00.

WHEREAS, in 2000, the City purchased a John Deere 7810 Tractor for the purpose of land applying biosolids; however, this practice was discontinued in 2014 when a more cost effective process was implemented; and

WHEREAS, since 2014, the tractor has since had little to no use and is now declared surplus to the City's needs; and

WHEREAS, City Code §5-501 requires competitive sealed bids or public auction for the sale of all surplus city property and equipment; and

WHEREAS, the City recently placed the tractor up for auction on GovDeals.com, which auction closed on December 20, 2016 with a final bid of \$80,025.00; and

WHEREAS, City Code §5-501 requires City Council approval of the sale of any single item of equipment in excess of twenty thousand dollars (\$20,000.00); therefore, the tractor requires formal City Council approval; and

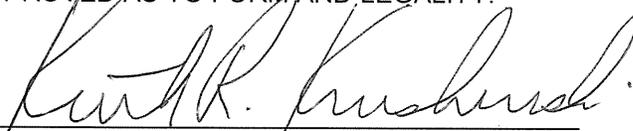
WHEREAS, the City Manager recommends approval of the sale, which will result in the City receiving \$74,023.13 after fees.

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 sale of a John Deere 7810 Tractor through GovDeals.com, with a final bid of \$80,025.00, is hereby approved.

This the 9th day of January 2017.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Mary Beth Hickman, City Clerk

**ELECTRIC DEPARTMENT MEMORANDUM**  
**16-24**

**DATE:** December 22, 2016  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jack L. Suggs, Electric Director  
**SUBJECT:** CONCEPTUAL STUDY OF FIBER TO THE PREMISES

Introduction

An item for City Council's consideration is the award of a professional services contract to the firm of CTC Technology & Energy, Kensington, Maryland, to perform a fiber to the premises feasibility study in the estimated amount of \$47,500.

Funding

Funding is through the Electric Fund and is included in the current budget.

Review

Several utilities in the Tennessee Valley have constructed and are operating fiber optic systems that run fiber optic to each of their customers. These systems are used to provide a variety of services, ranging from very high speed internet, to telecommunications or entertainment programming. The systems are sometimes called Fiber to the Home (FTTH), but more generically called Fiber to the Premises (FTTP). Of particular note is Electric Power Board of Chattanooga, but several others, including Jackson Energy Authority, Pulaski, Columbia Power and Water, and Tullahoma are also offering such systems. Other systems, such as Johnson City Power Board have more limited systems that serve customers through a third party arrangement.

The City Council and Planning Commission have expressed interest in the City of Oak Ridge operating a FTTP system for the benefit of our citizens. Anticipated benefits include better service, lower cost and universal availability for customers; these benefits being synergistic with the needs of the utility systems through both better monitoring of equipment and deployment of distribution automation, including advanced metering. Potentially balancing the advantages of FTTP systems are their high cost, vulnerability to technology, required operation and maintenance cost and potential market penetration.

The City Council approved funding for a study of these issues as a part of this year's budget. In response to that approval, staff initiated a search for a qualified, experienced firm to do the work. There were several factors considered in looking for a firm, but primarily the Electrical Director was interested in obtaining help from someone who would give a fair and balanced evaluation of the feasibility of FTTP in our City. To that end, the Director contacted several utilities and asked for recommendations. The top firm recommended in this effort was CTC Technology & Energy (CTC).

CTC is a nationwide firm known for work in fiber, advanced metering infrastructure, distribution automation and other smart grid technologies. The firm has experience working in the Tennessee Valley region, and is therefore familiar with TVA Rules and Regulations as well as the realities of working in our environment. They have performed work for both power distributors individually and TVPPA, the association of Local Power Companies in the Valley, in building road maps in the areas of interest and are well known across the country for this type of work. The Director was extremely interested in getting a balanced view of the potentialities of a fiber system, a picture that while not jaded, was also not overly rosy. CTC is recognized in this area, one reference putting it very succinctly, "... the only consultant I know that's not an advocate. ... <CTC> knows the economics, successes and failures better than anyone in the US."

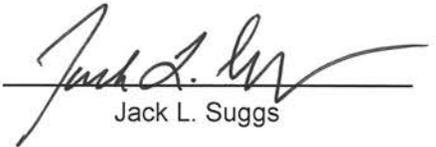
The study being proposed is very comprehensive, developing a conceptual network design for cost purposes and looking at various market options under several different scenarios. To help explain the complexity of this work, I have attached the Statement of Work from the proposal for your review. I think you will find that it is excellent in every regard.

Recommendation

Staff recommends approval of the attached resolution.

Attachment

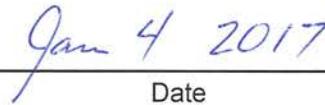
CTC Statement of Work

  
\_\_\_\_\_  
Jack L. Suggs

**City Manager's Comments:**

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

  
\_\_\_\_\_  
Mark S. Watson

  
\_\_\_\_\_  
Date

## *1. Statement of Work*

We understand that the City of Oak Ridge Electric Department (CORED) seeks to determine the feasibility of delivering services over a FTTP network. To determine the feasibility we proposed to estimate the approximate cost of building outside plant infrastructure, to understand the likely time required for such an effort, to provide the basis for any necessary financial transactions to enable construction, to develop a financial model for understanding projected cash flows and funding requirements, and to review potential uses of fiber-to-the-premises (FTTP) for AMI and other electric department needs.

This estimate will provide data relevant to any potential CORED effort, including models from open access to various public-private partnerships. This estimate will also provide the relevant data for financial modeling to determine the approximate revenue levels necessary for CORED to service any debt incurred by building the network under a range of financing cost assumptions.

Our project deliverables will include:

- Conceptual design report
- Cost estimates for construction
- Business models report
- Financial analysis model and pro formas
- Summary of potential uses of FTTP for the electric distribution system
- Overview of 5G and other technologies and potential impact to an FTTP deployment
- Preparation and presentation of findings, observations, and recommendations (two presentations)

CTC proposes to perform the following tasks within an estimated 12 weeks from notice-to-proceed:

### *Task 1 – Facilitate Requirements-Gathering Discussions with CORED*

We propose to hold discussions with CORED staff that will participate in the project. These meetings will focus on a range of issues, including:

1. CORED goals and expectations for FTTP
2. Considerations with regard to labor costs (such as requirements to use union labor or local ordinances regarding living wage)

3. Potential business model considerations such as timelines surrounding funding and staging of construction
4. Current use of pole space and easements by CORED and other utilities
5. Optimal timeline for construction
6. Existing fiber and assets that can be leveraged with an FTTP deployment
7. Right-of-way permitting, and associated issues and processes
8. Envisioned business models and relationship with existing value-added-resellers
9. Existing broadband services available in Oak Ridge

An initial project kickoff meeting will be followed by more in-depth discussions with CORED, which will include exploring the following:

1. Identification of aerial/underground areas
2. Available rights-of-way and easements
3. Variation by neighborhood
4. Suitability of construction techniques
5. Inspection and permitting timelines
6. Drop installation requirements
7. Suitability of cabinets and pedestals
8. Existence of CORED-owned assets that may reduce costs, including use of CORED facilities for hub sites or electronics, as well as conduit, fiber, and pole attachments

During these meetings, we will also determine what information is available from CORED geographic information systems (GIS), and acquire base mapping, easement, demographic, and other layers that may assist in cost estimation.

### *Task 2 – Conduct Outside Plant Survey*

We propose to perform an outside plant survey of selected areas to verify and validate our proposed cost estimate model. This task will include a combination of desk and onsite surveys. We will review pole space and pole conditions (i.e., overhead/aerial options), and issues related to underground construction and rights-of-way.

### *Task 3 – Develop High-Level FTTP Backbone Conceptual Design*

Based on CORED's input, CTC will develop a high-level design for the FTTP backbone, leveraging the existing fiber. The design will identify candidate boundaries for project phases, potential locations for fiber distribution cabinets and their respective service areas, and the possibility of using existing fiber for backbone fiber routes.

The objective of the conceptual backbone design will be to guide attributes of future detailed designs, such as fiber counts and conduit configurations over backbone routes—in other words, a “master plan” to help ensure each phase takes into account requirements of later phases to the greatest extent possible. The design will be generated as a GIS dataset so it can be incorporated into future as-built and detailed design data.

### *Task 4 – Prepare and Present FTTP Cost Estimates*

CTC will prepare cost estimates and supporting documentation for CORED-wide FTTP deployment, inclusive of anticipated construction labor, materials, engineering, permitting, pole attachment licensing, quality control, and testing. The estimates will be provided on a per-phase basis in the form of a cost range, with the lower-end estimates representing most likely costs, and the higher-end representing budgetary estimates for bonding purposes with suitable contingencies included.

Supporting documentation will include summary tables of key project metrics generated for cost estimation purposes, including estimated fiber plant mileage; number of homes and businesses per phase; and anticipated percentages of aerial versus underground construction. Additionally, CTC will provide a narrative to explain key construction characteristics that impact the cost estimates on a per-phase basis.

Our intent is that the cost estimates will allow CORED to properly scope construction phases according to particular budgetary constraints, as well as to inform cost estimates for detailed engineering of specific phases.

As is typical in this phase of a fiber construction project, the cost estimates will not be based on a detailed design, environmental assessment, or geotechnical analysis of soil composition. As a result, actual costs may vary due to unknown factors, including: 1) costs of private easements, 2) utility pole replacement and make ready costs, and 3) subsurface hard rock. We will, of course, incorporate suitable assumptions to address these items based on our experience.

### *Task 5 – Prepare Overbuild Market Assessment*

Drawing both on our direct experience with municipal and municipal utility clients nationwide, as well as our research capabilities, we will write an assessment of fiber overbuild markets. We will highlight certain key case study localities and draw on national survey results to illustrate the

experiences of public sector overbuilds—what has worked, what has not, and what best practices we see in those experiences.

Included in the assessment is a review of services available today, and expected reaction from the existing providers if CORED were to enter the market place. In addition we will review the potential (and non-potential) of using FTTP to support the CORED electric distribution system and its operations, including AMI.

### *Task 6 – Prepare Financial Pro Formas*

As we have done for public sector broadband networks nationwide, we will develop pro forma data for the broadband network operations based on the system-level design and cost estimates.

We will outline operational attributes and processes including policies, staffing levels, maintenance agreements, and other considerations. This analysis will pay particular attention to back office and other operating requirements, as well as working capital projections.

