

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

March 13, 2017 - 7:00 p.m.

AGENDA

- I. INVOCATION
Pastor Bobby Williams, Ridge Church
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS
Proclamations
 - a. A proclamation recognizing the Boys and Girls Club of the Clinch Valley Youth of the Year award winner and finalists
 - b. A proclamation designating April, 2017 as Altrusa Centennial Month
 - c. A proclamation designating April 1, 2017 as Lupus Awareness Day
 - d. A proclamation designating April 9-15, 2017 as Library Week
- V. SPECIAL REPORTS
- VI. CONSENT AGENDA
 - a. Approval of the February 13, 2017 City Council regular meeting minutes
 - b. Approval of the February 21, 2017 City Council special meeting minutes
 - c. A RESOLUTION GRANTING RENEWAL PERMITS TO PERSONS ENGAGED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY FOR ONE YEAR.
 - d. A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ISSUE CERTIFICATES OF COMPLIANCE FOR PERSONS GRANTED PERMITS TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR TWO YEARS.
 - e. A RESOLUTION WAIVING THE CITY'S RIGHT TO REIMBURSEMENT OF THE EMERGENCY RESPONSE SERVICES PROVIDED BY THE FIRE DEPARTMENT TO PIGEON FORGE AND GATLINBURG IN NOVEMBER/DECEMBER 2016.
 - f. A RESOLUTION AUTHORIZING THE PURCHASE OF SINGLE-PHASE MOUNTED TRANSFORMERS FROM WESCO DISTRIBUTION, INC., KNOXVILLE, AND ERMCO DISTRIBUTION TRANSFORMERS, DYERSBURG, IN THE GRAND TOTAL ESTIMATED AMOUNT OF \$339,067.00 FOR USE BY THE ELECTRIC DEPARTMENT.
 - g. A RESOLUTION TO RELINQUISH THE 2016 STATE OF TENNESSEE TOURISM ENHANCEMENT GRANT TO THE STATE IN THE AMOUNT OF \$40,000.00.

- h. A RESOLUTION SUPPORTING THE TOWN OF OLIVER SPRINGS' REQUEST TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION TO CHANGE THE NINE-MILE PORTION OF STATE HIGHWAY 61 BETWEEN OLIVER SPRINGS AND HARRIMAN FROM A TWO-LANE HIGHWAY TO A FOUR-LANE HIGHWAY AND TO PRIORITIZE THE PROJECT DUE TO SAFETY CONCERNS.

VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 018.03, ANDERSON COUNTY TAX MAP 111G, GROUP B, (APPROXIMATELY 19.476 ACRES) FROM FIR, FEDERAL INDUSTRY AND RESEARCH DISTRICT, TO IND-2, INDUSTRIAL DISTRICT, SAID PARCEL BEING LOCATED AT 1010 LARSON DRIVE.

VIII. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 3-2016, WHICH ORDINANCE PROVIDES FOR A BUDGET AND APPROPRIATIONS FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR WHICH BEGAN ON JULY 1, 2016 BY ADOPTING A BUDGET AND ADOPTING APPROPRIATIONS, BY AMENDING SAID APPROPRIATIONS.
- b. AN ORDINANCE ABANDONING THE PLATTED RIGHT-OF-WAY STUB-OUT LOCATED BETWEEN 113 WILLIAM LANE AND 115 WILLIAM LANE IN THE WESTWOOD SUBDIVISION.

IX. RESOLUTIONS

- a. A RESOLUTION TO SUPPORT THE OAK RIDGE BOARD OF EDUCATION'S RECOMMENDATION AND TO SELECT SCARBORO PARK AS THE LOCATION FOR CONSTRUCTION OF A NEW PRESCHOOL BUILDING.
- b. A RESOLUTION TO EXTEND THE CURRENT WATER SERVICES CONTRACT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF ENERGY (DOE) THROUGH JUNE 30, 2017.
- c. A RESOLUTION AUTHORIZING THE SALE OF A CITY-OWNED PARCEL LOCATED OFF THE OAK RIDGE TURNPIKE BEHIND 100 ADAMS LANE (ANDERSON COUNTY TAX MAP 0990 GROUP A PARCEL 009.00) TO SUMMIT MEDICAL OF OAK RIDGE FOR THE PURCHASE PRICE OF \$131,100.00.
- d. A RESOLUTION AUTHORIZING THE SUBMITTAL OF A LETTER OF INTEREST TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY UNDER THE WIFIA PROGRAM FOR THE WATER TREATMENT PLANT CONSTRUCTION PROJECT, AND AUTHORIZING THE SUBMITTAL OF THE REQUIRED APPLICATION AND FEE SHOULD THE CITY'S PROJECT BE SELECTED TO MOVE FORWARD IN THE APPLICATION PROCESS.
- e. LEGISLATIVE ACTION ITEMS
 - i. A RESOLUTION URGING THE TENNESSEE GENERAL ASSEMBLY TO REPEAL ANY PREEMPTION OF LOCAL CONTROL TO REGULATE SMOKING.
 - ii. A RESOLUTION EXPRESSING OPPOSITION TO SENATE BILL 0127 (HOUSE BILL 0054).

iii. Any late legislative items will be brought up on the floor by the City Manager

X. APPEARANCE OF CITIZENS

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

i. Appointment of Jane Shelton as the Planning Commission representative to the Traffic Safety Advisory Board

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. CITY MANAGER'S REPORT

b. CITY ATTORNEY'S REPORT

XVI. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM
17-04

DATE: February 28, 2017
TO: Honorable Mayor and Members of City Council
FROM: Mary Beth Hickman, City Clerk
SUBJECT: PROCLAMATIONS FOR THE MARCH 13, 2017 CITY COUNCIL MEETING AGENDA

The following proclamations are presented for the March 13, 2017 City Council meeting for the City Council's consideration:

A proclamation recognizing the Boys and Girls Club of the Clinch Valley Youth of the Year Award Winner and Finalists

This request was submitted by Councilmember James Dodson to honor the Boys and Girls Club of the Clinch Valley Youth of the Year Award winner Jordan Hannah of Oak Ridge High School and finalists Mason Kocka and Macy Hendrickson of Harriman High School and Corrine Bailey of Oak Ridge High School. Mr. Hannah was selected by a panel of judges after interviews and club members' speeches. He will go on to vie for the Tennessee Youth of the Year title and a \$5,000 scholarship from Boys and Girls Clubs of America. Representatives from the Boys and Girls Club of the Clinch Valley and the students have been invited to attend the meeting to accept the proclamation.

A proclamation designating April, 2017 as Altrusa Centennial Month.

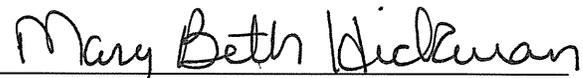
This request was submitted by Sasha Benjamin, President of Altrusa International of Oak Ridge, Tennessee, Inc. and Kathy Edwards, member of Altrusa International of Oak Ridge, Tennessee, Inc. in honor of Altrusa International's 100th Anniversary. Several members of Altrusa International of Oak Ridge, Tennessee, Inc. will be in attendance to accept the proclamation.

A proclamation designating April 1, 2017 as Lupus Awareness Day

This request was submitted by Donna Sullivan, owner of Hot Bagel of Oak Ridge, to designate April 1, 2017 as Lupus Awareness Day. April 1, 2017 marks the 6th Annual Butterflies for Hope Lupus Awareness Bicycle Ride from Hot Bagel Company to Norris Lake and back.

A proclamation designating April 9-15, 2017 as Library Week

This request was submitted by Kathy McNeilly, Director of the Oak Ridge Public Library, to designate April 9-15, 2017 as Library Week. Ms. McNeilly will be in attendance to accept the proclamation.


Mary Beth Hickman

Attachments:

Proclamation recognizing the Boys and Girls Club of the Clinch Valley Youth of the Year award winner and finalists
Proclamation designating April, 2017 as Altrusa Centennial Month
Proclamation designating April 1, 2017 as Lupus Awareness Day
Proclamation designating April 9-15, 2017 as Library Week

PROCLAMATION

WHEREAS, the mission of the Boys and Girls Club of the Clinch Valley is to enable all young people, especially those who need us most, to reach their full potential as productive, caring and responsible citizens; and

WHEREAS, the Boys and Girls Club provides opportunities for youth to engage in programs and activities to promote their physical, mental and emotional well-being; and

WHEREAS, the Youth of the Year Award is a prestigious honor presented by the Boys and Girls Club to an exemplary young person in recognition of leadership, service, academic excellence and dedication to a healthy lifestyle; and

WHEREAS, the 2017 Youth of the Year Award recipient is Jordan Hannah, who is a senior at Oak Ridge High School, where he has played football for four years; and

WHEREAS, Jordan has attended the Oak Ridge Boys and Girls Club since he was seven years old and now works part-time for the Boys and Girls Club; and

WHEREAS, Jordan plans to attend Middle Tennessee State University and major in Secondary Education; and

WHEREAS, Jordan consistently leads by example and gives back to his community through mentoring youth and volunteering his time in youth sports; and

WHEREAS, other competitors for the Youth of the Year Award were Mason Kocka of Harriman High School, Macy Hendrickson of Harriman High School, and Corrine Bailey of Oak Ridge High School.

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

that the City congratulates Jordan Hannah for receiving the Boys and Girls Club of the Clinch Valley Youth of the Year award, recognizes Mason Kocka, Macy Hendrickson and Corrine Bailey for their accomplishments and participation in the competition, and that the City pays tribute to the Boys and Girls Club of the Clinch Valley for its continued commitment to improving the quality of life for young people in Oak Ridge and surrounding communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of March in the year 2017.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, Altrusa International, Inc. is a global non-profit organization, leading local communities to be better through leadership, partnership and service; and

WHEREAS, Altrusa International, Inc., organized in Nashville, Tennessee on April 11, 1917, is a community service organization that values diversity and contributes to the good of the community through volunteer members who have provided more than a million hours of service around the world; and

WHEREAS, Altrusa International of Oak Ridge, Tennessee, Inc. was founded in 1949 to improve the quality of life in the community through service projects, and to increase public awareness of Altrusa in Anderson, Roane and surrounding counties; and

WHEREAS, members of Altrusa International of Oak Ridge, Tennessee, Inc. have improved literacy, leadership, education, health and our quality of life by devoting thousands of service hours and raising thousands of dollars for these causes within our community; and

WHEREAS, Altrusa International of Oak Ridge, Tennessee, Inc. awards scholarships based on financial need, academic achievement and extracurricular activities; and

WHEREAS, Altrusa International of Oak Ridge, Tennessee, Inc. sponsors many other worthy programs, such as the In Her Shoes program, which invites girls into workplaces so they can explore career opportunities under the guidance of women mentors; the Karry 4 Kids program, which provides children in shelter and foster care with duffel bags so that they will never have to move from place to place with personal items in trash bags; and the Partners in Education program, in which volunteers support school events and encourage childhood literacy by providing a book for each child and present Angel Tree holiday gifts for several families in need; and

WHEREAS, Altrusa International of Oak Ridge, Tennessee, Inc. also co-sponsors an annual Lunch 4 Literacy to fund area literacy projects and donates books to local community libraries; and

WHEREAS, Altrusa International, Inc. is observing its Centennial Celebration on April 11, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the month of April, 2017 be proclaimed

ALTRUSA CENTENNIAL MONTH

in the City of Oak Ridge, Tennessee, and that the City hereby extends greetings and best wishes to all current and former members of Altrusa observing the Centennial of this worthwhile organization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of March in the year 2017.

WARREN L. GOOCH
MAYOR

PROCLAMATION

WHEREAS, lupus is a cruel, mysterious and chronic lifelong autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body; and

WHEREAS, lupus can affect any part of the body, including the skin, lungs, heart, kidneys and brain and can cause seizures, strokes, heart attacks, miscarriages and organ failure; and

WHEREAS, one of the first signs of lupus is a "butterfly rash" from one cheek to the other and is accompanied by pain, extreme fatigue and loss of hair; and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses and major gaps exist in understanding the causes and consequences of lupus; and

WHEREAS, more than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

WHEREAS, there has been only one new drug approved by the U.S. Food and Drug Administration specifically for lupus in 56 years and current treatments for the disease can have damaging side effects; and

WHEREAS, an estimated 1.5 million Americans have been diagnosed with lupus, including 30,000 people in Tennessee; and

WHEREAS, on April 1, 2017, the Sixth Annual Butterflies for Hope Lupus Awareness & Research Bicycle Ride will take place in Oak Ridge, starting at the Hot Bagel Company and including a sixty-two mile ride to Norris Dam.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that April 1, 2017 be proclaimed

LUPUS AWARENESS DAY

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to support this worthwhile event and other efforts to raise awareness of this debilitating disease and additional research opportunities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of March in the year 2017.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, libraries create potential and possibilities in their communities, campuses, and schools; and

WHEREAS, libraries work to meet the changing needs of their users, including building collections, expanding outreach services and increasing programming; and

WHEREAS, our nation's libraries provide a forum for diverse ideas and points of view that help us better understand each other and ourselves; and

WHEREAS, librarians are trained, tech-savvy professionals, providing technology training to help people of all ages and backgrounds find and interpret the information they need to live, learn and work in an ever-changing economy; and

WHEREAS, librarians design and offer programs, facilities, and resources to meet their community's needs, providing residents with access to computers, Wi-Fi, job seeking tools, homework help, electronic databases, story times, periodicals, E-Books, senior book deliveries, local history archives, and genealogy resources; and

WHEREAS, libraries are part of the American dream, places for education, opportunity and lifelong learning; and

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member of their communities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the week of April 9-15, 2017 be proclaimed

LIBRARY WEEK

in the City of Oak Ridge, Tennessee, and that all residents be encouraged to visit the library this week to take advantage of the wonderful resources available to them.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of March in the year 2017.

WARREN L. GOOCH
MAYOR

CONSENT AGENDA

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

February 13, 2017

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on February 13, 2017 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The invocation was given by Pastor Bobby McCoy, Oak Ridge Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Hans Vogel.

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 Janice McGinnis, Finance Director. City Attorney Ken Krushenski was absent due to a death in the family.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Proclamations

A proclamation designating March 3, 2017 as Arbor Day.

Mayor Pro Tem Chinn moved for approval, and Councilmember Callison seconded. The proclamation was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A proclamation recognizing the interfaith efforts of Oak Ridge citizens to promote interfaith dialogue and harmony.