The model will include an overall analysis of viable potential services and will provide:

- Sensitivities of key assumptions including, but not limited to:
  - Customer segmentation
  - Market penetration
  - Operating fees
  - Pricing
  - Staffing levels
  - System construction
  - Tiered revenue structures
- Base, best, and worst-case analysis

The pro forma will follow accounting standards and will provide schedules that detail:

- Operating income and cash flow
- Net present value analysis
- Subscriber revenue by service
- Subscriber revenue by customer/customer class

## CTC Proposal

- Debt service analysis
- Reserve fund requirements
- Uses and sources of funds
- Operating expenses
- Operational savings
- Depreciation summary
- Projected construction costs for network, hardware, buildings and other equipment
- Return on investment (ROI)

All of our assumptions and price sensitivities will be clearly stated and justified. This financial model will provide CORED with an order-of-magnitude estimate of the overall project cost, and will support the implementation and funding roadmap by providing inputs for potential business models, funding options, and partnership opportunities. In particular we will highlight the potential need for grant or other funding source to support the proposed FTTP enterprise.

### *Task 7 – Examine Range of Business Models*

Our report will consider a range of business models and funding options that might support CORED's next steps and inform an implementation roadmap. Our business models will reflect our understanding of both CORED's desired role and its risk tolerance.

We will bring to this engagement our experience in identifying the challenges of fiber network implementation—and our realistic approach to assessing project risks. We will be very frank about the level of funding needed, and the availability of funding sources. Over the past 15 years, we have seen communities raise public expectations very high before clearly understanding the challenges of fiber financial models. This can be disappointing to the public, and politically challenging in the event that it does not work out. We will help you manage public expectations and bring a dose of reality to the plan.

CTC will evaluate staffing considerations, risks and benefits, financial analysis, and financing costs to enable CORED to consider which model best suits its needs and assets. Below we outline the models we propose to consider.

#### **Retail, Data-Only FTTP**

In this model, CORED builds, owns, operates, and offers exclusive data services over the network—it becomes a competitive provider of data services. (This is often referred to as an

“overbuild” model because the new provider builds new communications infrastructure “over” the wires and cables in areas where there are existing broadband systems.) This is the model used most frequently by municipal utilities in the U.S.

This model requires CORE D to finance network build-out, and potentially to finance operations in the event that network revenues do not cover expenses. It also requires CORE D to define and update services on an ongoing basis, establish consumer-level sales and marketing efforts, and establish consumer-level help desk and other support mechanisms. The retail model requires the broadest range of staff additions, training, marketing, and other activities to operate and maintain the business venture.

#### Open Access, Data-Only FTTP

In this model, CORE D builds FTTP and wholly controls the fiber asset, while private sector service provider(s) are selected to offer retail data services over the FTTP network. In this model, CORE D’s role is limited to building and maintaining the FTTP network. The open access model (also referred to as the “wholesale” or “passive layer” model) separates the infrastructure from the retail service.

In this model, CORE D is in the business of infrastructure, not communications service provision. CORE D’s customer is *not* the retail consumer; rather, it is the service provider. By building an open infrastructure on which capacity is leased to private sector providers, CORE D would address the key barrier to market entry for potential retail providers: the cost of FTTP infrastructure. The result is the potential for new competition-delivering, enhanced services.

#### Open Access FTTP to Support Data, Voice, and Video

In this model, CORE D builds FTTP and wholly controls the asset, while private sector service provider(s) are selected to offer data, voice, and video services over it. Similar to the open access FTTP, data-only model, CORE D’s role is limited to building and maintaining the FTTP network. This model differs from the previously outlined open access data-only FTTP model only in that additional services (voice and video) are enabled by the infrastructure.

#### Public-Private Partnership

Similar to the open access model, a public-private partnership model engages private sector provider(s) to offer services. The difference between this model and the open access model is that CORE D may choose varying levels of control and involvement in a partnership, which will affect potential risk.

In the open access model, CORE D retains control of the fiber infrastructure, including network maintenance and expansion. A public-private partnership may follow that model, or a chosen partner may propose to maintain the fiber network on behalf of CORE D. These partnerships are

often tailored to the communities that develop them and entail specific parameters that directly benefit both the community and the chosen private partner. For example, public entities may encourage new investment through economic development incentives and other measures to reduce costs for infrastructure deployment. Or a public entity and a private entity might share the capital costs, operations, and maintenance of a broadband network.

*Task 8 – Prepare and Present Recommendations*

Our final deliverable will include a report that presents our key findings and recommendations. Our report will include our conceptual design, cost estimates, business model analysis, and other assessments and research conducted throughout the project. We will provide all maps in GIS format.

We will provide CORED's identified reviewers with an electronic draft of our report for initial review. We will incorporate the reviewers' feedback and edits within two weeks of receipt, and will deliver an electronic version of our final report. We will also conduct two on-site presentations of the report and our recommendations at a time to be selected with CORED.

**RESOLUTION**

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CTC TECHNOLOGY & ENERGY, KENSINGTON, MARYLAND, TO PERFORM A FIBER-TO-THE-PREMISES FEASIBILITY STUDY IN THE ESTIMATED AMOUNT OF \$47,500.00.

WHEREAS, funds are available in the Electric Fund to conduct a Fiber-to-the-Premises (FTTP) feasibility study; and

WHEREAS, a FTTP system is anticipated to benefit the citizens through better service, lower cost, and universal availability for customers; however, FTTP systems can be at a high cost, vulnerable to technology, and have associated required operation and maintenance costs; and

WHEREAS, after recommendations from several utilities, CTC Technology & Energy, Kensington, Maryland, was selected as the best firm to provide an unbiased, balanced comprehensive study to determine the feasibility of the City offering a FTTP system; and

WHEREAS, the City Manager recommends authorization to enter into a professional services agreement with CTC Technology & Energy for this project.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a professional services agreement with CTC Technology & Energy, Kensington, Maryland, to conduct a Fiber-to-the-Premises (FTTP) feasibility study in the estimated amount of \$47,500.00.

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

This the 9th day of January 2017

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Mary Beth Hickman, City Clerk

# RESOLUTIONS

**CITY COUNCIL MEMORANDUM**  
**17-02**

DATE: January 4, 2017  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: BLANKENSHIP FIELD

Introduction

An item for City Council's consideration is a resolution approving an operational agreement between the City and the Schools with respect to facility maintenance and scheduling for Blankenship Field.

Background

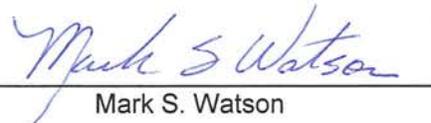
The City of Oak Ridge and the Board of Education have supported the efforts of local individuals to fund and implement upgrades to Blankenship Field. The City has previously submitted a grant application for synthetic turf at Blankenship Field. During the course of the application process both the City and the Schools became aware that the conditions of grant funding require the opening of the venue to the public.

On November 14, 2016, City Council approved a resolution authorizing the City to enter into an operational agreement with the Oak Ridge Board of Education for certain facilities, including Blankenship Field. On January 2, 2017, the Board met to discuss and vote on proposed language for an operational agreement with respect to facility maintenance and scheduling. As a result of that meeting as well as discussions between the City Manager and the School Superintendent, modifications have been proposed to the draft operational agreement presented to City Council on November 14 as part of Resolution No. 11-77-2016.

The City Manager recommends approval of the attached Operational Agreement (Facility Maintenance and Scheduling Agreement for Blankenship Field) between the City and the Schools.

Recommendation

Approval of the attached resolution is recommended.

  
Mark S. Watson

Attachments

**RESOLUTION**

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN OPERATIONAL AGREEMENT WITH THE OAK RIDGE BOARD OF EDUCATION FOR CERTAIN FACILITIES, INCLUDING BLANKENSHIP FIELD.

WHEREAS, the City and the Schools have been working together on programs and projects such as the recent grant application for synthetic turf at Blankenship Field; and

WHEREAS, during this process it was determined that the grant process will often require the recreational facility/improvement to be open to the public in general and not limited to only school or other organizational programs; and

WHEREAS, it has been determined an agreement between the City and Schools to delineate the use of certain facilities, including Blankenship Field, to set forth maintenance, operation, open use, and scheduling responsibilities should be developed.

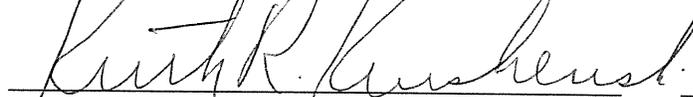
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

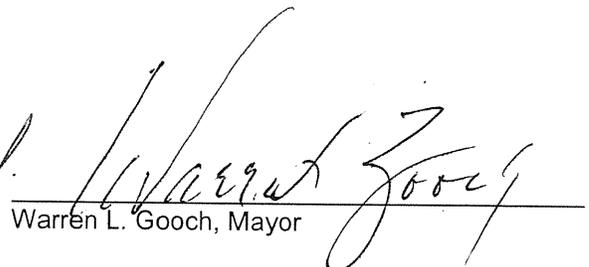
The City is authorized to enter into an operational agreement with the Oak Ridge Board of Education set forth the roles and responsibilities for maintenance, operation, open use, and use of certain facilities, including Blankenship Field, when such facility is part of a City-initiated improvement grant that requires the facility/improvement to be open to the general public.

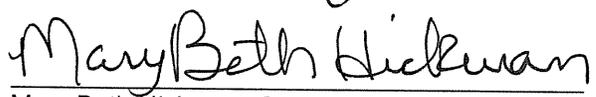
BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 14th day of November 2016.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

  
\_\_\_\_\_  
Warren L. Gooch, Mayor

  
\_\_\_\_\_  
Mary Beth Hickman, City Clerk

**RESOLUTION**

A RESOLUTION APPROVING AN OPERATIONAL AGREEMENT BETWEEN THE CITY AND THE SCHOOLS WITH RESPECT TO FACILITY MAINTENANCE AND SCHEDULING FOR BLANKENSHIP FIELD.

WHEREAS, by Resolution 11-77-2016, City Council authorized the City to enter into operational agreements with the Oak Ridge Board of Education for certain facilities, including Blankenship Field; and

WHEREAS, on January 2, 2017, the Oak Ridge Board of Education met to discuss and vote on proposed language for an operational agreement with respect to facility maintenance and scheduling for Blankenship Field; and

WHEREAS, as a result of said meeting as well as communications between the City Manager and the School Superintendent, modifications have been proposed to the operational agreement from the draft document presented to City Council for review as part of Resolution 11-77-2016; and

WHEREAS, the modifications change the reference to the Schools scheduling system, which department of the Schools will collect usage fees, and a requirement for the City to incorporate funding into the Oak Ridge Equipment Replacement Fund over a twelve-year period for the estimated replacement cost of the playing field turf with this replacement having priority over all other City/School needs; and

WHEREAS, the City Manager recommends approval of the attached Operational Agreement between the City and Schools.