Councilmember Smith moved for approval, and Councilmember Hope seconded. The proclamation was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

SPECIAL REPORTS

Presentation and public meeting to provide information concerning the City of Oak Ridge's application for a Clean Water State Revolving Loan Fund loan.

Greg Jones with LDA Engineering made a presentation to Council regarding the City's application to the Clean Water State Revolving Loan Fund for rehabilitation of the Turtle Park sewer shed.

Gary McGee, 126 Morningside Drive, Oak Ridge, asked if this work would bring the City into compliance with the Environmental Protection Agency administrative order. City Manager Mark Watson responded that this is the last major segment that needs to be addressed and that the previous order has been addressed and dismissed by the Environmental Protection Agency.

The report was received for the record.

FY2016 Audit Report

Julie Hayes, with Coulter & Justus, 10308 Autumn Valley Lane, Knoxville, made a presentation regarding the FY 2016 Audit Report and answered questions from Council. The report was received for the record.

CONSENT AGENDA

Mayor Pro Tem Chinn moved for adoption of the Consent Agenda, and Councilmember Callison seconded.

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

Approval of the January 9, 2017 City Council regular meeting minutes

A RESOLUTION RENEWING THE CONTRACT (FY2015-222) WITH B & B SERVICES, INC., KNOXVILLE, TENNESSEE, FOR MOWING NON-RIGHTS-OF-WAY INCLUDING CITY- OWNED PARCELS AND PROPERTY FOR CALENDAR YEAR 2017 IN THE ESTIMATED AMOUNT OF \$96,300.00, AND AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT FOR THE REMAINING RENEWAL OPTIONS UPON SATISFACTORY PERFORMANCE.

A RESOLUTION AUTHORIZING THE TRANSFER OF TAX EQUIVALENTS FROM THE ELECTRIC AND WATERWORKS FUNDS TO THE GENERAL FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2017, AND TO AUTHORIZE DISTRIBUTION OF THE ELECTRIC FUNDS BETWEEN THE CITY OF OAK RIDGE AND ANDERSON AND ROANE COUNTIES IN ACCORDANCE WITH STATE LAW.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading

AN ORDINANCE TO AMEND ORDINANCE NO. 3-2016, WHICH ORDINANCE PROVIDES FOR A BUDGET AND APPROPRIATIONS FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR WHICH BEGAN ON JULY 1, 2016 BY ADOPTING A BUDGET AND ADOPTING APPROPRIATIONS, BY AMENDING SAID APPROPRIATIONS.

Mayor Pro Tem Chinn moved to open the public hearing, and Councilmember Callison seconded. Seeing no citizens requesting to speak, Councilmember Hope moved that the public hearing be closed. Councilmember Smith seconded, and the motion passed unanimously.

Councilmember Vogel asked if any better information was available with respect to the proposed uses of the increased amount in the schools budget. City Manager Mark Watson responded that the City was advised that the much of the increase is for the provision of laptops in the middle school and lower high school, and federal grant carry-overs.

Mayor Pro Tem Chinn moved for approval of the ordinance, and Councilmember Hope seconded.

The ordinance was approved by board vote with Councilmembers Callison, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye." Councilman Dodson recused himself and did not vote.

First Reading

AN ORDINANCE ABANDONING THE PLATTED RIGHT-OF-WAY STUB-OUT LOCATED BETWEEN 113 WILLIAM LANE AND 115 WILLIAM LANE IN THE WESTWOOD SUBDIVISION.

Councilmember Smith moved for approval of the ordinance, and Councilmember Hope seconded. City Manager Mark Watson provided an overview of the ordinance.

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 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.

Councilmember Smith 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.”

RESOLUTIONS

A RESOLUTION WAIVING COMPETITIVE BIDS AND AWARDED A CONTRACT TO RBM COMPANY, KNOXVILLE, TENNESSEE, TO RELOCATE THE FUEL PUMPS AT FIRE STATION #4 IN THE ESTIMATED AMOUNT OF \$36,300.00.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Hope seconded. Fire Chief Darryl Kerley answered questions from Council regarding 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 AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Smith seconded. City Manager Mark Watson 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 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH DEMIAN WILBUR ARCHITECTS, WASHINGTON D.C., FOR CONSTRUCTION DOCUMENTS, BIDDING ADMINISTRATION, AND CONSTRUCTION ADMINISTRATION SERVICES FOR A NEW PEACE BELL PAVILION IN THE ESTIMATED AMOUNT OF \$72,000.00.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Callison seconded. City Manager Mark Watson provided an overview of the resolution. Councilmember Smith asked if this item is part of the amount that the City has already pledged. Mr. Watson replied that it is. Councilman Vogel noted that this project is included as part of the Capital Improvements Program.

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 EXTEND THE EMPLOYEE MEDICAL INSURANCE CONTRACT BETWEEN THE CITY OF OAK RIDGE AND THE STATE OF TENNESSEE LOCAL GOVERNMENT HEALTH INSURANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2017 THROUGH DECEMBER 31, 2017 AT AN ESTIMATED COST OF \$4,520,000.00.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Dodson seconded. Interim Personnel Director Bruce Applegate 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 AUTHORIZING THE PURCHASE OF ONE (1) VACUUM EXCAVATOR FROM VERMEER HEARTLAND, KNOXVILLE, AND TWO (2) REPLACEMENT PICKUP TRUCKS FROM O.G. HUGHES & SONS, INC., KNOXVILLE, FOR USE BY THE ELECTRIC DEPARTMENT IN THE GRAND TOTAL ESTIMATED AMOUNT OF \$229,440.63.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Hope seconded. Electric Department Director Jack Suggs 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 EXPRESSING OPPOSITION TO THE USE OF PUBLIC FUNDS FOR PRIVATE SCHOOLS WITHOUT CERTAIN CONDITIONS BEING MET.

Mayor Gooch moved for approval of the resolution, and Councilmember Dodson seconded. City Manager Mark Watson provided an overview of the resolution, and several Council members expressed their support for the resolution.

Marian Wildgruber, 122 Connors Drive, Oak Ridge, spoke in favor of the resolution and stated her opposition to diverting money from public schools.

Gary McGee, 126 Morningside Drive, Oak Ridge, inquired if there is a legal liability to the City if there is a voucher and the child fails. City Manager Mark Watson responded that the answer to that has not been determined. He stated that the State of Tennessee would establish standards governing that issue, and that the City would be responsible for transferring funds to the schools.

Derrick Hammond, 112 Tiffany Place, Oak Ridge, spoke in support of the resolution and stated that even if a voucher system were to be effective, Oak Ridge schools are not the model for that.

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

APPEARANCE OF CITIZENS

Gary Lewellyn, 390 West Outer Drive, Oak Ridge, addressed Council regarding the proposed group home on West Outer Drive. He thanked Council members for their quick response to his concerns and requested a more transparent process for notifying residents of pending actions in the future.

Martin McBride, 954 W. Outer Drive, Oak Ridge, addressed Council regarding residency for Department of Energy employees and renewed his request that City Council invite Department of Energy leaders to attend a Council meeting to discuss the residency issue.

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Councilmember Vogel reported on the City Blueprint event held on January 26th at High Places Church. He stated that over 500 residents attended. There were over 670 cards turned in with 775 comments plus another 100 on Facebook, and there were 13 boards and commissions represented. The top five issues commented on were the senior center, more green space, more disc golf, new animal shelter, and more transportation to and from Knoxville.

In reporting on Planning Commission action, Councilmember Vogel stated that the Planning Commission has completed its review of the Capital Improvements Program and will be transmitting it to City Council in the very near future and that the Planning Commission elected the following officers: Steve Whitson, Chairman, Sharon Kohler, Vice-Chair, and Claudia Lever, Secretary.

Councilmember Hope expressed gratitude to everyone who volunteered for the Community Blueprint event.

Mayor Pro Tem Chinn stated that he had attended a Tennessee Department of Environment and Conservation information session pertaining to the Blankenship Field grant, and the East Tennessee Development District is possibly going to serve as the administrator of the grant.

Mayor Gooch informed Council that he had received a letter from a citizen commending Officers Ray Faircloth, John Thomas and Sergeant Shannah Newman for their service regarding his stolen walker. Mayor Gooch wanted to publicly commend the officers and thank them for all they did to assist this citizen.

Councilmember Dodson acknowledged the citizens present in the audience who were present at the Elm Grove site over the weekend and thanked them for taking pride in their community.

Scheduling

City Manager Mark Watson reported that the Board of Education is holding a work session on Friday, February 24th from 8:00-9:30 prior to their regular meeting on February 27th to discuss selection of a pre-school site. Their decision will then be brought to City Council at its March meeting.

The City Manager also reminded Council about their work session on February 21st and stated that there would most likely be a special called meeting prior to the work session.

The City Manager also informed Council that there will be no work session in November, and reminded them that the Budget and Finance Committee will meet on Wednesday, November 16 in the Mayor's Office.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

City Manager Mark Watson reported that the Senior Center move is complete and that the sidewalks are being worked on; the door will be adjusted with a button in order to meet Americans With Disabilities Act accessibility requirements, and there will be more signage put up reserving parking spaces on the library side for visitors to the center. He also reported that the 8th Lane project is progressing with most of the pouring on the sidewalks having been completed. He also stated that the transfer of the hotel property from Realty Link is scheduled to take place at the end of the month. Finally, he informed Council that he and Councilmember Hope will be attending the Energy Communities Alliance meeting in Washington, D.C. February 22nd-24th.

CITY ATTORNEY'S REPORT

ADJOURNMENT: 8:24 p.m.

OAK RIDGE CITY COUNCIL SPECIAL MEETING
Central Services Complex Multi-Purpose Room

February 21, 2017

Minutes

The special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 6:00 p.m. on February 21, 2017 in the Multi-Purpose Room of the Central Services Complex 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; Janice McGinnis, Finance Director; and Kenneth R. Krushenski, City Attorney.

ITEM FOR DISCUSSION

A RESOLUTION TO ADOPT THE OAK RIDGE WATER TREATMENT PLANT EVALUATION REPORT, DATED NOVEMBER 18, 2016, PREPARED BY JACOBS ENGINEERING GROUP, INC., KNOXVILLE, TENNESSEE.

Mayor Gooch moved for approval of the resolution, and Councilmember Hope seconded. City Manager Mark Watson provided an overview of the resolution, and Public Works Director Shira McWaters answered questions from Council.

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

ADJOURNMENT: 6:15 p.m.

LEGAL MEMORANDUM
17-03

DATE: February 27, 2017
TO: Honorable Mayor and Members of City Council
FROM: Kenneth K. Krushenski, City Attorney
SUBJECT: RETAIL PACKAGE STORE RENEWAL APPLICATIONS

Introduction

Two items for City Council's consideration are (1) a resolution granting renewal permits to persons engaged in the retail sale of alcoholic beverages in the city for one year, and (2) a resolution authorizing the Mayor to sign and issue Certificates of Compliance for persons granted permits to engage in the retail sale of alcoholic beverages for two years.

Background:

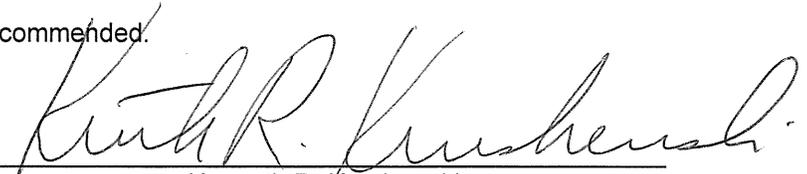
The Retail Package Store permits for the sale of alcoholic beverages in the city expire every year on March 31 and it is necessary that renewal permits be issued before that date. The State required Certificates of Compliance for those granted such permits are good for two years and expire every other year on March 31. All applications are for renewal of current permits. A list of permitted stores and any significant changes in the applications from last year is provided below:

Store Number

- | | |
|-----|---|
| 151 | <u>JB's Wine & Spirits, Inc.</u> , 202 S. Illinois Avenue—Jeanette Bowen, applicant. No changes. |
| 153 | <u>Oak Ridge Package Store</u> , 971 Oak Ridge Turnpike—Scott E. Garriott, applicant. No changes. |
| 154 | <u>Hilltop Wine & Spirits</u> , 346 N. Illinois Avenue—Troy Joseph Howe, applicant. No changes. |
| 155 | <u>Lizz's Wine & Spirits, Inc.</u> , 1505 Oak Ridge Turnpike—Aaron Wells and V. J. Murray, applicants. No changes. |
| 157 | <u>Turnpike Liquor Store</u> , 331 Oak Ridge Turnpike—Kalpesh Trambadia and Nilaykumar Trambadia, applicants. No changes. |

Recommendation

Approval of the attached resolutions is recommended.



Kenneth R. Krushenski

Attachments

RESOLUTION

A RESOLUTION GRANTING RENEWAL PERMITS TO PERSONS ENGAGED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY FOR ONE YEAR.

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

WHEREAS, said permits will expire on March 31, 2017, and it is necessary that renewal permits be issued before that date, and

WHEREAS, the individuals listed hereinafter have made application for permits for the year 2017-2018, and

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

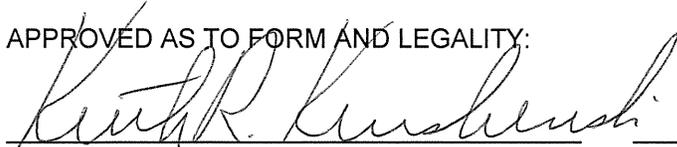
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the following persons are hereby granted a permit to engage in the retail sale of alcoholic beverages in the city at the indicated locations, for the year 2017-2018, and that the Mayor is authorized to sign said permits on behalf of the city:

<u>City Permit No.</u>	<u>Name of Applicant</u>	<u>Store and Location</u>
151	Jeanette Bowen	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue
153	Scott E. Garriott	Oak Ridge Package Store 971 Oak Ridge Turnpike
154	Troy Joseph Howe	Hilltop Wine & Spirits 346 N. Illinois Avenue
155	Aaron Wells V. J. Murray	Lizz's Wine & Spirits, Inc. 1505 Oak Ridge Turnpike
157	Kalpesh Trambadia Nilaykumar Trambadia	Turnpike Liquor Store 331 Oak Ridge Turnpike

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ISSUE CERTIFICATES OF COMPLIANCE FOR PERSONS GRANTED PERMITS TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR TWO YEARS.