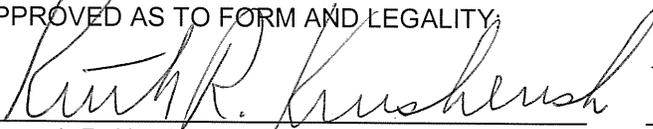
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

The recommendation of the City Manager is approved and the attached Operational Agreement (Facility Maintenance and Scheduling Agreement for Blankenship Field) is hereby approved.

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

This the 9th day of January 2017.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Mary Beth Hickman, City Clerk

OPERATIONAL AGREEMENT  
(FACILITY MAINTENANCE AND SCHEDULING AGREEMENT FOR BLANKENSHIP FIELD)

WHEREAS, the City and the Schools have been working together on programs and projects such as the recent grant application for synthetic turf at Blankenship Field; and

WHEREAS, during this process it was determined that the grant process will often require the recreational facility/improvement to be open to the public in general and not limited to only school or other organizational programs; and

WHEREAS, it has been determined an agreement between the City and Schools to delineate the use of certain facilities, including Blankenship Field, to set forth maintenance, operation, open use, and scheduling responsibilities should be developed.

NOW, THEREFORE, THE PARTIES AGREED AS FOLLOWS:

1. Purpose

The purpose of this Operational Agreement is to establish the roles and responsibilities for maintenance, operation, open use, and scheduling of Blankenship Field in the event the Local Parks and Recreation Fund Grant from the Tennessee Department of Environment and Conservation (TDEC) grant is received by the City from TDEC and synthetic turf is installed on the field. Installation of synthetic turf will enable expansion of the usage of Blankenship Field for a variety of events and venues by creating a multi-use facility for sports, music, and community events, including allowing the community to walk the trail, use the restroom facilities, and utilize the track facilities during daylight hours for recreational purposes. It is the intent of this Operational Agreement to increase the usage of the grant-covered facilities by the Oak Ridge community.

2. Effective Date and Scope

The Effective Date of this Operational Agreement is the date of final installation of synthetic turf at Blankenship Field in accordance with the grant application.

3. Usage of Certain Grant-Covered Property

The field, trailhead, restrooms, and lower concession stand will be available for special event use by groups who provide necessary proof of insurance or bond, and pay a usage fee to cover maintenance and cleanup as determined jointly by the City and Schools to cover projected maintenance costs. Any fees collected for advertisement of any event are the property of the field user. The Oak Ridge Schools' Administration shall be responsible for managing, including scheduling, the use of the field year round using the Oak Ridge Schools facility scheduling system which follows the Oak Ridge Schools Administrative Bulletin for School and Community Use of School Facilities.

Field usage fees will be collected by the Oak Ridge Schools Administration and will go toward maintenance and cleanup of the field and lower concession stand first, with any remainder going toward the City's Parks and Recreation Capital Replacement Fund specifically targeted for Blankenship Field / Jackson Square area or other joint City/Schools facilities.

User of the field for non-athletic purposes such as concerts, movies, or other special events are responsible to take precautions to protect the field from damage by chairs, platforms, and other structures used for their events. Such users shall be required to pay for any damage caused to the turf as a result of their event.

4. City Responsibilities

The trailhead and restroom facilities will be maintained and cleaned by the City and opened at reasonable hours for community use in accordance with the City's Recreation and Parks Department's recreation use policies for parks. Locking the gates and restroom each day will be the responsibility of the City as will overnight security consisting of routine patrol from on-duty police officers. The City will also maintain the lower parking lot in a manner consistent with maintenance of other City-owned parking lots.

Restrictions for use of the field will be established by the City's Recreation and Parks Department with the intent of protecting the turf to include no smoking, no chewing gum, etc. General rules will be posted at the property.

The City shall maintain insurance coverage for property damage consistent with other City-owned park property.

5. School Responsibilities

The Schools are responsible for general maintenance and up-keep year round including maintenance of the lower concession stand.

The Schools are responsible for managing, including scheduling, the use of the field as outlined in Section 3 above which follows the Oak Ridge Schools Administrative Bulletin for School and Community Use of School Facilities. This will also include the creation of a master schedule for the field early each school year. Further, the Schools are responsible for accounting for the fees associated with use of the field and distribution of said fees toward maintenance/cleanup costs and to the City's replacement fund as outlined in Section 3 above.

Maintenance of the home stands, the hill above the home stands, the press box, the locker rooms, the upper concession stand, walk of fame, and the rest of the facility not covered by the grant application will remain the responsibility of the Schools.

6. Joint Responsibilities

An annual meeting shall occur between the City's Recreation and Parks Department and the Schools, with the Oak Ridge Convention and Visitors Bureau and other groups as needed, to identify potential events that should be scheduled for the upcoming year(s) at Blankenship Field.

Capital improvements must be jointly agreed to by the City Manager and School Superintendent as part of the Joint CIP process. This includes a decision on replacement of the turf at the end of its usual life. The City will incorporate an annual funded amount of a 12-year replacement cycle in the Oak Ridge Equipment Replacement Fund of 1/12 of an estimated replacement cost of the playing field turf. Said amount shall be reserved for replacement ahead of all City/School needs and need shall be determined by City inspection with a knowledgeable turf professional.

Security for large events, such as concerts, will be coordinated between the City and the Schools.

7. Disputes

The City Manager and School Superintendent shall make good faith efforts to settle any dispute or claim that arises under this Operational Agreement through discussion and negotiation.

8. Modification

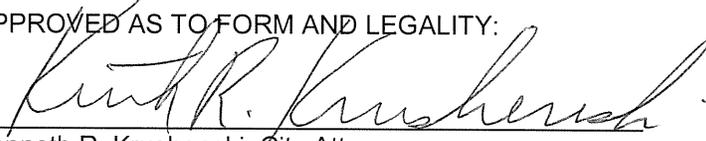
This Operational Agreement may only be modified in writing signed by both parties and approved by the Oak Ridge City Council and the Oak Ridge Board of Education.

9. Governing Law

This Operational Agreement shall be governed by the laws of the State of Tennessee.

ADOPTED AND APPROVED BY THE OAK RIDGE CITY COUNCIL ON JANUARY 9, 2017.

APPROVED AS TO FORM AND LEGALITY:

  
Kenneth R. Krushenski, City Attorney

CITY OF OAK RIDGE, TENNESSEE

\_\_\_\_\_  
Mark S. Watson, City Manager

Approved by Resolution \_\_\_\_\_

ADOPTED AND APPROVED BY THE OAK RIDGE BOARD OF EDUCATION ON JANUARY 2, 2017.

OAK RIDGE BOARD OF EDUCATION

\_\_\_\_\_  
Keys Fillauer, Chairman of the Board

Approved by Resolution \_\_\_\_\_

**CITY COUNCIL MEMORANDUM**  
**17-03**

**DATE:** January 4, 2017  
**TO:** Honorable Mayor and Members of City Council  
**FROM:** Mark S. Watson, City Manager  
**SUBJECT:** TENNESSEE CENTENNIAL GOLF COURSE

Introduction

An item for City Council's consideration is a resolution authorizing a transfer of \$120,000 from the General Fund to the Golf Course Fund to provide operational funding for Tennessee Centennial Golf Course.

Funding

As similar to last year, the City will use operational funding for the golf course through the General Fund. The City's current contractual relationship with Billy Casper Golf states all expenses belonging to the Centennial Golf Course are ultimately a City responsibility.

Background

Last year, the City Council conducted a review of the financial stability of the Centennial Golf Course as owned and operated by the City of Oak Ridge. The course management is currently outsourced and managed daily by the Billy Casper Golf organization. Efforts were coordinated with the City Council's Budget and Finance Committee to examine a path forward to have the golf course pay for annual maintenance and operational costs. Due to declining markets for golf, the City's contractor was directed to enhance marketing and regain past market share over a two-year period.

Overall, the City has seen limited growth in the past year and positive opinions about the course conditions. However, financial revenues have not exceeded expenses. The Centennial Golf Course has seen an excessively long sporting year, yielding more rounds played, particularly with time of day pricing element used by Billy Casper Golf.

Last year, City staff requested an operating transfer of \$325,000 to address accounts payable of \$225,000 and an operating transfer of \$100,000. Despite all marketing efforts, the golf course is still short of necessary operating capital, although less is requested at this time. The slow winter season now requires funding to pay necessary costs and salaries through the winter quarter (January-March 2017). Staff is requesting approval of \$120,000 for accounts payable of \$70,024, and the balance to provide cash flow and salaries through the spring.

Further reviews of our cash flow continue to occur with the Budget and Finance Committee and by our Finance Director. The City Manager has directed Billy Casper Golf to provide analysis of providing a price floor for golf as we approach the upcoming spring season. In the coming budget year, the City Manager will budget for an allocation to be available for use for keeping payables and expenses current until a sufficient fund balance is achieved.

Recommendation

Approval of the attached resolution is recommended.

  
\_\_\_\_\_  
Mark S. Watson

Attachments



**Tennessee Centennial Golf Course Rounds and Revenue Per Round**

<u>Fiscal Year</u>	<u>Public Rounds</u>	<u>Members Rounds</u>	<u>Outing Rounds</u>	<u>Totals Rounds</u>	<u>Total Revenue All Souces*</u>	<u>Total Revenue Per Round</u>
2016	25,689	3,811	2,085	31,585	\$ 859,696	\$27.22
2015	21,345	4,353	3,414	29,112	\$ 738,919	\$25.38
2014	22,431	2,973	2,638	28,042	\$ 938,272	\$33.46
2013	23,154	2,809	2,308	28,271	\$ 994,075	\$35.16
2012	30,407	3,552	2,355	36,314	\$ 1,200,450	\$33.06
2011	30,403	3,661	2,612	36,676	\$ 1,158,838	\$31.60
2010	25,164	3,679	2,595	31,438	\$ 1,072,208	\$34.11
July - Nov 2016	13,392	1,684	776	15,852	\$ 421,813	\$26.61
July - Nov 2015	12,818	2,173	994	15,985	\$ 405,334	\$25.36

\*Includes Food And Beverage

**RESOLUTION**

A RESOLUTION AUTHORIZING A TRANSFER OF \$120,000.00 FROM THE GENERAL FUND TO THE GOLF COURSE FUND TO PROVIDE OPERATIONAL FUNDING FOR TENNESSEE CENTENNIAL GOLF COURSE.