WHEREAS, after diligent inquiry and careful investigation of certain applicants, City Council has found their general character to be good, and

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

WHEREAS, City Council has granted the necessary permits to said applicants for the retail sale of alcoholic beverages for one year beginning April 1, 2017, thereby signifying full compliance with the ordinances of the City of Oak Ridge, and

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

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

That the Mayor is hereby authorized to sign and issue certificates of compliance for the following persons, City Council finding that said persons have not been convicted of a felony, that all local regulations have been complied with, and that they will refrain from any violations hereinabove set forth:

<u>City Permit No.</u>	<u>Name of Applicant</u>	<u>Store and Location</u>
151	Jeanette Bowen	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue
153	Scott E. Garriott	Oak Ridge Package Store 971 Oak Ridge Turnpike
154	Troy Joseph Howe	Hilltop Wine & Spirits 346 North Illinois Avenue
155	Aaron Wells V. J. Murray	Lizz's Wine & Spirits, Inc. 1505 Oak Ridge Turnpike
157	Kalpesh Trambadia Nilaykumar Trambadia	Turnpike Liquor Store 331 Oak Ridge Turnpike

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

FIRE DEPARTMENT MEMORANDUM
HQ-17-02

DATE: February 6, 2017
TO: Mark S. Watson, City Manager
FROM: Darryl Kerley, Fire Chief
SUBJECT: WAIVER OF REIMBURSEMENT FOR RESPONSE TO SEVIER COUNTY FIRES

Introduction

An item for City Council's consideration is a resolution authorizing the City of Oak Ridge to waive the request for reimbursement to the Federal Emergency Management Agency (FEMA) for the Chimney Top 2 fire in Sevier County, Tennessee in the amount of approximately \$ 16,500.00.

Funding

The cost of responding to the mutual aid request (FEMA-DR-4293-TN) was approximately \$ 22,000 and was paid for out of the Fire Department salary, overtime, and fuel budget. The City is entitled to request reimbursement for up to 75% of the total expenditure for the seven days of service provided to the Cities in Sevier County.

Review

The Oak Ridge Fire Department deployed fire crews to Pigeon Forge, Tennessee on Monday and Tuesday, November 28 and 29, 2016 and then to Gatlinburg, Tennessee on Wednesday through Sunday November 30 through December 4, 2016. The ORFD provided structural fire suppression, wildland fire suppression, and search and rescue services in Sevier County.

In addition to the emergency services provided, four employees of the Oak Ridge Fire Department provided incident management services in the Gatlinburg fire command center, serving as logistics and communications specialist on the state Incident Management Team (IMT). The total reimbursable charges for staff, equipment, and fuel totals approximately \$ 22,000.00.

The City of Gatlinburg is currently estimating their out-of-pocket expense to be approximately 12.5-million dollars. By waiving reimbursement for the City of Oak Ridge emergency response services, FEMA will allow the City of Pigeon Forge and Gatlinburg to apply the reimbursable amount to their out-of-pocket expenses for recovery efforts in their respective communities.

Recommendation

Staff recommends approval of the attached resolution.

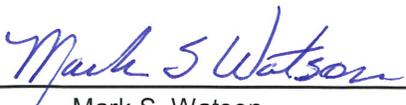


Darryl Kerley, Fire Chief

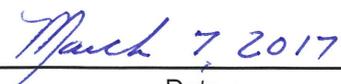
Attachment:
Resolution

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION WAIVING THE CITY'S RIGHT TO REIMBURSEMENT OF THE EMERGENCY RESPONSE SERVICES PROVIDED BY THE FIRE DEPARTMENT TO PIGEON FORGE AND GATLINBURG IN NOVEMBER/DECEMBER 2016.

WHEREAS, the City of Oak Ridge Fire Department provided mutual aid to Pigeon Forge and Gatlinburg during the recent fires in November/December 2016 providing structural fire suppression, wildland fire suppression, and search and rescue services; and

WHEREAS, in addition to the emergency services provided, four employees of the Fire Department provided incident management services in the Gatlinburg fire command center, serving as logistics and communications specialists on the state Incident Management Team; and

WHEREAS, the total reimbursable charges for staff, equipment, and fuel is approximately \$22,000.00 and the City is entitled to request reimbursement for up to seventy-five percent (75%) which amounts to \$16,500.00; and

WHEREAS, the estimated out-of-pocket expenses for Gatlinburg is approximately \$12,500,000.00; and

WHEREAS, by waiving reimbursement for the City's emergency response services, the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) will allow Pigeon Forge and Gatlinburg to apply the reimbursable amount toward their out-of-pocket expenses for recovery efforts in their respective communities; and

WHEREAS, the City Manager recommends waiving the City's reimbursement amount in an effort to support Pigeon Forge and Gatlinburg in their recovery from this disaster.

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 City of Oak Ridge hereby formally waives its right to reimbursement of the emergency response services provided by the Fire Department to Pigeon Forge and Gatlinburg in November/December 2016.

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM

17-02

DATE: February 24, 2017
TO: Mark S. Watson, City Manager
THROUGH: Jack L. Suggs, Electric Director
FROM: Margaret A. Elgin, P.E., Electric Engineering Division Manager
SUBJECT: PURCHASE OF POLE MOUNTED TRANSFORMERS

Introduction

An item for City Council's consideration is a resolution making two awards for the provision of pole mounted, single-phase transformers. The first is to WESCO Distribution, 427 Park Village Road, Knoxville, Tennessee in the estimated amount of \$333,379.00. The second is to ERMCO Distribution Transformers, 2225 Industrial Road, Dyersburg, Tennessee, in the estimated amount of \$5,688.00.

Funding

Funding for this purchase is through the Electric Fund.

Consideration

The electric system uses distribution transformers to provide power to customers at the appropriate voltage. Single-phase pole mounted transformers are primarily used to serve residential customers and small commercial loads. They can also be combined into banks of three for larger commercial customers served by overhead power lines. The units being ordered will be placed in stock to serve new loads or will be used as replacement units required during maintenance and emergencies.

The rate of pole mounted transformer usage has increased over the last several years due to system maintenance activity on the overhead power lines. Replacement units are more efficient and reliable. We believe the units covered by this purchase will meet the system's needs for the next 12 to 18 months. The last purchase was in May of 2015.

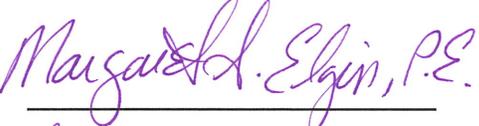
Transformer bids are not evaluated on the basis of initial price but rather on the Total Life Cycle Cost. Total Life Cycle Cost includes the initial purchase price of the unit along with the cost of energy used by the unit over its lifetime (termed losses). Typically, higher efficiency transformers have a higher purchase price, as they cost more to manufacture than units with a poor efficiency. As a side benefit, more efficient transformers are generally quieter and more resistant to mechanical failure. Total Life Cycle Cost is a standard industry practice. All bidders are advised in the specifications that Total Life Cycle Cost is included in the evaluation.

In this particular case, the bid has been split between two bidders to obtain the best Total Life Cycle Cost and best delivery time. Failure to approve this resolution will result in the Electric Department either

making purchases at higher costs under emergency conditions or not meeting our customer's electric needs in a timely manner.

Recommendation

Staff recommends approval of the attached resolution.



for Jack L. Suggs

Attachment

Abstract of bids

cc: Margaret A. Elgin, P.E., Engineering Division Manager
Lyn Majeski, Accounting Division Manager

City Manager's Comments:

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



Mark S. Watson



Date

CITY OF OAK RIDGE, TENNESSEE

Abstract of Bids

RFQ 151643

OPENING DATE: February 22, 2017 11:00 A.M.

FOR: SINGLE PHASE POLE MOUNTED TRANSFORMERS			BIDDER: WESCO Distribution Inc. 427 Park Village Road Knoxville, TN 37923		BIDDER: ERMCO Distribution Transformers 2225 Industrial Road Dyersburg, TN 38024		BIDDER: Border States Electric - NAS 666 Wedgewood Avenue Nashville, TN 37203		BIDDER: Stuart Irby 501 W Mountain View Road Johnson City, TN 37604		
DESCRIPTION	ITEM #	QUANTITY	UNIT COST / TOTAL LIFE CYCLE UNIT COST	TOTAL / TOTAL LIFE CYCLE COST	UNIT COST / TOTAL LIFE CYCLE UNIT COST	TOTAL / TOTAL LIFE CYCLE COST	UNIT COST / TOTAL LIFE CYCLE UNIT COST	TOTAL / TOTAL LIFE CYCLE COST	UNIT COST / TOTAL LIFE CYCLE UNIT COST	TOTAL / TOTAL LIFE CYCLE COST	
THE FURNISHING OF SINGLE PHASE POLE MOUNTED TRANSFORMERS FOR FY17 PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE ELECTRIC DEPARTMENT			EATON / COOPER POWER		ERMCO		GE PROLEC		HOWARD INDUSTRIES		
MANUFACTURER											
1-POL-0001.5-01 1.5 kVA <i>Total Life Cycle Cost</i>	1	12	No Bid		\$ 474.00 \$ 609.15	\$ 5,688.00 \$ 7,309.80	No Bid		No base bid item. Substituted item does not meet specifications.		
1-POL-0005.0-13 5 kVA <i>Total Life Cycle Cost</i>	2	3	\$ 523.00 \$ 783.60	\$ 1,569.00 \$ 2,350.80	No base bid item. Substituted item does not meet specifications.		\$ 644.00 \$ 913.85	\$ 1,932.00 \$ 2,741.55	No base bid item. Substituted item does not meet specifications.		
1-POL-0010.0-13 10 kVA <i>Total Life Cycle Cost</i>	3	3	\$ 577.00 \$ 1,016.50	\$ 1,731.00 \$ 3,049.50	No base bid item. Substituted item does not meet specifications.		\$ 722.00 \$ 1,147.85	\$ 2,166.00 \$ 3,443.55	\$ 707.00 \$ 1,190.70	\$ 2,121.00 \$ 3,572.10	
1-POL-0015.0-13 15 kVA <i>Total Life Cycle Cost</i>	4	9	\$ 631.00 \$ 1,247.85	\$ 5,679.00 \$ 11,230.65	\$ 980.00 \$ 1,524.90	\$ 8,820.00 \$ 13,724.10	\$ 699.00 \$ 1,225.30	\$ 6,291.00 \$ 11,027.70	\$ 1,565.00 \$ 2,661.65	\$ 14,085.00 \$ 266,165.00	
1-POL-0025.0-13 25 kVA <i>Total Life Cycle Cost</i>	5	100	\$ 875.00 \$ 1,741.40	\$ 87,500.00 \$ 174,140.00	\$ 1,024.00 \$ 1,960.20	\$ 102,400.00 \$ 196,020.00	\$ 983.00 \$ 1,797.85	\$ 98,300.00 \$ 179,785.00	\$ 1,754.00 \$ 2,661.65	\$ 175,400.00 \$ 266,165.00	
1-POL-0037.5-13 37.5 kVA <i>Total Life Cycle Cost</i>	6	100	\$ 1,095.00 \$ 2,251.55	\$ 109,500.00 \$ 225,155.00	\$ 1,217.00 \$ 2,468.00	\$ 121,700.00 \$ 246,800.00	No base bid item. Substituted item does not meet specifications.		\$ 1,800.00 \$ 3,014.05	\$ 180,000.00 \$ 301,405.00	
1-POL-0050.0-13 50 kVA <i>Total Life Cycle Cost</i>	7	100	\$ 1,274.00 \$ 2,776.80	\$ 127,400.00 \$ 277,680.00	\$ 1,364.00 \$ 2,903.95	\$ 136,400.00 \$ 290,395.00	No base bid item. Substituted item does not meet specifications.		\$ 2,105.00 \$ 3,640.50	\$ 210,500.00 \$ 364,050.00	
RECOMMEND AWARD											
RECOMMEND AWARD TOTAL PRICE			\$ 333,379.00		\$ 5,688.00						
<i>RECOMMEND AWARD TOTAL LIFE CYCLE COST</i>			\$ 693,605.95		\$ 7,309.80						
TERMS			NET 30 DAYS		NET 30 DAYS		NET 30 DAYS		NET 30 DAYS		
DELIVERY			7-8 WEEKS ARO		8-10 WEEKS ARO		12 WEEKS ARO		6-8 WEEKS ARO		
F.O.B.			OAK RIDGE, TN		OAK RIDGE, TN		OAK RIDGE, TN		OAK RIDGE, TN		
VIA			BEST WAY		BEST WAY		BEST WAY		BEST WAY		
OTHER BIDDERS CONTACTED: Anixter - Knoxville, TN - Manufacturer: ABB Power Supply Company - Chattanooga, TN - Manufacturer: ERMCO							BIDS OPENED AND RECORDED BY--- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager				
REASON FOR AWARD:			RECOMMEND AWARD, BASED ON TOTAL LIFE CYCLE COST (ITEM #'S 1-3 & 5-7) AND EARLY DELIVERY (ITEM # 4), BE MADE TO:				BIDS REVIEWED BY--- <i>Janice McGinnis</i> Janice McGinnis Finance Director				
ONLY BID RECEIVED			ITEM #'s 2 thru 7				ITEM # 1				
LOW PRICE			WESCO Distribution Inc.				ERMCO Distribution Transformers				
BETTER OR REQUIRED DESIGN			427 Park Village Road				2225 Industrial Road				
EARLY DELIVERY			Knoxville, TN 37923				Dyersburg, TN 38024				
TOTAL LIFE CYCLE COST			X				X				

BID PROCESS FORM

BID NAME RFQ 151643 **DESCRIPTION** SINGLE PHASE POLE MOUNTED TRANSFORMERS

CITY COUNCIL MEETING March 13, 2017

BIDDERS CONTACTED (CONTACT INFORMATION)

<u>Company</u>	<u>Name</u>	<u>Address</u>	<u>City, State ZIP</u>	<u>Phone</u>	<u>Email</u>	<u>Contacted Via</u>
Stuart Irby	Jason Stigall	501 West Mountain View Road	Johnson City, TN 37604	423-833-8901	jstigall@irby.com	[e-mail]
	Rebecca Wigton			615-280-3371	rwigton@irby.com	[e-mail]
Power Supply Company, LLC	Travis Flickinger	1907 Daisy Street	Chattanooga, TN 37406	423-624-7330	sales@powersupplycompany.biz	[e-mail]
Border States Electric - NAS	Dennis Ford	656 Wedgewood Avenue	Nashville, TN 37203	615-255-4161	dford@borderstates.com	[e-mail]
	Jennifer McBeth			615-844-3236	jmcbeth@borderstates.com	[e-mail]
Anixter, Inc.	Tim Owens	4100 Central Avenue Pike	Knoxville, TN 37912	865-584-0101	timothy.owens@anixter.com	[e-mail]
	Linda Moore				linda.moore@anixter.com	[e-mail]
Wesco Distribution Inc.	Nick Coffey	427 Park Village Road	Knoxville, TN 37923	865-560-0422	ncoffey@wescodist.com	[e-mail]
	Sharon Murray				smurray@wescodist.com	[e-mail]
Utility Sales Agency	Gary Arrants	P.O. Box 889	Lenoir City, TN 37772	865-986-5054	gary@utilitysales.com	[e-mail]

BIDS RECEIVED FROM BIDDERS CONTACTED DIRECTLY BY THE CITY

Wesco Distribution Inc., ERMCO Distribution Transformers, Border States Electric - NAS, Stuart Irby, and Anixter, Inc..