WHEREAS, City Council approved a Management Agreement with Billy Casper Golf Management, Inc., dated December 4, 2000, to manage the City's golf course and club house known as Tennessee Centennial Golf Course; and

WHEREAS, the Management Agreement expires on December 3, 2020; and

WHEREAS, Section III, Operating Assistance, of the Management Agreement requires the City to provide sufficient funds for the Operating Account to allow Billy Casper Golf Management to operate Centennial in a generally-accepted, business-like manner consistent with the parties' objective of operating a high-quality public golf facility; and

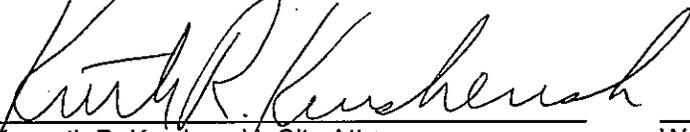
WHEREAS, the City Manager recommends a cash infusion of \$120,000.00 from the General Fund to the Golf Course Fund of which \$70,024.00 will be used to pay off outstanding account payables and \$49,976.00 for cash flow and salaries through spring.

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 Finance Director is hereby authorized to transfer \$120,000.00 from the General Fund to the Golf Course Fund.

This the 9th day of January 2017.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Mary Beth Hickman, City Clerk

**CITY CLERK MEMORANDUM**  
**16-33**

DATE: December 29, 2016

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Hickman, City Clerk

SUBJECT: REVISIONS TO THE RULES AND PROCEDURES OF CITY COUNCIL

Earlier this year, in lieu of forming a Rules and Procedures Committee, the City Manager solicited suggestions from City Council members and staff concerning possible revisions to the City Council's Rules and Procedures. Listed below are recommended revisions for City Council to consider at the January 9<sup>th</sup>, 2017 meeting.

Most of the revisions that were suggested concern aspects of the City Council meeting agenda. These suggestions are outlined below:

Agenda Deadline

Current City Council rules provide that "the finished agenda with associated material for regular Council meetings will usually be available in an electronic medium by close of business one (1) week prior to the meeting." The same deadline is provided for work session agendas. The recommended revision is to set the agenda publication deadline to two (2) business days prior to the City Council meeting and the work session. This would generally be the Thursday prior to the City Council meeting on the following Monday, or the Friday prior to a work session to be held on the following Tuesday.

Proclamations

Section I(G) of the Rules and Procedures of the Oak Ridge City Council outlines the procedure and guidelines for proclamations to be presented for City Council consideration. Currently, if a proclamation request is received after the City Council meeting has been held in a particular month but before the event is scheduled to take place, the City Clerk's office has provided a letter from the Mayor in lieu of a proclamation. The recommended revision would amend Section I (G)(5) to read as follows "Other means of individual recognition, such as honorary letters, certificates or mayoral proclamations will be considered as an alternative to proclamations that would require City Council approval." This would give the City Clerk's office some discretion in preparing a proclamation for the Mayor's signature according, to the existing guidelines for proclamations outlined in the rules, even if the proclamation has not been presented to City Council for approval.

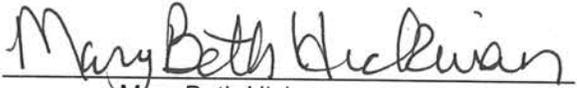
Consideration of Ordinances immediately prior to Resolutions

Currently, Public Hearings and First Reading of Ordinances as well as Final Adoption of Ordinances are placed after Resolutions on the agenda. This recommended revision would move those items above Resolutions on the agenda. The purpose of this would be so that any members of the public who have come to address City Council as part of a public hearing or final adoption of an ordinance would not have to sit through the sometimes high volume of resolutions that deal with matters that are more administrative in nature.

Placement of Appearance of Citizens immediately prior to consideration of Resolutions

There has been a great deal of discussion that placing Appearance of Citizens at the beginning of the agenda before any substantial business has been conducted sets the tone for the remainder of the meeting. The recommended revision would place Appearance of Citizens on the agenda immediately prior to Elections/Appointments, Announcements, and Scheduling and following Resolutions and Public Hearing/First Reading and Final Adoption of Ordinances.

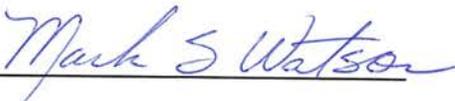
The City Clerk's office recommends approval of the above referenced recommendations.

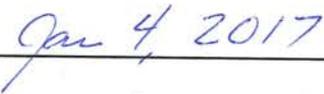
  
\_\_\_\_\_  
Mary Beth Hickman

Attachment:  
Bold Strike-through of Changes  
Rules and Procedures of the Oak Ridge City Council

**City Manager's Comments:**

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

  
\_\_\_\_\_  
Mark S. Watson

  
\_\_\_\_\_  
Date

**BOLD-STRIKETHROUGH OF CHANGES**  
**City Council Rules and Procedures**

I(B)(3). Work Sessions and Other Miscellaneous Meetings of City Council

The Council may hold regular miscellaneous meetings as scheduled by the City Manager. These meetings are scheduled on an as needed basis as a means to allow for discussions and interactions of City Council on particular subjects, updates, and for the exchange of information. No official action shall be taken at work sessions. An agenda shall be made available to all Council members, along with supporting information/documentation usually by close of business ~~one (1) week~~ **two (2) business days** prior to the meeting.

I(G). Proclamations

Guidelines:

- 1) National organizations that do not have a local contact person, i.e. Oak Ridge affiliation, will not be granted.
- 2) The City Clerk's Office reserves the right to modify (change and/or delete) any language provided for a proclamation.
- 3) A requesting party does not have exclusive rights to the day, week, or month of the proclamation.
- 4) Proclamations will not be processed after the event date for that year.
- 5) Other means of individual recognition, such as honorary letters, **certificates or mayoral proclamations will be considered as an alternative to proclamations that would require City Council approval** ~~or certificates.~~

III. Order of Business

A. Agenda Format

Each item of the agenda will have an abstract after the title when such an abstract is clearly indicated. The order of business shall be as follows:

- I. Invocation
- II. Pledge of Allegiance
- III. Roll Call
- ~~IV. Appearance of Citizens (See Note 1)~~
- V. Proclamations and Public Recognitions
- VI. Special Reports
- VII. Consent Agenda (See Note 2)
- ~~VIII. Resolutions~~ **Public Hearings and First Reading of Ordinances**
- ~~IX. Public Hearings and First Reading of Ordinances~~ **Final Adoption of Ordinances**
- ~~X. Final Adoption of Ordinances~~ **Resolutions**
- XI. **Appearance of Citizens (See Note 1)**
- XII. Elections/Appointments, Announcements, and Scheduling (See Note 3)
- XIII. Council Requests for New Business Items or Future Briefings

# RULES AND PROCEDURES

OF THE OAK RIDGE CITY COUNCIL

EFFECTIVE: JANUARY 10, 2017

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**RULES AND PROCEDURES  
OAK RIDGE CITY COUNCIL**

I. Meetings

A. Meetings Open to the Public

All Council meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The Council shall exercise its powers only at public meetings. [Charter, Article II, Section 3]

1. Voting Record of Council

A vote upon all proposed ordinances and resolutions shall be taken by "yea" and "nay" vote, indicated either orally or by use of the electronic voting system. The vote of each Council member shall be entered upon the journal (minutes). The journal shall also report the names of the council members present and absent, each motion considered, and the title of each ordinance or resolution considered. [Charter, Article II, Section 8]

a. Use of the Electronic Voting System

It is acceptable for all questions (ordinances, resolutions, and motions) to be put to a voice vote; however, in the event the voice vote is not unanimous, the Chair may choose to use the electronic (roll call) voting system. The Chair activates the system by depressing the "ready ballot" button and the members of Council then present may vote "yea" or "nay" during the time the lamp is on. A Council member may have the opportunity to change his/her vote if the request is made prior to recording of the results. If a Council member fails to cast an electronic vote, the Chair shall ascertain if it is his/her desire to abstain.

b. Clearing the Electronic Voting Board

After votes have been recorded, the electronic voting board shall be cleared.

2. Minutes of Meetings

There shall be a journal of proceedings (minutes) of all Council meetings signed by the Mayor and City Clerk and to which the public shall have access at all reasonable times. The journal (minutes) shall report the names of the Council members present and absent, each motion considered, and the title of each ordinance or resolution considered. [Charter, Article II, Section 8]

In accordance with T.C.A. § 8-44-104, minutes shall be recorded of all City Council meetings, including those meetings in which no action is taken, and will have the appropriate signatures.

An indexed audio recording of each regular City Council meeting shall be maintained for a ten-year period of time and video recording shall be maintained for a five-year period. A copy of the approved minutes shall be distributed to each member of City Council.

3. Publication of Minutes

A summary of Council proceedings shall be published in the official city newspaper within 15 days after a meeting, showing the substance of each Council action.

[Charter, Article II, Section 8]

B. Types of Meetings

1. Regular Meetings

The Council shall hold regular meetings in Oak Ridge at least once monthly. Increased frequency, time of day, and place of its meetings shall be established by resolution.

[Charter, Article II, Section 1]

2. Special Meetings

Special meetings shall be called by the City Clerk on the written request of the Mayor, the City Manager, or any two (2) Council members by providing each Council member with twenty-four (24) hours written notice served personally or left at his or her usual place of residence. Business transacted at any special meeting shall be limited to subjects recited in the notice of such meetings.

[Charter, Article II, Section 2]

3. Work Sessions and Other Miscellaneous Meetings of City Council

The Council may hold regular miscellaneous meetings as scheduled by the City Manager. These meetings are scheduled on an as needed basis as a means to allow for discussions and interactions of City Council on particular subjects, updates, and for the exchange of information. No official action shall be taken at work sessions. An agenda shall be made available to all Council members, along with supporting information/documentation usually by close of business two (2) business days prior to the meeting.

C. Quorum of Council

At least a majority of the members of the Council then in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum, two (2) members may adjourn the meeting to a later date.

[Charter, Article II, Section 4]

D. Official Council Business

The affirmative vote of at least a majority of the members of the Council then in office shall be required to approve any proposed action other than those listed in Sections B.2 and C of these Rules and Procedures.

[Charter, Article II, Section 8]

When voting for any contested appointment, the vote shall be taken by written ballot, each of which shall be invalid unless signed by the voting member who marked it.

E. Appointments to Boards and Commissions

1. Election Notice

City Council and the public shall be notified of current and end-of-year vacancies through the City Clerk's Office. The City Clerk shall prepare an election notice either via a legal notice to the paper or as a press release prior to the scheduled election. Terms shall be determined, reviewed, and established by City Council.

2. Filing Deadline

A resident of the City desiring to be a candidate for Council appointment to a board or commission shall submit the required application to the City Clerk. Additionally, the applicant(s) may submit resumes, cover letters, and other documents. All material must be submitted to the City Clerk's Office by the deadline specified in the notice.

3. Conduct of Elections

The applicant's information shall be placed in the agenda packet for the meeting at which the election is to occur, along with a ballot, if needed, which lists the names of all candidates and offers the opportunity to abstain. The applicant's information, if an incumbent, shall be accompanied by a report indicating the incumbent's total time in office and his/her attendance record for at least the most recent term of office.

Applicants are encouraged to attend the election meeting and may be given an opportunity to speak.

4. Notification of Election Results

Following the election, appropriate letters shall be sent to all applicants and outgoing board members from the City Clerk.

F. Ordinances

Each ordinance, before being adopted, shall be read at least by title at two meetings not less than one (1) week apart, and shall take effect ten (10) days after its adoption, except that, where an emergency exists and the public safety and welfare requires it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by a majority of the members of the Council on two (2) readings on successive days. At least the title of each ordinance, except an emergency ordinance, shall be published in the official city newspaper at least one (1) week before its adoption and within ten (10) days after its adoption, either separately or as part of the published proceedings of the Council. The newspaper publication shall include locations where the ordinance is available for public review. The entire ordinance shall be published on the City's web site at least one (1) week before its adoption and shall remain on the website for a minimum of 30 days after its adoption.

[Charter, Article II, Section 12]

If an ordinance is amended on first reading, it shall be presented in its amended form at the time of second reading. City Council also has the option to defer the ordinance on second reading.

## G. Proclamations

Overview: Proclamations are issued to proclaim certain events, causes, or achievements that positively impact the community and convey an affirmative message to the City of Oak Ridge residents. Controversial positions will not be supported by the City of Oak Ridge. Submission of a proclamation request does not guarantee issuance.

Proclamations issued by the City are ceremonial in nature and not considered an official endorsement by the City of Oak Ridge. The Mayor will be the signatory of all proclamations issued by the City of Oak Ridge upon approval of City Council.

### Guidelines:

- 1) National organizations that do not have a local contact person, i.e. Oak Ridge affiliation, will not be granted.
- 2) The City Clerk's Office reserves the right to modify (change and/or delete) any language provided for a proclamation.
- 3) A requesting party does not have exclusive rights to the day, week, or month of the proclamation.
- 4) Proclamations will not be processed after the event date for that year.
- 5) Other means of individual recognition, such as honorary letters, certificates or mayoral proclamations will be considered as an alternative to proclamations that would require City Council approval.

### Preparation:

- 1) The request should specify if the proclamation is expected to be presented during a City Council meeting or at a non-city event, although a request to be on the City Council meeting agenda is not guaranteed.
- 2) The request should include the requestor's first and last name, address, telephone number, and organizational name (if warranted).
- 3) A brief summary and/or background of the event or organization should be provided, as well as draft text for the proclamation, including, but not limited to the "whereas" clauses.
- 4) The requestor should provide a date when the proclamation is needed, as well as the name of the day" and date of the day, week, month that the event is proclaimed.

II. Conduct of Meetings

A. Maintaining Order

Council members shall preserve order and shall do nothing to interrupt or delay the proceedings of Council.

B. Sergeant-At-Arms

The City Manager shall designate a police officer to serve as the Sergeant-At-Arms of the Council.

C. Permission to Speak Before Council

1. Right to Speak

a. City Council Members

The Chair shall recognize the right of City Council members to speak before the body. A Council member shall initiate his/her right to speak by depressing the "call for floor" button. The Chair shall maintain a sequential list of the callers.

b. Members of the Public

The Chair shall recognize a citizen's opportunity to comment on items that are under consideration by the Council as part of the formal agenda. A citizen will raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, stating his/her name and address.

The Chair shall recognize members of the public after all Council members have been given an opportunity to be heard on the subject. Upon recognition by the Chair, members of the public may speak for up to three (3) minutes. Written statements may also be filed with the City Clerk who shall distribute them to the Council at the earliest possible time.

2. Discussion of Motion

The Council member proposing a motion that has been duly seconded has the right to open the debate. Other members may then address the issue upon recognition by the Chair. Council members should strive to maintain reasonable time limits and to keep their discussion germane to the motion under consideration.

3. Call for the Question

Council members may indicate that they are ready to vote by depressing the "call for the question" button. The Chair is allowed a voting opportunity for the "Call for the question." When a majority of those members present have called for the questions, the Chair may close the discussion and put the questions to a vote.

4. City Manager and City Attorney

The City Manager and City Attorney may speak on any subject when recognized by the Chair. They may answer questions raised by members of City Council or ask another officer to answer for them. All questions about the internal operation of the municipal corporation shall be directed to the City Manager.

5. Right of Appeal

Council members shall have the right to appeal from a decision of the Chair. The Chair will give its reasons for the decision and the injured party will defend his/her position. A majority of the Council will determine the matter.

D. Right to Speak Uninterrupted

A Council member, duly recognized, shall be allowed to speak on the topic under discussion and may be interrupted only if a point of order is raised. If the Council member is judged to be in order he/she may continue on the subject. If determined to be out of order, the Council member must change his/her remarks or surrender the right to continue speaking.

E. Temporary Recess (Break)

Following completion of a business item, the Chair may call for a recess. A recess may not be called prior to a vote.

F. Signs Not Allowed in Chambers

Signs, posters, and placards may be carried outside the Council's meeting room, but shall not be allowed within, unless it is necessary for official business related to the agenda.

G. Use of Tobacco Prohibited at Council Meetings

The use of tobacco in any form shall not be allowed during the course of a City Council meeting regardless of location. This rule shall apply to all meetings of the Council.

III. Order of Business

A. Agenda Format

Each item of the agenda will have an abstract after the title when such an abstract is clearly indicated. The order of business shall be as follows:

- I. Invocation
- II. Pledge of Allegiance
- III. Roll Call
- IV. Proclamations and Public Recognitions
- V. Special Reports
- VI. Consent Agenda (See Note 2)
- VII. Public Hearings and First Reading of Ordinances
- VIII. Final Adoption of Ordinances
- IX. Resolutions
- X. Appearance of Citizens (See Note 1)
- XI. Elections/Appointments, Announcements, and Scheduling (See Note 3)
- 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

In order to allow flexibility to conduct city business, the City Clerk, with approval from the City Manager, may reorder the above agenda format on a per meeting basis.

Note 1: Appearance of Citizens: Citizens shall be permitted to address City Council about matters that are not on the formal agenda. For the city record, the City Clerk may require a sign up card for citizen appearances. Any citizen wishing to do so shall raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, state his/her name and address, and the purpose for his/her appearance before the Council. Comments shall generally be limited to three (3) minutes and shall relate to matters of City business. They shall not generally result in a formal response or action at the time of presentation because in most cases neither the Council nor the staff will be prepared to respond effectively; however, the Chair may answer questions or direct the City Manager to do so, or the City Manager may be requested to work with the citizen to effect resolution of the matter.

Statements that are purely political in nature will not be allowed, such as campaign speeches or announcements of candidacy for office, nor will announcements of a civic or social event that is unrelated to City business.

Note 2: Consent Agenda: Those items on the Council agenda which are considered routine by the City Manager – e.g., approval of minutes; certain standard form resolutions such as those extending the time for the oath of office; confirmation of certain appointments such as Council committees, the Oak Ridge Utility District, and the Youth Advisory Board, and routine purchases; shall be listed on the Consent Agenda and, unless a member of Council has *specifically* requested that an item be removed therefrom and Council action taken separately, these items shall be approved, adopted, accepted, etc., by a single motion of the Council followed by a roll call vote.

A City Councilmember will be afforded an opportunity following approval of the Consent Agenda to comment on any of the business items approved.

Note 3: Elections/Appointments, Announcements, and Scheduling: Nomination, elections, and appointments related to city and non-city boards, Council committees, and etc. shall occur under the “Elections/Appointments” category. “Announcements” will provide City Councilmembers with an opportunity to discuss attendance at recent and/or future conferences, participation at community events, or to express appreciation for recent volunteer efforts or community participation.

B. Preparation of the Agenda

The agenda will be prepared by the City Manager

1. Material for Agenda

All items for action shall be checked with the City Attorney for legality and with the administrative staff for adequacy where necessary.

2. Council Requests for New Business Items

The Mayor and City Council are urged to advise the City Manager of New Business Items prior to the posting of the agenda. If the items are not provided in advance then City Council can use this opportunity to provide direction to the City Manager regarding business requests and briefings during the City Council meeting. Those items will advance with a consensus from the Council.

3. Emergency Items

Materials concerning emergency items shall be furnished Council members at the earliest time possible.

4. The Finished Agenda

The finished agenda with associated material for regular Council meetings will usually be available in an electronic medium by close of business two (2) business days prior to the meeting. The agenda packet shall be placed on the City's website immediately upon completion and the City Clerk' Office will distribute copies of the agenda to the media.

IV. Motions

City Council adheres to Robert's Rules of Order except for the following:

A. Motion to Adjourn

A motion to adjourn is out of order prior to three (3) hours following commencement of the meeting if all items on the agenda have not been completed. An unqualified motion to adjourn shall not be debatable.

B. To Lay Question on the Table

A motion to lay on the table is not debatable and precludes amendments or debate of the subject under consideration. If the motion prevails, consideration of the matter tabled resumes only if a member of the majority voting in favor of the motion to table makes a motion to bring the matter off the table and it is seconded, and a majority of the members vote in favor of it.

C. Motion Asking for Previous Question

This motion is not debatable. When the previous question is called for there shall be no further amendments or debate and pending amendments shall be taken in their order before the main question.

D. To Postpone to Another Time

This motion is debatable and may be amended as to time.

E. To Refer to Committee or Individual

This is debatable.

F. Amendments

An amendment may be amended but further amendments are out of order. Any amendments must be germane to the original motion.

G. Motions to be State by the Chair

When debate is completed, the motion shall be restated by the Chair before voting.

H. Withdrawal of Motion

1. A motion may be withdrawn by the person making the motion with the consent of the person seconding the motion if debate has not begun.
2. A motion may be withdrawn after debate with consent of the majority of Council.