BIDS RECEIVED FROM BIDDERS NOT DIRECTLY CONTACTED BY THE CITY

(e.g., City's Website, Vendor Registry, Planrooms, Word of Mouth)

ADVERTISEMENT

The City of Oak Ridge advertised this bid on the Finance Department's Departmental Webpage for a duration of 17 days.

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF SINGLE-PHASE POLE MOUNTED TRANSFORMERS FROM WESCO DISTRIBUTION, INC., KNOXVILLE, AND ERMCO DISTRIBUTION TRANSFORMERS, DYERSBURG, IN THE GRAND TOTAL ESTIMATED AMOUNT OF \$339,067.00 FOR USE BY THE ELECTRIC DEPARTMENT.

WHEREAS, the City of Oak Ridge operates an electric distribution utility, providing electricity to its citizens, such system requiring transformers for the delivery of electric power at usable voltages; and

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of single-phase pole mounted transformers for use in its electric distribution system; and

WHEREAS, bids were received and publicly opened on February 22, 2017, with WESCO Distribution, Inc., Knoxville, Tennessee, and ERMCO Distribution Transformers, Dyersburg, Tennessee, submitting the lowest and best bids based upon lowest total life cycle cost and early delivery for certain single-phase pole mounted transformers; which bids the City Manager recommends be accepted.

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

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

To WESCO Distribution, Inc., 427 Park Village Road, Knoxville, Tennessee 37923, for the furnishing of certain single-phase pole mounted transformers (Items 2-7); said award in strict accordance with Request No. 151643, the required specifications, and the bid as received and publicly opened on February 22, 2017, and in the estimated amount of \$333,379.00.

To ERMCO Distribution Transformers, 2225 Industrial Road, Dyersburg, Tennessee, 38024, for the furnishing of certain single-phase pole mounted transformers (Item 1); said award in strict accordance with Request No. 151643, the required specifications, and the bid as received and publicly opened on February 22, 2017, and in the estimated amount of \$5,688.00.

Said bids in the grand total estimated amount of \$339,067.00.

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
17-12

DATE: March 7, 2017
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: 2016 TOURISM ENHANCEMENT GRANT

Introduction:

An item for City Council's consideration is approval of a resolution relinquishing the 2016 State of Tennessee Tourism Enhancement Grant in the amount of \$40,000.

Funding:

As awarded in July 2016 and as applied through the grant process with Anderson County, the City of Oak Ridge was supported by a grant of \$40,000 for support of the 8th Lane Rowing Project on Melton Hill Lake. Due to the construction schedule and grant processes associated with the project, funding is unable to be used with this project and will be returned.

Background:

Explore Oak Ridge and the Anderson County Tourism Council encouraged the application for a state tourism grant in 2016, upon inquiry for financial assistance on the 8th Lane Rowing Project. Several parties participated in the project, besides the City of Oak Ridge. The combined efforts of the above two groups were successful in receiving \$40,000 from the State of Tennessee for the project using the City funds as a match. The Tennessee grant program was to be administered through the Appalachian Regional Commission. Success of the grant was received by support from our Legislative delegation and the Anderson County Board of Commissioners.

The grant from award to process took a greater amount of time than anticipated by our tourism organizations. Once awarded approval was received for the City of Oak Ridge to coordinate implementation. However, the Visit Knoxville organization and the Explore Oak Ridge organization have contributed \$15,000 and \$25,000, respectively. The Oak Ridge Rowing Association and the Oak Ridge Economic Initiative have also contributed toward the project, with \$25,000 each. The City has provided the balance of the \$585,000 project.

To affirm the position of the City of Oak Ridge, as transferred from the Anderson County Tourism Council as the original recipient, we need to relinquish the grant and return to the state. Because state grant requirements must be identical to the applicant's proposal, we are unable to modify the intent of the State tourism grant. Staff believes there will be other opportunities in the future

Recommendation:

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments:
July 20, 2016 News Release and Correspondence
Resolution



NEWS RELEASE

FOR IMMEDIATE RELEASE:

Wednesday, July 20, 2016

CONTACT: Carly Schroer, TNECD

PHONE: (615) 770-0498

EMAIL: carly.schroer@tn.gov

**GOVERNOR HASLAM, COMMISSIONER BOYD ANNOUNCE 29
COMMUNITIES TO RECEIVE TOURISM ENHANCEMENT GRANTS**

Grants to assist communities with tourism infrastructure assets

NASHVILLE – Tennessee Gov. Bill Haslam and Economic and Community Development Commissioner Randy Boyd announced today that 29 communities will receive over \$999,000 in Tourism Enhancement Grants to assist communities with tourism infrastructure assets.

“We want to congratulate all 29 communities on receiving Tourism Enhancement Grants,” Haslam said. “These grants showcase how great the partnership is between tourist development and economic development. With the support of these grants, each community will be better equipped to succeed in our state and I look forward to seeing these Tennessee communities thrive.”

The grants assist counties and cities in improving local assets to increase the economic impact of tourism.

“I am pleased to announce these 29 communities that have been awarded the Tourism Enhancement Grant,” Boyd said. “It is always exciting when communities choose to invest in economic development initiatives to grow and succeed in our state. Tourism development is economic development, and with the assistance of the Tourism Enhancement Grant and our partnership with Commissioner Kevin Triplett and the Department of Tourist Development, each community will be able to invest in their assets and grow their local economy.”

The Tourism Enhancement Grants were jointly funded by the Tennessee Department of Economic and Community Development and the Tennessee Department of Tourist Development with the assistance of the Appalachian Regional Commission.

“We celebrate with each community receiving the Tourism Enhancement Grant,” Tennessee Department of Tourist Development Commissioner Kevin Triplett said. “Tourism development is an important part of every community, but in some cases we were finding a lack of infrastructure to fully take advantage of some tourism opportunities. We appreciate our great partners at TNECD for coming to the table with this initiative for communities to enhance their local tourism assets.”



NEWS RELEASE

An advisory committee made up of staff from the Tennessee Department of Economic and Community Development, the Tennessee Department of Tourist Development, the Tennessee Department of Environment and Conservation and the Tennessee Department of Agriculture selected the 29 communities from a pool of 61 grant applications.

The grants awarded include:

- **Anderson County** - \$40,000
- **City of Bolivar** - \$50,000
- **City of Brownsville** - \$50,000
- **Carroll County** - \$50,000
- **City of Cleveland** - \$50,000
- **Decatur County** - \$43,000
- **City of Etowah** - \$50,000
- **Fentress County** - \$27,000
- **Town of Gainesboro** - \$45,270
- **Greene County** - \$44,898
- **Hamblen County** - \$7,000
- **Hamilton County** - \$20,000
- **City of Henderson** - \$5,250
- **Johnson County** - \$47,168
- **City of Lafayette** - \$50,000
- **Lauderdale County** - \$20,000
- **City of Livingston** - \$50,000
- **City of Manchester** - \$41,510
- **City of McMinnville** - \$28,500
- **Meigs County** - \$20,000
- **Metropolitan Lynchburg** - \$50,000
- **Monroe County** - \$20,000
- **Robertson County** - \$5,050
- **Scott County** - \$48,707
- **Smith County** - \$50,000
- **City of Tiptonville** - \$31,262
- **Unicoi County** - \$20,000
- **Wayne County** - \$25,000
- **City of Winchester** - \$35,000

Each application was supported by the community's senator and representatives in the Tennessee General Assembly.



About the Tennessee Department of Tourist Development

The mission of the Tennessee Department of Tourist Development is to motivate travel to and within Tennessee by inspiring enjoyment, creating memories, producing a desire to return, and establishing key long-term relationships that result in visitors becoming residents. The promise of Tennessee—the birthplace of the blues, bluegrass, country, gospel, soul, rockabilly, and rock ‘n’ roll—is to be the global music destination of choice. To deliver an unparalleled experience of beauty, history, and family adventure, infused with music that creates a vacation that is the “Soundtrack of America. Made in Tennessee.”

About the Tennessee Department of Economic and Community Development

The Tennessee Department of Economic and Community Development’s mission is to develop strategies which help make Tennessee the No. 1 location in the Southeast for high quality jobs. To grow and strengthen Team Tennessee, the department seeks to attract new corporate investment in Tennessee and works with Tennessee companies to facilitate expansion and economic growth. Tennessee is the only three-time winner of “State of the Year” for economic development by *Business Facilities* magazine. Find us on the web: tnecd.com. Follow us on Twitter: @tnecd. Like us on Facebook: [facebook.com/tnecd](https://www.facebook.com/tnecd).

###

Watson, Mark

From: Stephanie Wells <stephaniewells@yallcome.org>
Sent: Wednesday, July 27, 2016 5:40 PM
To: Watson, Mark
Subject: FW: Tourism Enhancement Grant
Attachments: ARCMOU.PDF; sf424.pdf; sf424a-RW.PDF; sf424b.pdf; FinancialFormsforgrantees.pdf



Stephanie Wells, CTPP
Executive Director
115 Welcome Lane | Clinton, TN 37716
o 865-457-4547 | f 865-457-4545 | c 865-659-8687

From: Lindsay Gainous [mailto:Lindsay.Gainous@tn.gov]
Sent: Wednesday, July 20, 2016 10:40 AM
To: 'stephaniewells@yallcome.org' <stephaniewells@yallcome.org>
Subject: Tourism Enhancement Grant

Good Morning,

Congratulations on your tourism enhancement grant!

Your tourism grant is funded by the Appalachian Regional Council (ARC). I have attached the documents that we need filled out for ARC for this grant and also the financial forms that we need here at ECD for your contract. Please fill them out and send them back to me by August 5, 2016. The top sheet of the 'financial forms for grantees' document needs to be mailed. The instructions to do so are on the 2nd page. The rest can be emailed back to me.

Thanks,
Lindsay

Lindsay Gainous

State of Tennessee, Department of Economic & Community Development
Rural Development
312 Rosa L. Parks Avenue
William Snodgrass Building/TN Tower, 26th Floor
Nashville, Tennessee 37243
Direct Phone 615.253.1907
Lindsay.Gainous@tn.gov
TNECD.com

Memorandum of Understanding For ARC Projects

Project Name: _____

State: _____ Federal Agency: _____

The Following Conditions Apply to all ARC Projects

- Deadline:** The Commission may revoke or revise its approval of any project if work intended to be assisted is not underway within 18 months after the date of approval of such project.
- Davis Bacon Wages:** Davis Bacon wage rates (as determined by the Department of Labor for your respective area) must be paid for all construction projects in accordance with Section 402 of the Appalachian Regional Development Act of 1965, as amended.
- ARC Underrun Policy:** Each disbursement of funds for a project receiving assistance from more than one Federal source will be deemed to be a proportional disbursement from each source. In the event of an underrun, the ARC will be entitled to recover its proportionate share of the underrun.
- Additional Funds Added to the Project After ARC Approval:** It is understood that if the applicant receives additional funding from any new source towards the eligible cost of this project after the ARC approval, these funding sources should not be used to reduce the amount of local funds pledged. If new funds are made available to this project, the ARC and the Basic Federal Agency, if any, should be notified immediately. ARC reserves the right to reconsider the level of its funding approval in such an eventuality.
- Changes in Scope:** It is understood that a change-in-scope may not be implemented without prior written approval from the ARC and the Basic Federal Agency, if any. A change of scope is any major change to the project design, the type of project to be completed, capacity of the system, size of project, the number and/or type of customers served or equipment items purchased.
- Close Working Relationship With Basic Federal Agency:** It is understood that the applicant must work closely with the Basic Federal Agency identified in the ARC application, if any, and follow bidding and contract award procedures to insure that all pertinent Federal laws are complied with. Coordination with the Federal agency begins with filing an application with the basic Federal agency.
- Restrictions on Assistance:** ARC funds shall not be used for: a. any form of assistance to relocating industries; b. recruitment activities that place a state in competition with other state or states; and c. projects that promote unfair competition between businesses within the same immediate service area.
- Cornerstone or Plaque:** Any facility constructed in whole or in part by funds provided under the ARDA shall include a cornerstone, or plaque appropriately acknowledging the assistance provided through the ARC program, provided that such an item not be required if it would be prohibited as an eligible project cost under the basic federal program through which the ARDA assistance is provided.

Applicant/Authorized Representative

Date

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET.
SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED March 6, 2017

RESOLUTION

A RESOLUTION TO RELINQUISH THE 2016 STATE OF TENNESSEE TOURISM ENHANCEMENT GRANT TO THE STATE IN THE AMOUNT OF \$40,000.00.

WHEREAS, Anderson County was the recipient of a \$40,000.00 2016 Tourism Enhancement Grant from the Tennessee Department of Economic and Community Development and the Tennessee Department of Tourism Development with the assistance of the Appalachian Regional Commission; and

WHEREAS, the grant was applied for with the intent of using the funds for the Oak Ridge Rowing Course 8th Lane project, with the required matching funds to be provided by the City; and

WHEREAS, due to the construction schedule and the grant process schedule, the funds cannot be used for this project and, therefore, must be relinquished; and

WHEREAS, the City, however, appreciates the efforts of all the parties associated with this grant application and process.

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

That the 2016 State of Tennessee Tourism Enhancement Grant in the amount of \$40,000.00 received from the Tennessee Department of Economic and Community Development and the Tennessee Department of Tourism Development with the assistance of the Appalachian Regional Commission for the Oak Ridge Rowing Course 8th Lane project is hereby relinquished back to the State.

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

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:

 <hr/> Kenneth R. Krushenski, City Attorney	<hr/> Warren L. Gooch, Mayor
---	------------------------------

<hr/> Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
17-10

DATE: March 6, 2017
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: RESOLUTION SUPPORTING THE WIDENING OF HIGHWAY 61 BETWEEN OLIVER SPRINGS AND HARRIMAN FROM TWO TO FOUR LANES

Introduction:

An item for City Council's consideration is a resolution supporting the town of Oliver Springs' request to the State of Tennessee Department of Transportation to change the nine-mile portion of State Highway 61 between Oliver Springs and Harriman from a two-lane highway to a four-lane highway and to prioritize the project due to safety concerns.

Background:

The City has received a request from Cecil Crowe, Mayor of Oliver Springs, that the Oak Ridge City Council approve a resolution supporting the widening of Highway 61 between Oliver Springs and Harriman from two to four lanes and requesting that the project be prioritized due to safety concerns on that stretch of road. The Oliver Springs City Council has passed a similar resolution, which is an attachment to this memorandum.

In his correspondence, Mayor Crowe pointed out that this project has been discussed for a number of years but has not received the support necessary to get approved. He stated that there have been a number of fatalities as well as injuries on that stretch of highway, and the resolution passed by the Oliver Springs City Council referenced 114 vehicle accidents in this area from February, 2013 through December, 2016. Support of the Oak Ridge City Council and the governing bodies of other surrounding communities is being requested for increasing the priority of this project in order to reduce accidents, injuries and fatalities. Mayor Crowe also cites favorable economic benefits from widening this stretch of road, which is utilized by thousands of motorists per day.

Recommendation:

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments:

E-mail correspondence from Oliver Springs Mayor Cecil Crowe
Resolution passed by Oliver Springs City Council
Resolution

Hickman, Beth

From: Cecil <osmayor@comcast.net>
Sent: Tuesday, January 24, 2017 1:54 PM
To: Best, Wayne; Gooch, Warren L.; Woody, Ron; Frank, Terry
Cc: Mason, Chris
Subject: Highway 61 Improvement
Attachments: Highway 61 Resolution.pdf

The attached resolution was passed by the Town of Oliver Springs to request that Highway 61 between Oliver Springs and Harriman be made into a four lane. This highway project has been discussed for a number of years, but it has lacked the support necessary to get it approved. There have been an number of fatalities as well as injuries on this nine mile stretch of highway, however the project currently is not even on the "RPO" list. The last highway count (2015) on this road was 5,375 vehicles per day. This improvement could boost the economies of both Oak Ridge and Oliver Springs. We need your support to increase the priority of this highway project to reduce accidents, injuries and fatalities. Please consider presenting this resolution to your Councils or Commissions. Thank you.

Cecil E. Crowe
Mayor
Town of Oliver Springs, TN
865-435-7728

Resolution 2017-1-20A

A resolution by the Town of Oliver Springs to request the State Of Tennessee Highway Department of Transportation to add the nine mile portion of Highway 61 between Oliver Springs and Harriman from two lanes to four lanes to not only promote economic growth for the Town of Oliver Springs, City of Oak Ridge, City of Harriman and Counties of Roane, Morgan and Anderson but also to create a safer route.

Whereas the route between Oliver Springs and Harriman on Highway 61 is utilized by thousands of motorists a day commuting to and from work; and,

Whereas there is a portion of Highway 61 that is approximately nine miles in length that is a two lane highway, north and southbound; and,

Whereas when an area is served by a four lane highway rather than a two lane highway, economic growth happens at a faster rate; and,

Whereas there have been at least 114 vehicle accidents on this stretch of highway from February 2013 through December 2016, at least 33 of these were wrecks with injury; and,

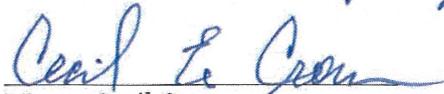
Whereas if the trend continues we can expect that there will be approximately 342 traffic accidents on that stretch of highway in the next 12 years; and,

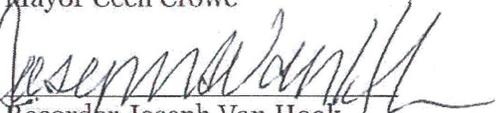
Whereas it is possible to travel from Chattanooga to Clinton, TN. on a four lane highway with the exception of this nine mile stretch; and,

Now therefore be it resolved that the Town of Oliver Springs requests the State of Tennessee Department of Transportation consider this project for the safety of the residents of Roane and Anderson Counties as well as the thousands that travel that road daily.

Therefore be it further resolved that we request this project to be prioritized due to the extraordinary safety concern.

Approved this 19 day of January, 2017


Mayor Cecil Crowe


Recorder Joseph Van Hook

RESOLUTION

A RESOLUTION SUPPORTING THE TOWN OF OLIVER SPRINGS' REQUEST TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION TO CHANGE THE NINE-MILE PORTION OF STATE HIGHWAY 61 BETWEEN OLIVER SPRINGS AND HARRIMAN FROM A TWO-LANE HIGHWAY TO A FOUR-LANE HIGHWAY AND TO PRIORITIZE THE PROJECT DUE TO SAFETY CONCERNS.

WHEREAS, on January 19, 2017, the Town of Oliver Springs, Tennessee, passed a resolution requesting the State of Tennessee Department of Transportation (TDOT) consider changing the nine-mile portion of State Highway 61 between Oliver Springs and Harriman from a two-lane highway to a four-lane highway and to prioritize the project due to safety concerns; and

WHEREAS, the Oak Ridge City Council desires to support the Town of Oliver Springs' request; and

WHEREAS, the Mayor of Oliver Springs has stated this project would provide a safer route for the thousands of motorists who travel this route on a daily basis, as well as provide for the potential for faster economic growth.

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

That the City of Oak Ridge, Tennessee, supports the request of the Town of Oliver Springs and hereby respectfully requests the State of Tennessee Department of Transportation (TDOT) consider changing the nine-mile stretch of State Highway 61 between Oliver Springs and Harriman from a two-lane highway to a four-lane highway and to prioritize the project for the safety of the residents of Anderson and Roane Counties as well as the thousands of motorists that travel this road daily.

This the 13th day of March 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

COMMUNITY DEVELOPMENT MEMORANDUM

17-10

TO: Mark Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director
DATE: February 24, 2017
SUBJECT: Protomet Rezoning



Introduction:

The Oak Ridge Industrial Development Board (IDB) successfully negotiated transfer of a 19.476 acre tract of land from the Department of Energy (DOE) for expansion of the Protomet site located in Bethel Valley Industrial Park. The purpose of the transfer is to provide additional space for expansion of the current Protomet footprint in addition to associated parking and loading needs.

Funding

No funding is necessary to approve this request.

Background-Analysis

The Protomet site is located on a cul-de-sac at the far west end of Larson Drive. The lot was purchased by Jeff Bohanan several years ago from the IDB in Bethel Valley Industrial Park. The first Protomet building was constructed in 2007 and later expanded to its current size. Due to the need for a third expansion, which necessitates additional property, the Chamber of Commerce and the IDB approached the Department of Energy to privatize 19.476 acres to accommodate an approximately 100,000 square foot addition. The property was transferred to the IDB in fall 2016 and subsequently sold to Jeff Bohanan for development purposes.

Property owned by the Department of Energy is zoned Federal Industry and Research (FIR) while Bethel Valley Industrial Park is zoned Industrial 2 (IND-2). The FIR zone designation is for those properties that are located within the "Reserve" and are owned by the Department of Energy or within the mission of the Department of Energy. Article IX states that any property which falls outside of these guidelines or is transferred to private uses is required to be assigned a zone district which is better suited to private development.

Prior to development of the site for the Protomet expansion, a subdivision plat combining the two lots in question will be necessary in addition to approval of a site development plan which complies with city performance criteria.

Recommendation

Staff recommends rezoning the 19.476 acres, Tax Map 111G, Group B, Parcel 18.03 from FIR to IND-2. The Oak Ridge Planning Commission reviewed this request on February 16, 2017 and unanimously recommended approval of the request to City Council.

City Manager's Comments:

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



Mark Watson



Date

STAFF REVIEW OF REZONING REQUEST

Date: February 10, 2017
Property Owner: Jeff Bohanan
Location: 1010 Larson Drive
Zoning: Rezone Map 111G, Group B, Parcel 018.03 from FIR to IND-2
Approximate Area: 19.476 acres

Existing Land Use: The property under consideration for rezoning was transferred from the Department of Energy (DOE) through the Oak Ridge Industrial Development Board (IDB) to Protomet for expansion of the current site operated in the Bethel Valley Industrial Park.

- a. **Access:** The subject property has access from Larson Drive. The access will not be affected.
- b. **Utilities:** Existing utilities will be expanded to serve property
- c. **Adjacent Land Uses, Type of Development, & Zoning:**
 - North: Bethel Valley Road ROW
 - South: Department of Energy FIR
 - West: Department of Energy FIR
 - East: Bethel Valley Industrial Park IND-2

Comprehensive Plan: The proposed rezoning will not require amending the Land Use Plan Map. The following criteria were used to evaluate the rezoning request:

1) Is the proposed zoning district consistent with the City's Comprehensive Plan?

Yes

2) Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning?

No, the property transferred from DOE is currently zoned Federal Industry and Research (FIR). The most significant change is from a DOE industrial use to a private industrial use. This will also expand the footprint of the Bethel Valley Industrial Park and increase the taxable status of the property.

3) Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?

The proposed IND-2 zoning is consistent with the character of the surrounding area.

4) Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?

No, this is an extension of the adjacent industrial zoning and land use.

5) Are public facilities and services adequate to accommodate the proposed zoning district?

Streets and utilities are adequate to serve the proposed IND-2 zoning district.

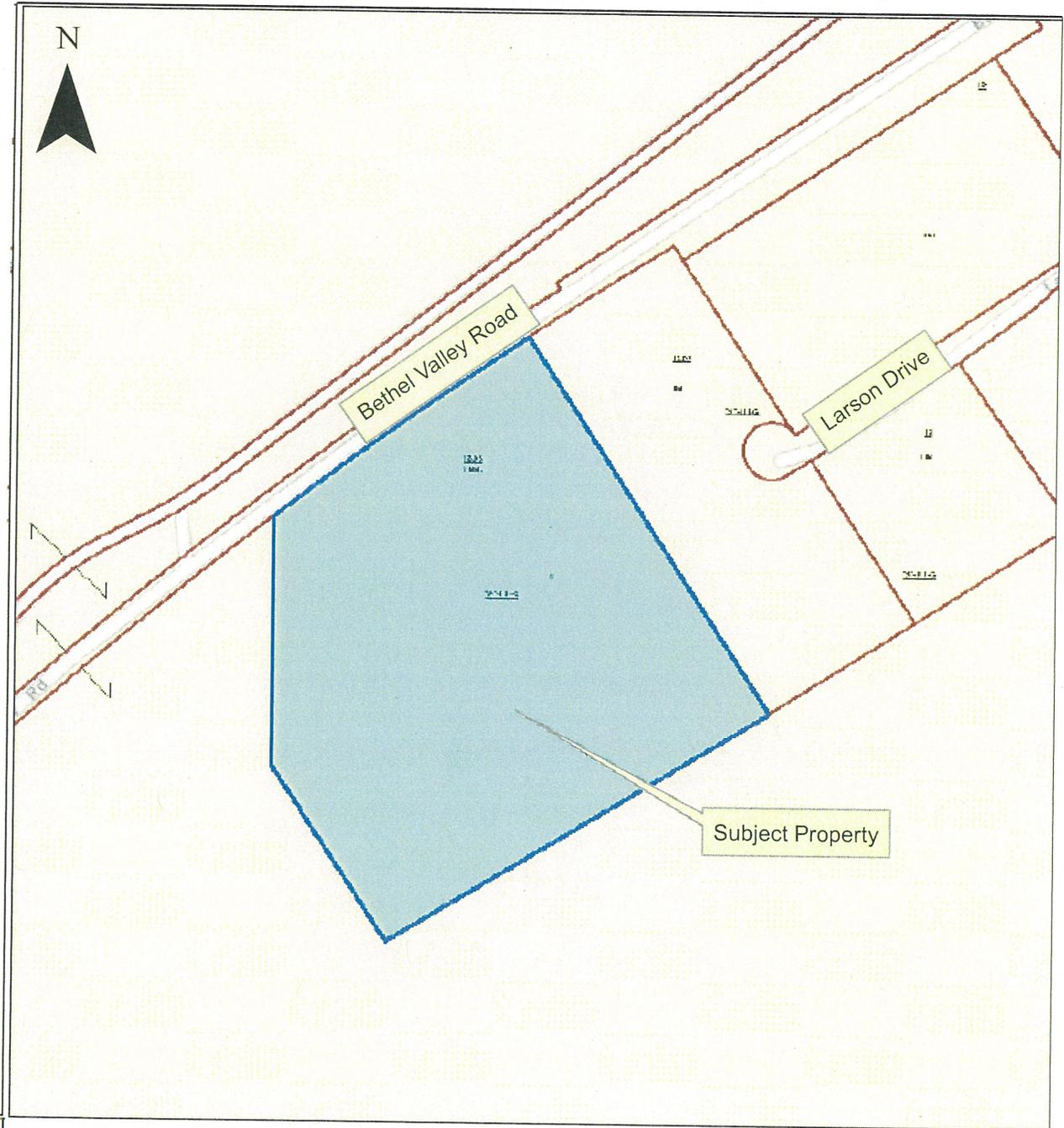
6) Would the requested rezoning have environmental impacts?

The rezoning will result in an increase of impervious area with a corresponding increase in storm water runoff. The site will be required to meet the new MS-4 Storm Water Management Ordinance. Compliance will be addressed during the Site Review process.

Conclusion & Planning Staff Recommendation:

Staff recommends approval of the request to rezone the subject property from FIR Federal Industry and Research to IND-2 Industrial District.

Bohanan Rezoning - FIR to IND-2 Tax Map 111G Group A Parcel 018.03



This map was prepared by the City of Oak Ridge
Community Development Department.
The map is for illustrative purposes only and is
not an engineering map or survey.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 018.03, ANDERSON COUNTY TAX MAP 111G, GROUP B, (APPROXIMATELY 19.476 ACRES) FROM FIR, FEDERAL INDUSTRY AND RESEARCH DISTRICT, TO IND-2, INDUSTRIAL DISTRICT, SAID PARCEL BEING LOCATED AT 1010 LARSON DRIVE.