I. Public Hearing

Public hearings shall occur in the order as indicated in the above Agenda Format. A motion must be made each time for both the opening and the closing of a public hearing, followed by a vote of City Council.

V. Officers and Committees of Council

A. Mayor

The Council, at its first regular meeting following a regular city election and after all newly-elected members have been duly qualified, shall elect one of its members Mayor for a term of two (2) years. Whenever a vacancy occurs in the office of the Mayor, the Council shall elect one of its members to serve until the time fixed herein for the regular election of Mayor. The Mayor shall preside at meetings of the Council, shall have a vote on all matters but no veto power, shall have the same right as any other Council member to speak on an issue, shall be the ceremonial head of the City, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the Council to do so, shall be the officer to accept process against the City, shall not have any regular administrative duties, and shall perform only such duties as shall be specifically conferred or required by law.

[Charter, Article II, Section 6]

B. Mayor Pro Tem

The Council shall choose one of its members Mayor Pro Tem who shall act in the temporary absence or disability of the Mayor.

[Charter, Article II, Section 7]

The Mayor Pro Tem shall be chosen immediately following the election of the Mayor.

C. Committees

1. The Mayor or any member of Council, with the advice and consent of Council, may appoint committees whose membership may include persons not on Council. Officers of appointed committees shall be determined by appointed members of that committee unless City Council specifies otherwise.
2. Committees will be appointed to study specific matters. They shall be provided with a defined charge and a time limit shall be placed on the length of the study. The committee will make a report to the Council at a predetermined time. All committee reports upon which action is expected shall be in written form and copies shall be made available to each member of the Council. A committee shall cease to exist following acceptance of its report unless the Council takes action to extend its term for a defined period.

3. The affirmative vote of a majority of the members of Council then in office shall be required to make any authorized appointment or to remove such appointees. [Charter, Article II, Section 8]
4. Committee appointees shall be residents of the City unless otherwise specified by City Council.
5. There shall be no standing committee of the Council. [Charter, Article II, Section 8]  
(This section does not relate to Boards and Commissions who will convene in accordance with their enabling legislation.)

D. Appointment of Members to Non-City Committees

The Mayor, with the advice and consent of Council, may appoint members to other established bodies, as desired or deemed necessary.

VI. Expenses Incurred in the Conduct of Official Business

It shall be the policy of the Council to maintain the cost of all phases of Council operations at the most economical level consistent with satisfactory conduct of City affairs. To this end, City money shall be used to reimburse Council members and board, commission or committee members elected or appointed by the Mayor or City Council for expenses incurred in the conduct of City business. The City budget shall determine availability of funding for City reimbursed travel. While it shall be the policy of the Council to assume all reasonable costs associated with the conduct of such business, the following considerations shall be the basis for determining the reasonableness of such costs:

A. Prior Approval or Notification

1. City Council

Overnight travel shall be subject to prior approval or notification in the following manner:

- a. Submission of a request for approval at a Council meeting before the planned trip, or
- b. A councilmember must complete a Travel Notification Form and distribute to all members of City Council via the City Clerk with at least 24-hour advance notice.

The request for travel approval or advance notification shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

2. Members of Boards, Commissions, or Committees

Overnight travel shall be subject to budget and prior approval of the City Manager. The request for travel approval shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

B. Transportation

City vehicles should be the first consideration when used for transportation while on official City business unless consideration of time or distance would indicate that such use would be unreasonable or a vehicle is unavailable. When other modes of travel are to be used, the City shall provide or pay for tickets for rail, air or bus transportation. When

transportation tickets are secured by an individual, advantage must be taken of all tax exemptions allowed the City.

Cost of bus, taxi or limousine service from Oak Ridge to railway station or airport and return and at destination from airport, railway or bus terminal to hotel and return shall be an allowable expense. After reaching the hotel at destination, local transportation facilities shall be used, and costs of such use shall be borne by the City. Taxi fares will be allowed if justified on the basis of (1) unavailability of other means of transportation, (2) urgencies due to time schedules, (3) economic advantages to the City. The cost of rental car use may be assumed by the City when justified by the same considerations.

Use of personal automobiles for travel on City business shall be allowed with prior approval by the City Clerk. Only the driver of a personal car shall be reimbursed for such travel, and reimbursement shall be at the rate established by the City Manager for all other officers and employees of the City or an amount not to exceed economy airfare, whichever is less expensive. Passengers in such automobile shall not be paid any transportation allowance for such travel. Storage or parking charges resulting from the authorized use of either City or private automobile shall be at the expense of the city. The total transportation expense to be borne by the City when a personal car is used for official travel shall not exceed the amount of expense incurred had commercial air transportation been used when such transportation is available.

The only passengers allowed in City vehicles are City employees (including elected officials) and community representatives (with City Manager pre-approval) who are engaged in the conduct of city business. Exceptions for traveling with a spouse may be made only with the City Manager's prior approval; however, when employees wish to have other family members accompany them on City business, a private vehicle must be used.

C. Lodging

Actual cost of occupancy of hotel or motel room for the Council or Board member shall be at the expense of the City. When a room is occupied by more than one person and the additional occupants are not on official City business, then reimbursement for lodging will be made in the amount that would have been charged for single occupancy of the hotel or motel room.

D. Food

Actual cost of meals while conducting or traveling on City business is reimbursable; however, such costs shall be maintained at the most economical level possible. In lieu of submission of actual expenses for food, the maximum allowed for reimbursement shall be at the daily per diem rate established by the City Manager for all other officers and employees of the City. When traveling, the permissible food reimbursement shall be limited to the food reimbursement amount that would be given using the fastest method of transportation available. For example, when a slower method of transportation is used, such as vehicle travel instead of air travel, the permissible food reimbursement amount will be limited to the number of travel days had air travel been used.

E. Registration and Special Event Fees at Meetings and Conventions

Registration and special event fees shall be paid for in advance by the City whenever possible or if paid by the attendee, shall be reimbursable by the City.

F. Receipts

Routinely, all claims for expenses shall be accompanied by paid receipts. However, when traveling on City business, receipts are not required when the item is less than \$10 or the actual food charges are less than the daily rate established by the City Manager for all other officers or employees of the City.

G. Spousal Expense

All expenses for an accompanying spouse or guest shall be at the expense of the Council member or Board member.

H. Advances

Advance payments for travel expenses can only be made to the provider (airline, hotel, conference provider, etc.), but the traveler may be reimbursed after the trip if direct payment to a provider was not made.

[Tennessee Code Annotated §6-54-901-907]

I. Accounting

1. City Council

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Clerk within twenty (20) business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

The City Clerk shall prepare an annual report enumerating the travel expenses of each Council member. Copies of the report shall be distributed to the Council.

2. Members of Boards, Commissions, or Committees

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Manager within twenty (20) business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

VII. Amendments to Rules of Council

The rules of Council may be amended by a resolution adopted by a two-thirds vote of the entire membership of City Council. The resolution shall specify the effective date of the amended rules.

If an unusual occasion arises that a question is not specifically covered by the foregoing fundamental rules, the latest edition of Robert's Rules of Order will apply as interpreted by the City Clerk.

Adopted: 06/10/2013

Resolution No. 06-47-2013

Effective: 08/01/2013

NUMBER \_\_\_\_\_

**RESOLUTION**

A RESOLUTION ADOPTING UPDATED RULES AND PROCEDURES FOR CITY COUNCIL.

WHEREAS, by Resolution 6-47-2013, City Council adopted a new set of Rules and Procedures effective August 1, 2013; and

WHEREAS, at the request of the City Manager, City Council and City Staff suggested modifications to the Rules and Procedures; and

WHEREAS, the suggested modifications involve the agenda publication date, proclamations, and the order (format) of the agenda.

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

That the attached Rules and Procedures of the Oak Ridge City Council are hereby approved effective January 10, 2017.

This the 9th day of January 2017.

APPROVED AS TO FORM AND LEGALITY:



\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Mary Beth Hickman, City Clerk

PUBLIC HEARINGS  
AND  
FIRST READING OF  
ORDINANCES

**LEGAL DEPARTMENT MEMORANDUM**  
**16-22**

DATE: December 27, 2016

TO: Honorable Mayor and Members of Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: REPEAL OF WAIVER OF RESIDENCY REQUIREMENT/CITY OF OAK RIDGE  
ORDINANCE 8-406

At its December 12<sup>th</sup>, 2016 Meeting there was a brief discussion among Councilmembers about the waiver of City's residency requirement for owners of Businesses engaged in the retail sale of liquor, and whether it was still necessary to continue to require non-resident applicants to comply with this section of the City's Liquor Ordinance.

For historical reference, attached to this Memorandum is Legal Department Memo # 10-11 dated March 2<sup>nd</sup>, 2010 which contains City's Ordinance 8-406 entitled "Domicile Requirements for Applicants" and T.C.A. § 57-3-208(c) which references residency. Also, attached is a Legal Department Transmittal to Councilmembers dated October 11, 2016 which addressed the residency and waiver issue.

The Legal Department has prepared an Ordinance which repeals the Residency and Waiver Requirements of Section 8-406 for Council's consideration at its January 9<sup>th</sup>, 2017 meeting.

  
Kenneth R. Krushenski

TITLE

AN ORDINANCE TO AMEND TITLE 8, TITLED "ALCOHOLIC BEVERAGES," CHAPTER 4, TITLED "BEVERAGES EXCEEDING FIVE PER CENT ALCOHOL - RETAILER'S AND EMPLOYEE'S PERMITS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO DELETE SECTION 8-406, TITLED "DOMICILE REQUIREMENTS FOR APPLICANT," IN ITS ENTIRETY TO REMOVE THE RESIDENCY AND WAIVER REQUIREMENTS FOR THE RETAIL SALE OF LIQUOR.

WHEREAS, City Code §8-406 sets forth a two-year residency requirement in Oak Ridge immediately preceding the date of application for a liquor retail sale permit, which residency requirement is authorized but not required by Tennessee Code Annotated §57-3-208(c); and

WHEREAS, City Code §8-406 permits City Council to waive the residency requirement in its discretion upon certain conditions; and

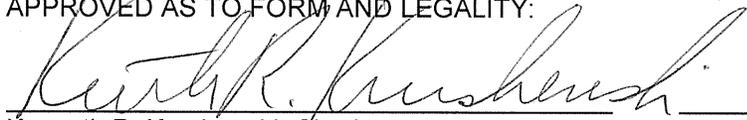
WHEREAS, City Council desires to remove the residency and waiver requirements by deletion of City Code §8-406.

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

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-406, titled "Domicile Requirements for Applicant," in its entirety without replacement.

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

Warren L. Gooch, Mayor

\_\_\_\_\_  
Mary Beth Hickman, City Clerk

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

**FINAL ADOPTION  
OF  
ORDINANCES**

**CITY COUNCIL MEMORANDUM**

**17-01**

**DATE:** January 3, 2017  
**TO:** Mark S. Watson, City Manager  
**FROM:** Bruce M. Applegate, Interim Personnel Director / Assistant to the City Manager  
**SUBJECT:** CITY CODE AMENDMENT – TAXICAB REGULATIONS

Introduction

An item for City Council's consideration is a substitute ordinance to amend the City Code provisions pertaining to Taxicabs (Title 9, Chapters 2-4 of the Code of Ordinances) and their operation within the City limits. The substitute ordinance incorporates the suggested changes made by Councilmembers at first reading of the ordinance on December 12, 2016.

Funding

No funding is necessary for this item.

Analysis

A recent review of the City Code provisions regarding the definition and operation of Taxicabs within the City revealed several areas for improvement and simplification. Meetings were held between the Police Department and Morgan Cab Company (the only taxi company currently operating in Oak Ridge) to go over current operating requirements and begin staff review of the current City Code.

Recommended changes from these meetings include the following:

1. Amendment to the heading of Title 9 from "BUSINESS, PEDDLERS, SOLICITORS, ETC.," to "BUSINESS, PEDDLERS, SOLICITORS, TAXICABS, ETC."
2. Changes to City Code § 9-201 to include:
  - a. Definition for ASE Certified Mechanic. The definition was amended to include broader certification standards, while retaining a requisite level of certification confirmation.
  - b. Redefining the term City Manager to indicate City Manager or duly authorized designee.
  - c. Updating of the term Taxicab to reflect changes made at the state level regarding "Transportation Network Companies" to address transportation by Uber drivers and similar operations which are excluded by statute from taxicab regulations.
3. Clarification of City Code § 9-205 covering City and Permittee responsibilities regarding mechanical inspections, and cleanliness evaluations.
4. Update of City Code § 9-212 regarding accident reporting to clearly define responsibilities of permittees when an accident resulting in death or injury to any person, resulting in damage to any vehicle, or result in damage to any property in an amount exceeding four hundred dollars(\$400.00). Section 9-212 was amended per Council's request to consolidate perceived redundancies.
5. Modification of City Code § 9-402.

Staff had originally intended to bring forth a resolution with the second reading of the ordinance to increase the base fare per mile charge. Work on that resolution is on-going, and will be brought before Council at a later date.

Recommendation

Approval of the proposed ordinance is recommended.



Bruce M. Applegate  
Interim Personnel Director/Assistant to the City Manager

Attachments: ~~Bold-Strikethrough of Changes for Substitute Ordinance~~  
Substitute Ordinance

City Manager's Comments:

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

  
\_\_\_\_\_  
Mark S. Watson  
\_\_\_\_\_  
Date

SUBSTITUTE ORDINANCE

ORDINANCE NO. \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO CHANGE ITS TITLE TO "BUSINESS, PEDDLERS, SOLICITORS, TAXICABS, ETC."; TO UPDATE PROVISIONS REGARDING TAXICABS WITH RESPECT TO DEFINITIONS, MAINTENANCE, ACCIDENT REPORTS, AND THE APPLICATION; AND TO ADDRESS A NEW STATE LAW PERTAINING TO TRANSPORTATION NETWORK COMPANIES (EX. UBER) WHICH ARE EXCLUDED BY STATUTE FROM TAXICAB REGULATIONS.

WHEREAS, Title 9 of the City Code contains three chapters (Chapters 2, 3, and 4) devoted to taxicab regulations; and

WHEREAS, the taxicab regulations are in need of updating to address definitions, maintenance, accident reports, and the application process as well as to address recent state law changes pertaining to transportation network companies (ex. Uber) which are excluded by statute from taxicab regulations; and

WHEREAS, the City desires to replace the title of Title 9 from "Business, Peddlers, Solicitors, Etc." to "Business, Peddlers, Solicitors, Taxicabs, Etc." to more accurately reflect the contents of this title.

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

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting the title of Title 9, titled "Business, Peddlers, Solicitors, Etc.," in its entirety and substituting therefore a new title for Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc."

Section 2. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-201, titled "Defined," in its entirety and substituting therefore a new Section 9-201, titled "Definitions," which new section shall read as follows:

Section 9-201. Definitions.

- (a) ASE-Certified Mechanic. ASE-Certified Mechanic means a mechanic certified by the National Institute for Automotive Service Excellence or similar nationally recognized mechanical certification.
- (b) City Manager. City Manager means the City Manager or the City Manager's duly authorized designee.
- (c) Taxicab. Taxicab means any motor vehicle used for the purpose of transporting persons within the city for hire and not operating upon an established route or between fixed termini. Taxicab does not include vehicles engaged exclusively in sight-seeing operations or used for weddings, funerals, or similar operations. Further, taxicab does not include vehicles operated or controlled by transportation network companies as that termed in defined in Tennessee Code Annotated §55-12-141.

Section 3. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-205, titled "Maintenance and Inspection," in its entirety and substituting therefore a new Section 9-205, titled "Maintenance, Signage, and Inspection," which new section shall read as follows:

Section 9-205. Maintenance, Signage, and Inspection.

- (a) Maintenance. All taxicabs operated within the City shall be safely conditioned for the transportation of passengers and shall be kept in a clean and sanitary condition in interior and exterior. All taxicabs shall be receive annual maintenance by an ASE-Certified Mechanic. Documentation of this annual evaluation shall be submitted to the City Manager and kept on file in the City Clerk's Office. It shall be unlawful for any person to operate a taxicab in the city limits unless such taxicab is equipped in accordance with the requirements of the state motor vehicle law.
- (b) Signage. All taxicabs shall have conspicuously posted inside the cab a sign reading as follows:

City ordinance requires that the interior and exterior of this cab be kept clean. If you think the cleanliness of this cab needs improvement, please mention this to the cab driver or call the Police Department (865-425-4399) and give the number of the cab.
- (c) Inspection. The City Manager shall cause to be made periodic inspection of such vehicles to determine their fitness for public use. It shall be grounds for the revocation of any taxicab permit for the holder thereof to fail to comply with this section.

Section 4. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-212, titled "Accident Reports," in its entirety and substituting therefore a new Section 9-212, titled "Accident Reports," which new section shall read as follows:

Section 9-212. Accident Reports.

All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, result in damage to any vehicle, or result in damage to any property in an amount exceeding four hundred dollars (\$400.00) shall be reported within seventy-two (72) hours from the time of the occurrence to the City Manager on a form to be furnished by the City Manager. Any taxicab damaged in an accident may not be returned to service until a safety inspection has been completed by an ASE-Certified Mechanic and has been approved for safe operation by said mechanic, with documentation of such delivered to the City Manager. A taxicab damaged in an accident, but still operable per the safety inspection without placing the driver or passengers at risk, must be repaired within two (2) weeks of the accident or removed from operation until repaired.

A taxicab driver operating a taxicab at the time of an accident involving bodily injury or death is required to report for a drug screen within twenty-four hours from the time of occurrence at a testing site designated by the City Manager. Failure to report for such a screen may result in revocation of the taxicab driver's license.

Section 5. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 4, titled "Taxicabs – Driver's License," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-402, titled "Application," in its entirety and substituting therefore a new Section 9-402, titled "Application," which new section shall read as follows:

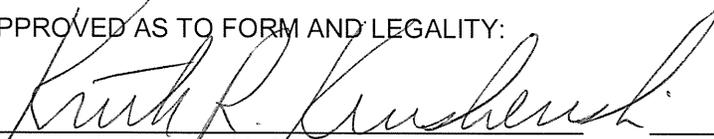
Section 9-402. Application.

Application for a taxicab driver's license shall be on a form provided by the City Manager. Such application shall give the applicant's full name; present address; place of residence for three (3) years next preceding; age; height; color of eyes and hair; places of previous employment; whether he or she has ever been convicted of a felony or misdemeanor; Tennessee driver's license number with the appropriate state-required endorsement for drivers of vehicles for hire;

whether previously licensed as a driver or chauffeur, and if so, whether his or her license has ever been suspended or revoked. Such application shall be signed and sworn to by the applicant, submitted to the City Manager, and then kept by the City Clerk as part of the applicant's file. The application provided for herein shall have attached thereto, on a form provided by the City Manager, affidavits of the applicant's good character from two (2) reputable persons who have known him or her personally during the three (3) years next preceding the date of the application.

Section 6. 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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Mary Beth Hickman, City Clerk

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

**CITY COUNCIL MEMORANDUM**  
**16-63**

**DATE:** November 23, 2016  
**TO:** Mark S. Watson, City Manager  
**FROM:** Bruce M. Applegate, Interim Personnel Director / Assistant to the City Manager  
**SUBJECT:** CITY CODE AMENDMENT – TAXICAB REGULATIONS

Introduction

An item for City Council's consideration is an ordinance to amend the City Code provisions pertaining to Taxicabs (City Code Title 9, Chapters 2-4) and their operation within the City limits.

Funding

No funding is necessary for this item.

Analysis

A recent review of the City Code provisions regarding the definition and operation of Taxicabs within the City revealed several areas for improvement and simplification. Meetings were held between the Police Department and Morgan Cab Company (the only taxi company currently operating in Oak Ridge) to go over current operating requirements and begin staff review of the current City Code.

Recommended changes from these meetings include the following:

1. Amendment to the heading of Title 9 from "BUSINESS, PEDDLERS, SOLICITORS, ETC.," to "BUSINESS, PEDDLERS, SOLICITORS, TAXICABS, ETC.,".
2. Changes to City Code § 9-201 to include:
  - a. Definition for ASE Certified Mechanic.
  - b. Redefining the term City Manager to indicate City Manager or duly authorized designee.
  - c. Updating of the term Taxicab to reflect changes made at the state level regarding "Transportation Network Companies" to address transportation by Uber drivers and similar operations which are excluded by statute from taxicab regulations.
3. Clarification of City Code § 9-205 covering City and Permittee responsibilities regarding mechanical inspections, and cleanliness evaluations.
4. Update of City Code § 9-212 regarding accident reporting to clearly define responsibilities of permittees when an accident resulting in death or injury to any person, resulting in damage to any vehicle, or result in damage to any property in an amount exceeding four hundred dollars(\$400.00).
5. Modification of City Code § 9-402.