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

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

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

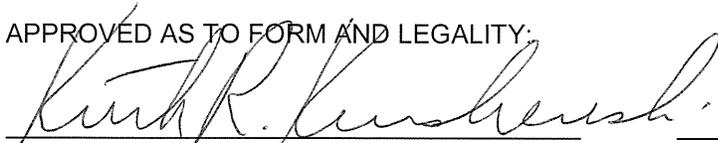
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 018.03 Map 111G, Group B (± 19.476 Acres)	1010 Larson Drive	FIR, Federal Industry and Research	IND-2, Industrial

Section 2. The change shall be imposed upon said map and shall be as much a part of Ordinance No. 2 as if fully described therein.

Section 3. 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

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

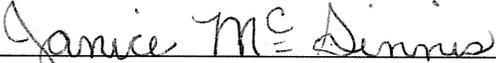
**FINAL ADOPTION
OF
ORDINANCES**

**FINANCE DEPARTMENT MEMORANDUM
17-02**

DATE: February 2, 2017
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: Fiscal Year 2017 Budget Appropriation Amendment

Attached is a request from Keys Fillauer, Chairman of the Oak Ridge Board of Education, and Dr. Bruce T. Borchers, Superintendent, requesting that the fiscal year 2017 budget appropriation for the General Purpose School Fund be amended to \$60,555,320. This is a \$798,680 increase over the General Purpose School Fund appropriation of \$59,756,640 adopted by City Council in budget ordinance number 3-2016 on June 13, 2016. The expenditure increase is requested to allow for expenditures from federal grant carryover amounts and from unanticipated increases in grant funding. The amendment does not change the fiscal year 2017 operating transfer from the City to the Oak Ridge Schools and has no impact on the property tax rate.

Staff recommends approval of the attached ordinance amendment.



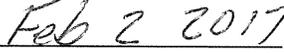
Janice McGinnis

City Manager's Comments:

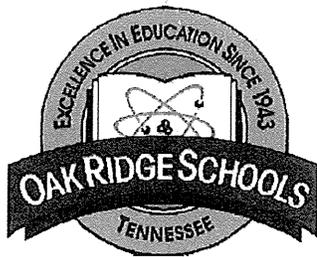
I have reviewed the above issue and recommend council action as outlined in this document.



Mark S. Watson



Date



Oak Ridge Schools

OFFICE OF
Karen Gagliano
Executive Director of Business
and Support Services

Telephone (865)425-9003
Fax: (865)425-9060

January 19, 2017

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

Dear Mayor and members of City Council:

The purpose of this letter is to request an amendment to the Schools FY 2017 Appropriations Ordinance to reflect budget changes that have been approved by the Board to date. The following summarizes those revisions.

FUND		FY17 APPROVED BUDGET	AMENDED	FY17 REVISED BUDGET
141	General Fund	\$53,531,069	\$ 798,680	\$54,329,749
142	Federal Projects Fund	\$ 3,638,796	-0-	\$ 3,638,796
143	Central Cafeteria Fund	\$ 2,018,601	-0-	\$ 2,018,601
145	Special Revenue Fund	\$ 142,937	-0-	\$ 142,937
146	Extended School Program	\$ 425,237	-0-	\$ 425,237
GRAND TOTAL – ALL FUNDS		\$59,756,640	\$ 798,680	\$60,555,320

The requested amendment includes use of federal grant carryover funds and unanticipated increases in grant funding, unknown at the time of budget development. That together with funding received from Anderson County for technology purchases and some potential planned use of fund balance, make up the requested amendment amount.

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

Thank you for your prompt attention to this matter.

Sincerely,

Keys Fillauer
Chairman, Board of Education

Dr. Bruce T. Borchers
Superintendent of Schools

BTB/KLG/tv

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 3-2016, WHICH ORDINANCE PROVIDES FOR A BUDGET AND APPROPRIATIONS FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR WHICH BEGAN ON JULY 1, 2016 BY ADOPTING A BUDGET AND ADOPTING APPROPRIATIONS, BY AMENDING SAID APPROPRIATIONS.

WHEREAS, there exists a need to amend the appropriations for Fiscal Year 2017 and for the accomplishment of the same, a public hearing will be scheduled during first reading of the ordinance, scheduled for February 13, 2017, before the City Council after ten (10) days' notice thereof published in The Oak Ridger, the official newspaper, as provided by law, and

WHEREAS, the need to amend the appropriations of the General Purpose School Funds for Fiscal Year 2017 is at the request of the Board of Education in the amount of \$798,680 to allow for expenditures from federal grant carryover amounts and from unanticipated increases in grant funding.

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

Section 1. Ordinance No. 3-2016, which adopts appropriations for Fiscal Year 2017, is hereby amended by revising Section 3 so that the same, as revised, will read as follows:

Section 3. In accordance with Article V, Section 13, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2017:

General Fund, Municipal Operations	\$ 22,772,667
Debt Service (Bond and Interest Redemption Fund)	\$ 8,600,000
State Street Aid Fund	\$ 1,821,000
Drug Enforcement Program Fund	\$ 255,200
General Purpose School Fund	\$ 60,555,320
Golf Course Fund	\$ 1,197,494
Capital Projects Fund	\$ 5,927,708
Solid Waste Fund	\$ 2,831,954
West End Fund	\$ 2,822,492

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

Publication Date: 02/03/2017
 Public Hearing: 02/13/2017
 First Reading: 02/13/2017
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

CITY CLERK MEMORANDUM
17-05

DATE: February 28, 2017
TO: Mark S. Watson, City Manager
FROM: Mary Beth Hickman, City Clerk
SUBJECT: Substitute Ordinance for William Lane Right-Of-Way Abandonment

An item for City Council's consideration on the March 13, 2017 City Council meeting agenda is the final adoption of an ordinance abandoning a right-of-way located between 113 William Lane and 115 William Lane in the Westwood subdivision. Prior to publication of the agenda packet, there were two different versions of the ordinance, and the correct one did not get published in the packet. As a result of this, a substitute ordinance with the changes incorporated is included in this month's agenda packet for Council's consideration prior to final adoption.

The changes that were made are as follows:

- 1) The phrase "stub-out" was removed from the ordinance because the roadway does not actually contain a curb cut or stub-out.
- 2) The sentence "The City will retain easements for the city-owned utilities that cross the property." was added at the end of Section 1 of the ordinance in order to clarify the City's ownership of the utilities on the property.

A motion will be required to bring the substitute ordinance to the floor prior to a vote on final adoption.



Mary Beth Hickman

Attachment:
Substitute Ordinance

City Manager's Comments:

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



Mark S. Watson



Date

Substitute Ordinance

ORDINANCE NO. _____

TITLE

AN ORDINANCE ABANDONING THE PLATTED RIGHT-OF-WAY LOCATED BETWEEN 113 WILLIAM LANE AND 115 WILLIAM LANE IN THE WESTWOOD SUBDIVISION.

WHEREAS, a fifty-foot right-of-way located between 113 William Lane and 115 William Lane was dedicated to the City on a subdivision plat for Westwood Subdivision to lend access for an intended future phase of development that required annexation; and

WHEREAS, the future phase of development was never constructed and the property was never annexed to be in the city limits; and

WHEREAS, the property owner of 115 William Lane has requested the City to abandon the fifty-foot right-of-way; and

WHEREAS, City Staff has determined that this right-of-way serves no public purpose; and

WHEREAS, on January 19, 2017, the Oak Ridge Municipal Planning Commission reviewed the request and unanimously recommended City Council approval; and

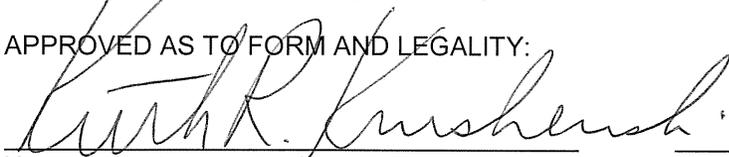
WHEREAS, the City Manager recommends abandonment of the right-of-way.

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

Section 1. The fifty-foot right-of-way located between 113 William Lane and 115 William Lane in the Westwood Subdivision is hereby abandoned, and the property owners of 113 William Lane and 115 William Lane will each receive twenty-feet of the right-of-way unless one of the owners concedes their portion to the other owner in writing. Said property owners shall bear the costs of recording the required deeds and the revised subdivision plat creating the new lot lines. The City will retain easements for the city-owned utilities that cross the property.

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: _____

COMMUNITY DEVELOPMENT MEMORANDUM

17-04

TO: Mark Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director
DATE: January 27, 2017
SUBJECT: William Lane Street Abandonment

KGB

Introduction

A request has been received to abandon the platted Right of Way (ROW) between lots 113 and 115 William Lane in the Westwood Subdivision. This is a 50 foot ROW which was dedicated, but never constructed or accepted as public, to lend access to a future phase of the Westwood development. At the time, the property designated for future development was owned by Len Hart, the developer of Westwood, but outside the municipal boundary of Oak Ridge. Actual development required annexation which never occurred and Mr. Hart sold the adjacent property which has been cleared and a single residential home constructed. Currently, the opportunity to develop the land for which this ROW was dedicated has passed and the ROW serves no public purpose and remains non-taxable property.

Funding

No funding is necessary to approve this request.

Background-Analysis

The owners of 115 William Lane submitted a letter requesting abandonment of the property which requires City Council action with an official recommendation by the Planning Commission. Tennessee State Law requires that abandonment of ROW be equally divided between adjacent property owners. The residents of 113 and 115 William Lane will each receive 25 feet of ROW unless one of the owners concedes their 25 feet to the other owner in writing. In addition, deeds to the abandoned ROW must be legally recorded and a subdivision plat filed which establishes the newly created lot lines in the Register of Deeds office with copies to the County Property Assessor. The cost of these actions shall be borne by the adjacent property owners.

Community Development staff reviewed the request and identified the following findings of fact:

- Adjacent property is outside the Municipal Boundary of Oak Ridge
- No opportunity exists to develop the adjacent property
- The ROW serves no public purpose and is non-taxable in its current state

Recommendation

Staff recommended approval of the request to abandon 50 foot of ROW between lots 113 and 115 William Lane to the Planning Commission on January 19, 2017. Members of the Planning Commission reviewed the request and unanimously recommended approval to City Council for action.

Attachments

City Manager's Comments:

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

Mark S. Watson
Mark Watson Date *FEB 2, 2017*

Jianguang Wang
Meili Chen
113 William Lane
Oak Ridge, TN37830

January 29, 2017

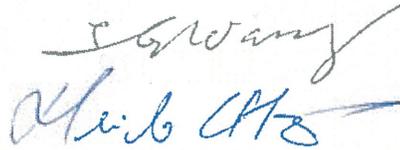
To whom it may concern,

We are the owners of 113 William Lane, Oak Ridge. Between the properties of ours and our neighbor in 115 William Lane, there is a 50 foot wide strip. It is the property of the City of Oak Ridge and originally reserved as a Road of Way (ROW). We have learnt that the City is proposing to abandon the ROW and, according to the State Law, we will receive $\frac{1}{2}$ (25 feet) of ROW. We support this proposal and agree to pay our portion of this action related expenses, such as survey fee. We also understand that we have an option to concede our 25 feet of ROW to the owner of 115 in writing.

Sincerely,

Jian Guang Wang

Mei Li Chen



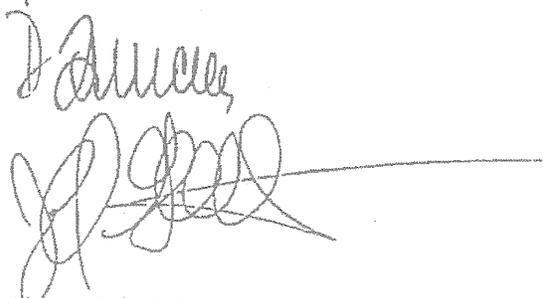
Diane Fabricius
Jeff Grabenstein
115 William Lane
Oak Ridge, TN 37830

October 11, 2016

Dear Mr. Krushenski,

We live at 115 William Lane in Oak Ridge. Adjacent to our property is a small parcel of land that was a proposed city street when we purchased our lot. We would like the city of Oak Ridge to declare this excess city property so that we could purchase it. Should we buy this parcel it is our intention to add it to our lot so that it is included in our platt. We would like to know if this is possible and what the cost would be.

Sincerely,

The image shows two handwritten signatures in black ink. The top signature is cursive and appears to read 'Diane Fabricius'. The bottom signature is also cursive and appears to read 'Jeff Grabenstein'. A horizontal line is drawn across the bottom signature.

Diane Fabricius
Jeff Grabenstein

William Lane ROW Abandonment



115 WILLIAM LANE

113 WILLIAM LANE

William Lane

N

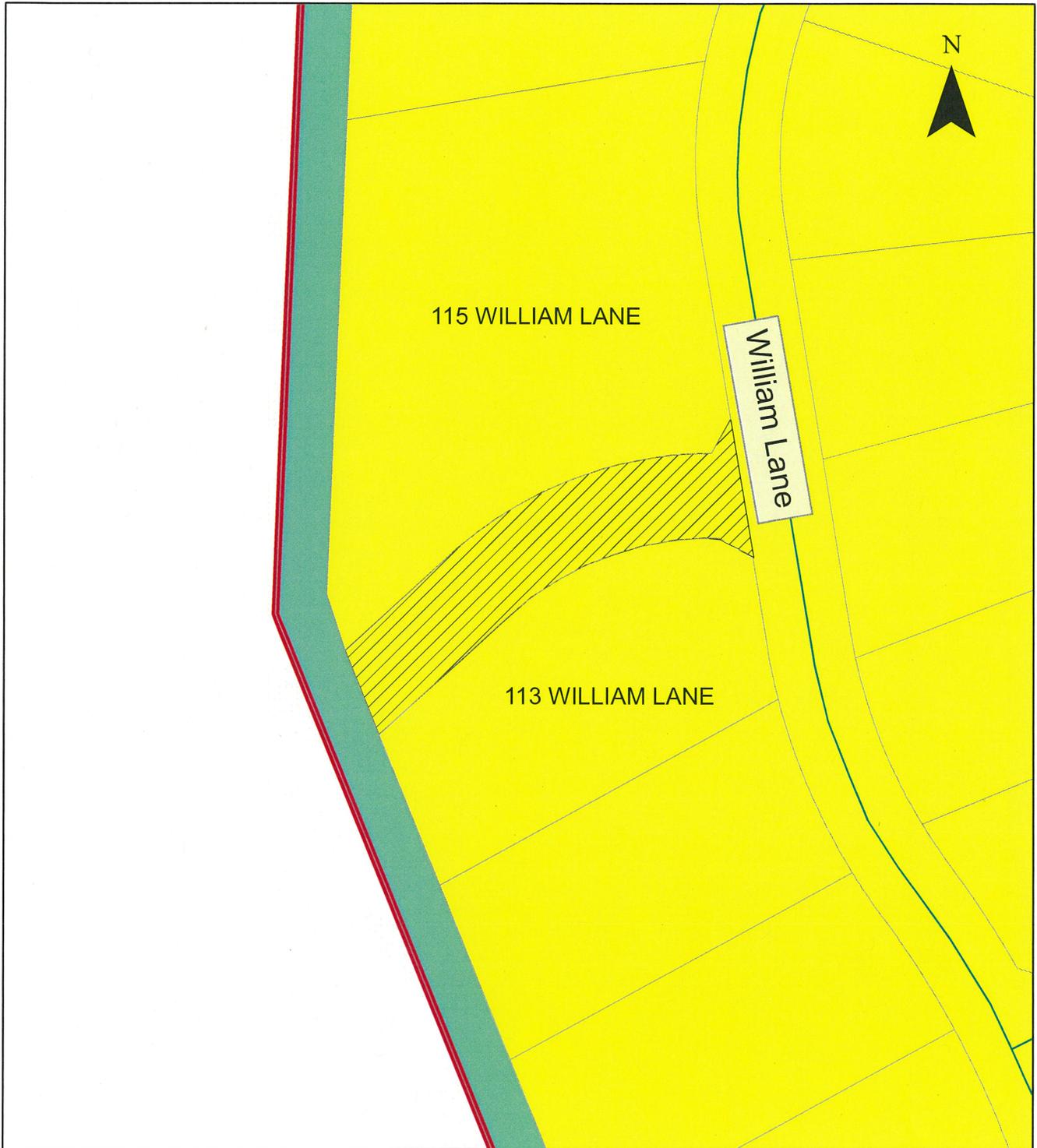
0 50 100 200 Feet

Legend

-  City Limits
-  Proposed ROW Abandonment

This map was prepared by the City of Oak Ridge Community Development Department. The map is for illustrative purposes only and is not an engineering map or survey.