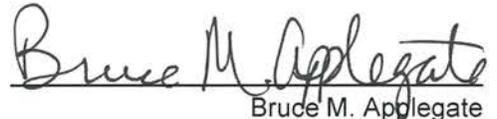
It is staff's intention to bring forth a resolution with second reading of the ordinance to increase the base fare per mile charge to mirror the rate charged in comparable neighboring communities. The fare increase

will mitigate some of the costs associated with recommended amendments and was requested by Morgan Cab Company.

Recommendation

Approval of the proposed ordinance is recommended.

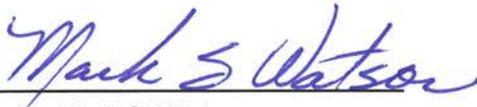
Attachments: Bold-Strikethrough  
Proposed Ordinance



Bruce M. Applegate  
Interim Personnel Director/Assistant to the City Manager

**City Manager's Comments:**

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



Mark S. Watson



Date

## BOLD-STRIKETHROUGH OF CHANGES

### TITLE 9 BUSINESS, PEDDLERS, SOLICITORS, TAXICABS, ETC.

#### Section 9-201. Defined Definitions.

- (a) **ASE-Certified Mechanic.** ASE-Certified Mechanic means a mechanic certified by the National Institute for Automotive Service Excellence.
- (b) **City Manager.** City Manager means the City Manager or the City Manager's duly authorized designee.
- (c) **Taxicab.** Taxicab means ~~The term "taxicab," as used in chapters 2, 3, and 4 of this title, shall mean any motor vehicle used for the purpose of transporting persons within the city, for hire, and not operating upon an established route or between fixed termini. Taxicab does not include vehicles engaged exclusively in sight-seeing operations or used for weddings, funerals, or similar operations.~~ **Further, taxicab does not include vehicles operated or controlled by transportation network companies as that termed in defined in Tennessee Code Annotated §55-12-141.**

#### Section 9-205. Maintenance, Signage, and Inspection.

- (a) **Maintenance.** All taxicabs operated within the City shall be safely conditioned for the transportation of passengers, and shall be kept in a clean and sanitary condition in interior and exterior. **All taxicabs shall be receive annual maintenance by an ASE-Certified Mechanic. Documentation of this annual evaluation shall be submitted to the City Manager and kept on file in the City Clerk's Office. It shall be unlawful for any person to operate a taxicab in the city limits unless such taxicab is equipped in accordance with the requirements of the state motor vehicle law.**
- (b) **Signage.** All taxicabs shall have conspicuously posted inside the cab a sign reading as follows:

City ordinance requires that the interior and exterior of this cab be kept clean. If you think the cleanliness of this cab needs improvement, please mention this to the cab driver or call the Police Department (865-425-4399) and give the number of the cab.
- (c) **Inspection.** The City Manager shall cause to be made periodic inspection of such vehicles to determine their fitness for public use. It shall be grounds for the revocation of any taxicab permit for the holder thereof to fail to comply with this section.

#### Section 9-212. Accident Reports.

~~Any accident in which any person is injured, in which a taxicab is involved, shall be reported within three (3) hours thereof by the driver of such taxicab to the police department. Such report shall give the cause, if known, and nature of the accident and the names of any known witnesses. In the event the operator is unable to make the report within the above specified time, he or she shall make it as soon as he or she is able to do so.~~

**All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, result in damage to any vehicle, or result in damage to any property in an amount exceeding four hundred dollars (\$400.00) shall be reported within seventy-two (72) hours**

from the time of the occurrence to the City Manager on a form to be furnished by the City Manager. Any taxicab damaged in an accident may not be returned to serve until a safety inspection has been completed by an ASE-Certified Mechanic.

A taxicab driver operating a taxicab at the time of an accident involving bodily injury or death is required to report for a drug screen within twenty-four hours from the time of occurrence at a testing site designated by the City Manager. Failure to report for such a screen may result in revocation of the taxicab driver's license.

A taxicab damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two (2) weeks of the accident or removed from operation until repaired.

Section 9-402. Application.

Application for a taxicab driver's license shall be on a form provided by the City Manager. Such application shall give the applicant's full name; present address; place of residence for three (3) years next preceding; age; height; color of eyes and hair; places of previous employment; ~~whether married or single; whether he or she has ever been convicted of a felony or misdemeanor; Tennessee Chauffeur's license number~~ **Tennessee driver's license number with the appropriate state-required endorsement for drivers of vehicles for hire**; whether previously licensed as a driver or chauffeur, and if so, whether his or her license has ever been suspended or revoked. Such application shall be signed and sworn to by the applicant, **submitted to the City Manager**, and ~~filed, as part of his or her records, by the city clerk~~ then kept by the City Clerk as part of the applicant's file. The application provided for herein shall have attached thereto, on a form provided by the City Manager, affidavits of the applicant's good character from two (2) reputable persons who have known him or her personally during the three (3) years next preceding the date of the application.

NOTE: The new language for City Code §9-212 is similar to an ordinance in Chattanooga.

TITLE

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO CHANGE ITS TITLE TO "BUSINESS, PEDDLERS, SOLICITORS, TAXICABS, ETC."; TO UPDATE PROVISIONS REGARDING TAXICABS WITH RESPECT TO DEFINITIONS, MAINTENANCE, ACCIDENT REPORTS, AND THE APPLICATION; AND TO ADDRESS A NEW STATE LAW PERTAINING TO TRANSPORTATION NETWORK COMPANIES (EX. UBER) WHICH ARE EXCLUDED BY STATUTE FROM TAXICAB REGULATIONS.

WHEREAS, Title 9 of the City Code contains three chapters (Chapters 2, 3, and 4) devoted to taxicab regulations; and

WHEREAS, the taxicab regulations are in need of updating to address definitions, maintenance, accident reports, and the application process as well as to address recent state law changes pertaining to transportation network companies (ex. Uber) which are excluded by statute from taxicab regulations; and

WHEREAS, the City desires to replace the title of Title 9 from "Business, Peddlers, Solicitors, Etc." to "Business, Peddlers, Solicitors, Taxicabs, Etc." to more accurately reflect the contents of this title.

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

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting the title of Title 9, titled "Business, Peddlers, Solicitors, Etc.," in its entirety and substituting therefore a new title for Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc."

Section 2. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-201, titled "Defined," in its entirety and substituting therefore a new Section 9-201, titled "Definitions," which new section shall read as follows:

Section 9-201. Definitions.

- (a) ASE-Certified Mechanic. ASE-Certified Mechanic means a mechanic certified by the National Institute for Automotive Service Excellence.
- (b) City Manager. City Manager means the City Manager or the City Manager's duly authorized designee.
- (c) Taxicab. Taxicab means any motor vehicle used for the purpose of transporting persons within the city for hire and not operating upon an established route or between fixed termini. Taxicab does not include vehicles engaged exclusively in sight-seeing operations or used for weddings, funerals, or similar operations. Further, taxicab does not include vehicles operated or controlled by transportation network companies as that termed in defined in Tennessee Code Annotated §55-12-141.

Section 3. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-205, titled "Maintenance and Inspection," in its entirety and substituting therefore a new Section 9-205, titled "Maintenance, Signage, and Inspection," which new section shall read as follows:

Section 9-205. Maintenance, Signage, and Inspection.

- (a) Maintenance. All taxicabs operated within the City shall be safely conditioned for the transportation of passengers and shall be kept in a clean and sanitary condition in interior and exterior. All taxicabs shall be receive annual maintenance by an ASE-Certified Mechanic. Documentation of this annual evaluation shall be submitted to the City Manager and kept on file in the City Clerk's Office. It shall be unlawful for any person to operate a taxicab in the city limits unless such taxicab is equipped in accordance with the requirements of the state motor vehicle law.
- (b) Signage. All taxicabs shall have conspicuously posted inside the cab a sign reading as follows:
- City ordinance requires that the interior and exterior of this cab be kept clean. If you think the cleanliness of this cab needs improvement, please mention this to the cab driver or call the Police Department (865-425-4399) and give the number of the cab.
- (c) Inspection. The City Manager shall cause to be made periodic inspection of such vehicles to determine their fitness for public use. It shall be grounds for the revocation of any taxicab permit for the holder thereof to fail to comply with this section.

Section 4. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-212, titled "Accident Reports," in its entirety and substituting therefore a new Section 9-212, titled "Accident Reports," which new section shall read as follows:

Section 9-212. Accident Reports.

All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, result in damage to any vehicle, or result in damage to any property in an amount exceeding four hundred dollars (\$400.00) shall be reported within seventy-two (72) hours from the time of the occurrence to the City Manager on a form to be furnished by the City Manager. Any taxicab damaged in an accident may not be returned to serve until a safety inspection has been completed by an ASE-Certified Mechanic.

A taxicab driver operating a taxicab at the time of an accident involving bodily injury or death is required to report for a drug screen within twenty-four hours from the time of occurrence at a testing site designated by the City Manager. Failure to report for such a screen may result in revocation of the taxicab driver's license.

A taxicab damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two (2) weeks of the accident or removed from operation until repaired.

Section 5. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 4, titled "Taxicabs – Driver's License," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-402, titled "Application," in its entirety and substituting therefore a new Section 9-402, titled "Application," which new section shall read as follows:

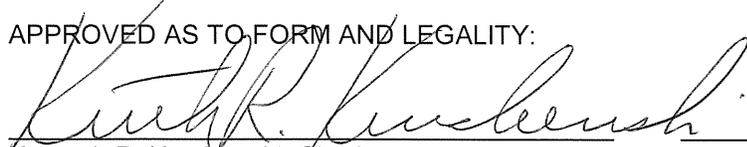
Section 9-402. Application.

Application for a taxicab driver's license shall be on a form provided by the City Manager. Such application shall give the applicant's full name; present address; place of residence for three (3) years next preceding; age; height; color of eyes and hair; places of previous employment; whether he or she has ever been convicted of a felony or misdemeanor; Tennessee driver's license number with the appropriate state-required endorsement for drivers of vehicles for hire;

whether previously licensed as a driver or chauffeur, and if so, whether his or her license has ever been suspended or revoked. Such application shall be signed and sworn to by the applicant, submitted to the City Manager, and then kept by the City Clerk as part of the applicant's file. The application provided for herein shall have attached thereto, on a form provided by the City Manager, affidavits of the applicant's good character from two (2) reputable persons who have known him or her personally during the three (3) years next preceding the date of the application.

Section 6. 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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mary Beth Hickman, City Clerk

First Reading: 12/12/2016

Publication Date: 12/15/2016

Second Reading: \_\_\_\_\_

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_