William Lane ROW Abandonment



0 50 100 200 Feet

This map was prepared by the City of Oak Ridge Community Development Department. The map is for illustrative purposes only and is not an engineering map or survey.

Legend

-  City Limits
-  Proposed ROW Abandonment

Zoning

-  G - Greenbelt
-  R-1-A - Single Family Residential District



TITLE

AN ORDINANCE ABANDONING THE PLATTED RIGHT-OF-WAY STUB-OUT LOCATED BETWEEN 113 WILLIAM LANE AND 115 WILLIAM LANE IN THE WESTWOOD SUBDIVISION.

WHEREAS, a fifty-foot right-of-way stub-out located between 113 William Lane and 115 William Lane was dedicated to the City on a subdivision plat for Westwood Subdivision to lend access for an intended future phase of development that required annexation; and

WHEREAS, the future phase of development was never constructed and the property was never annexed to be in the city limits; and

WHEREAS, the property owner of 115 William Lane has requested the City to abandon the fifty-foot right-of-way; and

WHEREAS, City Staff has determined that this right-of-way serves no public purpose; and

WHEREAS, on January 19, 2017, the Oak Ridge Municipal Planning Commission reviewed the request and unanimously recommended City Council approval; and

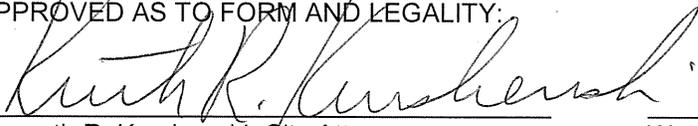
WHEREAS, the City Manager recommends abandonment of the right-of-way.

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

Section 1. The fifty-foot right-of-way stub-out located between 113 William Lane and 115 William Lane in the Westwood Subdivision is hereby abandoned, and the property owners of 113 William Lane and 115 William Lane will each receive twenty-feet of the right-of-way unless one of the owners concedes their portion to the other owner in writing. Said property owners shall bear the costs of recording the required deeds and the revised subdivision plat creating the new lot lines.

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: 02/13/2017
Publication Date: 02/16/2017
Second Reading: _____
Publication Date: _____
Effective Date: _____

RESOLUTIONS

CITY COUNCIL MEMORANDUM
17-09

DATE: March 7, 2017
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SELECTION OF SITE FOR PRE-K SCHOOL

Introduction:

An item for City Council's consideration is a resolution to support the Oak Ridge Board of Education's recommendation and to select Scarboro Park as the location for construction of a new pre-K school building.

Funding:

The City Council has received information reviewing the particulars of two sites that are presently owned by the City of Oak Ridge and large enough to encompass a new school facility. Said selection avoids the purchase of a new site (land costs). The City of Oak Ridge will sell bonds for this design, construction, and engineering of the proposed school. Upon selection, further financial details will be developed.

Background and Consideration:

On February 27, 2017, the Oak Ridge Board of Education (BOE) met and discussed the possible sites for a new Pre-K facility. After having a joint workshop with the City Council and having BOE workshop, the Board has unanimously selected Scarboro Park as their preferred site for the new Pre-K school. The new site has adequate acreage, full utility services, adjacency to the Scarboro Community Center, positive soil tests, and lessened levels of traffic.

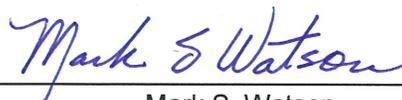
Oak Ridge City Council has received previously a study by a joint Task Force of which the Elm Grove site came out as the preferred site of the many studied. However, during this time, the Scarboro pre-school chose to close its doors and was not one of the sites studied for that reason. The assessment was conducted in the same manner as the previous study. Additionally, public safety data was applied to both sites and found to be somewhat similar and the same was found with transportation data, including speeds and car counts. Both sites were found to be similar.

Finally, the members of each neighborhoods had differing opinions. Scarboro residents welcome and value the investment and location of the school site. Residents in and around Elm Grove generally would prefer to keep that site as a public park.

Again, the City Council's action is to select a site, so further design work can proceed along with cost estimate that may be incorporated into the upcoming budget process.

Recommendation:

Approval of the attached resolution is recommended.



Mark S. Watson

Attachment

RESOLUTION

A RESOLUTION TO SUPPORT THE OAK RIDGE BOARD OF EDUCATION'S RECOMMENDATION AND TO SELECT SCARBORO PARK AS THE LOCATION FOR CONSTRUCTION OF A NEW PRESCHOOL BUILDING.

WHEREAS, by Resolution 2-14-2015, City Council, in conjunction with the Oak Ridge Board of Education (BOE), created a joint committee known as the Joint City/Schools Preschool Planning Committee to develop a replacement plan for the Preschool Building located at 304 New York Avenue; and

WHEREAS, at a joint work session of City Council and the BOE on October 20, 2015, the Chair of the Joint City/Schools Preschool Planning Committee presented a report to examine options and recommendations to the governing bodies with the final recommendation being construction of a new preschool at Elm Grove Park, which report was later accepted by City Council through Resolution 1-5-2016; and

WHEREAS, discussions of options continued throughout Calendar Year 2016, with Studio Four Design, Inc., developing conceptual plans for a new preschool; and

WHEREAS, at a joint work session on January 26, 2017, City Council and the BOE discussed the site selection for a new preschool with a focus on Elm Grove Park and Scarboro Park; and

WHEREAS, on February 27, 2017, the BOE discussed both locations and found them to be relatively equal based upon learning environment, building and transportation costs, safety and security, expandability, and impact on parks; and

WHEREAS, the BOE noted there was public opposition in the Elm Grove community to diminishing the acreage of Elm Grove Park by locating the new preschool at the park, but there was public support from the Scarboro community to locate the new preschool in Scarboro Park; and

WHEREAS, at their February 27, 2017 meeting, the BOE voted unanimously to select Scarboro Park as the preferred location for construction of a new preschool; and

WHEREAS, the City Manager recommends City Council support the recommendation of the BOE and select Scarboro Park as the location for construction of a new preschool.

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 City Council hereby supports the recommendation of the Oak Ridge Board of Education and selects Scarboro Park as the location for construction of a new preschool.

BE IT FURTHER RESOLVED that the City Manager is directed to develop funding options for this project to coincide with upcoming budgetary processes.

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

**CITY COUNCIL MEMORANDUM
17-08**

DATE: March 6, 2017
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: WATER PLANT CONTRACT EXTENSION TO JUNE 30, 2017

Introduction

An item for City Council's consideration is a resolution to extend the current water plant contract with DOE from the current ending date of March 31, 2017 to June 30, 2017.

Funding

The amount billed monthly by the City to DOE for potable water for the ORNL and Y-12 complexes will remain at the current amount of \$175,323 per month during the 3-month extension. This amount is sufficient to cover DOE's share of the operational costs of the water plant during this period.

Background and Consideration

Since the initial contract period of May 1, 2000 to April 30, 2010, the water plant contract between the City and DOE has been extended numerous times. The extension of the contract to June 30, 2017 will allow the contract pricing periods going forward to be on the City's budgeted, financial reporting and audited fiscal year cycle. This will also allow for a more equitable comparison of plant operational costs between contract years. The additional three months will allow City and DOE staff time for the resolution of carryforward outstanding items from prior contract periods as well as establish the framework for a longer contract term.

Recommendation

Approval of the attached resolution is recommended.



Mark S Watson

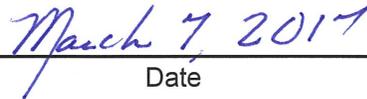
Attachment

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION TO EXTEND THE CURRENT WATER SERVICES CONTRACT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF ENERGY (DOE) THROUGH JUNE 30, 2017.

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

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

WHEREAS, by Resolutions 10-98-10, 6-46-11, 5-34-2012, 9-69-2012, 11-132-2015, and 3-18-2016 City Council amended the water services contract to provide for additional extensions through March 31, 2017; and

WHEREAS, by Resolution 11-132-2015, City Council amended the water services contract to set forth a new annual potable water rate of \$2,281,079 through the end of the current contract term and other modifications; and

WHEREAS, the City and DOE desires to extend the existing water services contract through June 30, 2017 to allow the parties time to complete negotiations regarding contract modifications and conform the contract to the City budget cycle beginning July 1st of each year; and

WHEREAS, the City Manager recommends approval of the water services contract extension by three months.

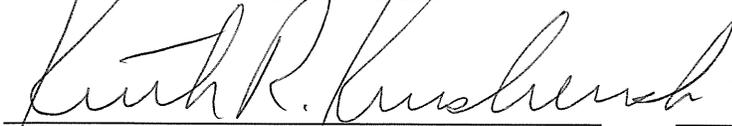
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City is hereby authorized to enter into the necessary legal documents to extend the current water services contract between the City and United States Department of Energy (DOE) through June 30, 2017.

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

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

**CITY COUNCIL MEMORANDUM
17-15**

DATE: March 7, 2017
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SALE OF ADAMS LANE PROPERTY

Introduction:

An item for City Council's consideration is a resolution authorizing the sale of a City-owned parcel located off the Oak Ridge Turnpike behind 100 Adams Lane (Anderson County Tax Map 0990, Group A, Parcel 009.00) to Summit Medical of Oak Ridge for the purchase price of \$131,100.

Background:

The City of Oak Ridge was approached in 2016 about the possible sale of the City-owned property located behind 100 Adams Lane and east of the AmVets Building. This parcel is located behind the building owned by Mr. Bob Parks. The City assessed the parcel for availability to sell and found that the parcel is of significant size, but occupied by electric and sewer easements, as well as East Fork Poplar Creek. Much of the parcel is unusable for building expansion, but can be used for parking and the like.

A use for the property being considered is an expansion of Summit Medical to the west side of the community. The property has been appraised and an offer extended. Initially, the tract was to be considered for a front portion, but the City Manager has made this tract available only for the full parcel, thus eliminating future maintenance costs while preserving all easements and utility access points.

Recommendation:

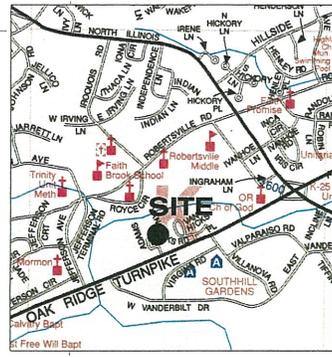
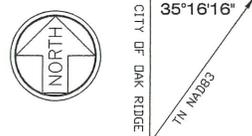
The City Manager recommends approval of the attached resolution, which will authorize the City Attorney to draft a real estate sales contract and close on the transfer of this property with the buyer.



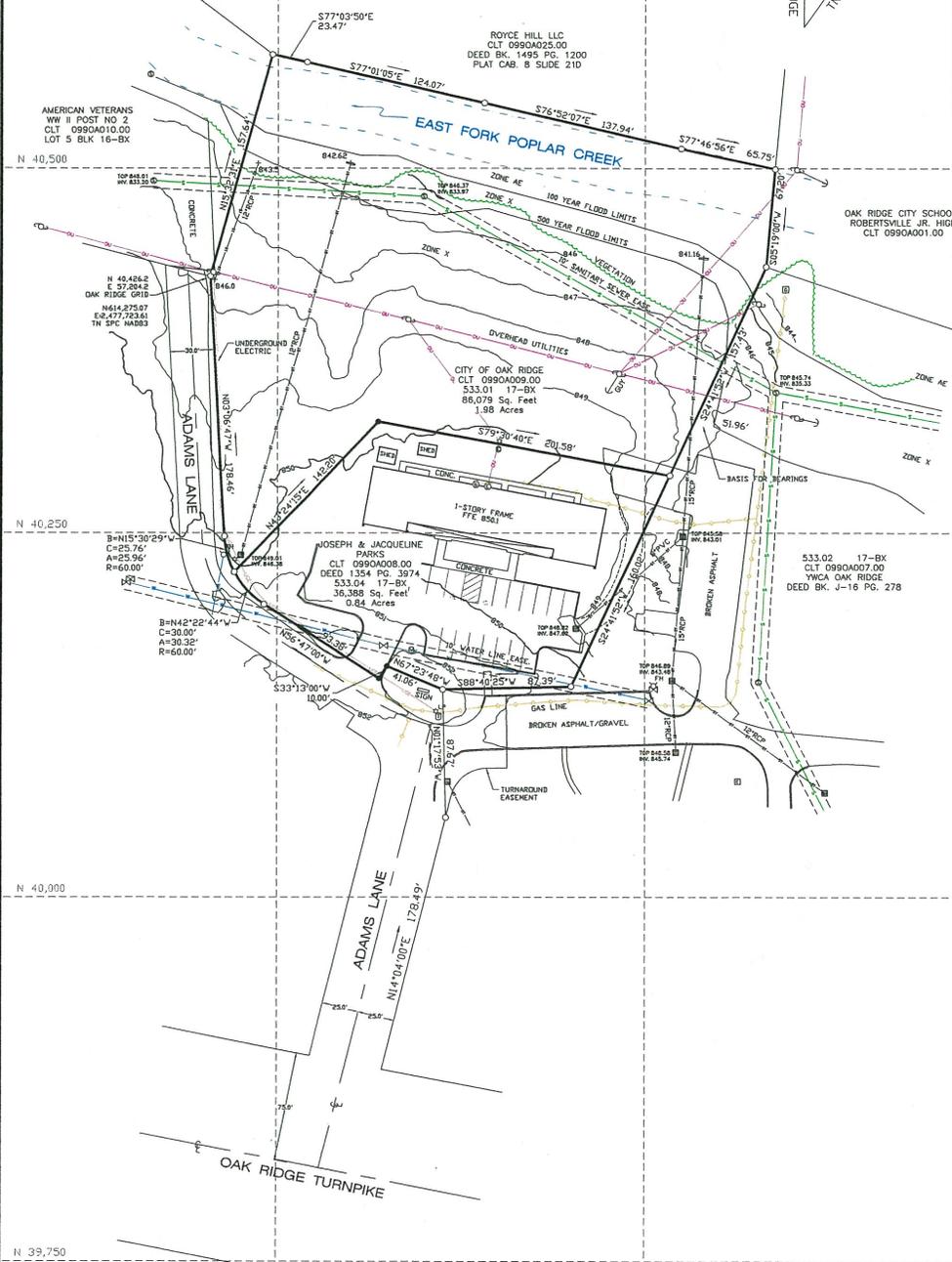
Mark S. Watson

Attachments:

Location Map
Pages 2, 3, and 48 of Appraisal Report
Resolution



LOCATION MAP - NTS



NOTES:
1. THIS SURVEY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, NO TITLE COMMITMENT HAS BEEN PROVIDED TO THE SURVEYOR.
2. THE ELEVATION DATUM IS NAD83 CONTIGUOUS ESTABLISHED UNDER GPS AND NAV PHOTOGRAMMETRY.
3. SURVEY DEPICTS LOTS 533.01 AND 533.04, PLAT C&B. 1 DIV. 150.
4. PROPERTY IS ZONED C2 OFFICE AND IS SUBJECT TO THE FOLLOWING SETBACKS:
30' FRONT
30' REAR
15' SIDE

- LEGEND**
- CATCH BASIN
 - ⊖ ELECTRIC METER
 - ⊕ FIRE HYDRANT
 - ⊙ GAS METER
 - ⊙ LIGHT POLE
 - ⊙ MANHOLE
 - ⊙ TRANSFORMER
 - ⊙ WATER METER
 - ⊙ ELECTRIC JUNCTION
 - ⊙ EXISTING 5/8" IRON PIN
 - ⊙ UTILITY POLE
 - ⊙ IRON PIN SET
 - ⊙ WATER VALVE
 - ⊙ PHONE BOX
 - ⊙ GAS VALVE



This is to certify that the described property is located in a special flood hazard area as shown on the National Flood Insurance Program Flood Insurance Rate Map. MAP NO. 47001C0219F ZONE: AE & X
DATE: JUN. 17, 2007

I hereby certify that this is a category 1 survey and the rate of precision of the unsupervised survey is 1:10,000 or better as shown herein. This survey meets the minimum standards for the State of Tennessee.



SURVEY FOR BOB PARKS 100 ADAMS LANE & ADJACENT PROPERTY	
COUNTY: ANDERSON	DATE: 10/28/2016
DISTRICT: 2	SCALE: 1"=40'
CITY: OAK RIDGE	DRAWN BY: NDF
WARD:	
Ned D. Ferguson, R.L.S. 205 Lamar Avenue Clinton, TN 37716 Phone: (865) 699-6169 Fax: (888) 232-8718 Toll Free www.PLSurvey.com	
 Professional Land Systems www.PLSurvey.com	
When you need to know, knowing is our business.	

Appraisal Report

of

Adams Lane Site

Oak Ridge, TN

As of October 6, 2016



Prepared by



SELLERS
& ASSOCIATES
VALUATION AND ADVISORY SERVICES

CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved.
5. My engagement in the assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. I have made a personal inspection of the property that is the subject of this report, or have clearly specified that I did not make an inspection.
8. No one provided significant real property appraisal assistance to the person signing this certification.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. As of the date of this report, I Leslie Sellers have completed the continuing education program of the Appraisal Institute.
11. As of the date of this report, I Ben Sellers have completed the continuing education program of the Appraisal Institute.
12. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
13. The appraisers have not performed any prior services regarding the subject within the three year period prior to the effective date of this appraisal.



Leslie P. Sellers MAI, SRA
Tennessee Certified General Appraiser # 699
December 6, 2016



Benjamin R. Sellers, MAI
Tennessee Certified General Appraiser # 4560
December 6, 2016

SUMMARY OF CONCLUSIONS

PROPERTY INFORMATION

REFERENCE	Adams Lane Site
PROPERTY TYPE	Vacant Land
LOCATION	Adams Lane Oak Ridge, TN 37831
COUNTY PARCEL NO.	099O A 009.00
SITE SIZE	0.69 acres (30,095 square feet) of the 1.98 acre Parcel 099O A 009.00 (Usable Land Area of the total site is 1.14 acres more or less due to flood zone)
ZONING	O-2 Office District

DATES AND INTENDED USE

REPORT DATE	December 6, 2016
DATE OF VALUE	October 6, 2016
INTENDED USE	Facilitating a purchase
INTENDED USER(S)	The appropriate authorities and/or representatives of the client.

HIGHEST AND BEST USE

AS VACANT	Office
MARKETING TIME	12 months
EXPOSURE TIME	12 months

ASSIGNMENT CONDITIONS

EXTRAORDINARY ASSUMPTIONS	There are no extraordinary assumptions for this appraisal.
HYPOTHETICAL CONDITIONS	There are no hypothetical conditions for this appraisal.

FINAL OPINION OF VALUE

PROPERTY INTEREST APPRAISED	Fee Simple
"AS IS" VALUE OPINION	\$130,000 (Contributing value of the 0.69 acre portion as described)

RECONCILIATION AND FINAL OPINION OF VALUE

Reconciliation is “a phase of a valuation assignment in which two or more value indications are processed into a value opinion, which may be a range of value, a single point estimate, or a reference to a benchmark value.”³² The process of reconciliation in an appraisal report is the review of each method of the valuation process with consideration to the strengths and weaknesses of each and judgments made as to the final opinion of value. The approaches used to develop an opinion of the current market value of the subject property and their respective value indications are listed below.

VALUE INDICATION SUMMARY

Cost Approach:	Not applied
Sales Comparison Approach:	\$130,000 (0.69 acres contributing value)
Income Approach:	Not applied

COST APPROACH

In this instance, the cost approach is not applicable because the subject property is vacant land with no building improvements on the site.

SALES COMPARISON APPROACH

In this appraisal analysis, there were an adequate number of land sales available that were comparable in order to estimate the value of the underlying land. Those land sales were competitive properties to the subject land being appraised. The comparable land value adjustments were well supported. The range of adjusted land values indicated by the comparable were supported from the sales used. Overall, the land value was well supported from the data and analysis.

INCOME APPROACH

In this instance, the income approach is not applicable because the subject property is vacant land, and the typical purchaser does not consider the income producing attributes of the property as a part of the buying decision.

Therefore, with all reliance considered for the sales comparison approach, it is our opinion that the current “as is” market value of the subject property, as of October 6, 2016 is:

FINAL MARKET VALUE CONCLUSION

FINAL OPINION OF CONTRIBUTING VALUE “AS IS” (ROUNDED): (0.69 ACRES)	\$130,000
--	------------------

³² *The Dictionary of Real Estate Appraisal*, Sixth edition, The Appraisal Institute, Chicago, Illinois (U.S., 2015), page 190

RESOLUTION

A RESOLUTION AUTHORIZING THE SALE OF A CITY-OWNED PARCEL LOCATED OFF THE OAK RIDGE TURNPIKE BEHIND 100 ADAMS LANE (ANDERSON COUNTY TAX MAP 0990 GROUP A PARCEL 009.00) TO SUMMIT MEDICAL OF OAK RIDGE FOR THE PURCHASE PRICE OF \$131,100.00.

WHEREAS, the City is the owner of certain land located off the Oak Ridge Turnpike behind 100 Adams Lane, specifically Anderson County Tax Map 0990 Group A Parcel 009.00 (formerly known as Lot 533.01, Block 17-BX) consisting of approximately 1.98 acres; and

WHEREAS, this parcel is mostly unusable due to electrical and sewer easements as well as East Fork Poplar Creek; and

WHEREAS, Bob Parks, owner of 100 Adams Lane, is under contract with Summit Medical of Oak Ridge to redevelop the building at 100 Adams Lane into medical offices; and

WHEREAS, the City has been approached by Bob Parks, on behalf of Summit Medical, to purchase 0.69 acres of the adjacent City-owned parcel for use as parking for the medical offices; and

WHEREAS, an appraisal of the 0.69 acre portion of the parcel was conducted by Sellers & Associates with market value established at \$130,000.00; and

WHEREAS, the City Manager negotiated with Mr. Parks for a purchase price of \$131,100.00 for the entire parcel, which will eliminate any future maintenance costs by the City for the parcel while still preserving all easements and utility access points; and

WHEREAS, the City Manager recommends the sale of the entire parcel to Summit Medical of Oak Ridge for \$131,100.00.

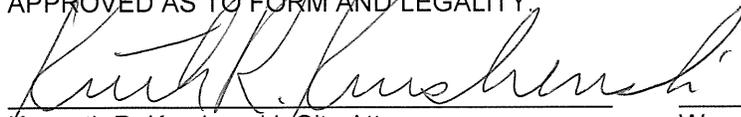
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and City Council hereby authorizes the City Attorney to prepare a Real Estate Sales Contract with Summit Medical of Oak Ridge for the transfer of the City-owned parcel located off of the Oak Ridge Turnpike behind 100 Adams Lane (Anderson County Tax Map 0990 Group A Parcel 009.00) for the purchase price of \$131,100.00, with the City reserving utility easements and utility access points.

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

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
17-14

DATE: March 7, 2017

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: WIFIA LOW-INTEREST LOAN PROGRAM

Introduction:

An item for City Council's consideration is a resolution authorizing for the City Manager to submit a statement of interest in participating in the U. S. Environmental Protection Agency's Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) program as required by April 10, 2017.

Funding:

The WIFIA program is a federal, low-interest borrowing program that is designed to assist local governments achieve significant utility infrastructure improvements by qualifying cities for necessary credit enhancements with the backing of the federal government. Participation in this program is by invitation upon completion of initial background applications, which will then require a \$100,000 application fee if invitation is to be accepted.

Background:

The WIFIA program has come to the attention of the City Manager's office through the City's lobbying contacts in Washington, D.C. Further investigation reveals that this program may be a significant "game changer" for the City of Oak Ridge as it contemplates how to fund the reconstruction of a new water plant for the community and DOE.

WIFIA has some advantages for consideration, which has been discussed with the City Council at earlier work sessions. The program is considered for minimum sized projects at \$20M for our population category. The estimated cost of the proposed plant is \$43.1M as per the Jacobs Engineering assessment. WIFIA will be able to fund 49% of the project with other sources to provide the balance. In Tennessee, the City of Oak Ridge would consider the Tennessee State Revolving Fund, which is well known to our City and how it works. Anticipated interest rates will be equal or greater to a rate of U.S. Treasury in a similar maturity. The City of Oak Ridge has AA+ bond rating and would be of considerable credit worthiness.

Another advantage of the WIFIA program will be the ability to have a maturity date of up to 35 years after the date of substantial completion. Additionally, this project may be able to extend even further in the out years due to the expected lifespan of a new water treatment plant. City Staff is now working to prepare an application of interest with the EPA using City Council selective action from the Jacobs report building a new plant at the riverfront.

The City Manager anticipates further discussions with our DOE partners as we proceed forward with this project. If the water plant is to be constructed, financing source can be a significant boost for our community to afford such a major investment, while avoiding the "rate shock" that can occur when too much must be paid in too short a time.

Recommendation:

Approval of the attached resolution is recommended.


Mark S. Watson

Attachments:
Sections 1 and 5 of WIFIA Program Handbook
Resolution



WIFIA
PROGRAM

HANDBOOK

January 2017

SECTION 1

1.0 INTRODUCTION TO WIFIA

The Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) established a federal credit program (referenced hereafter as the WIFIA program) administered by the U.S. Environmental Protection Agency (EPA). The WIFIA program accelerates investment in water and wastewater infrastructure of national and regional significance by offering creditworthy borrowers loans² for up to 49 percent of eligible project costs.

WIFIA authorizes EPA to provide secured (direct) loans and loan guarantees to eligible water infrastructure projects. Prospective borrowers will submit a letter of interest that demonstrates their projects eligibility, financial creditworthiness, engineering feasibility, and alignment with EPA's policy priorities. Using the basic information about the project and the prospective borrower provided, EPA will evaluate and select projects based on criteria described in this handbook using weightings established in a separate Notice of Funding Availability (NOFA). Following project selection, prospective borrowers will be invited to submit an application to EPA. The purpose of the application is to provide EPA with materials necessary to underwrite the proposed WIFIA assistance, and to develop, through negotiation, individual credit agreements between the prospective borrower and EPA.

WIFIA

The Water Infrastructure Finance and Innovation Act (WIFIA) program accelerates investment in our nation's water and wastewater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy water and wastewater projects of national and regional significance.

WIFIA loans have distinct benefits that are not readily available in the capital markets. The WIFIA program is able to act as a patient investor and offer credit assistance with extended maturities due to the federal government's long-term investment horizon. It can offer borrowers the advantage of developing customized terms, including sculpted repayment terms to match the specific needs of a project. Finally, the WIFIA program lends at a low, fixed interest rate equal to the Treasury rate for a comparable maturity.

EPA recognizes the importance of capital markets in advancing the development and improvement of water and wastewater infrastructure throughout the nation. The WIFIA program is intended to complement existing funding resources rather than supplant them. Therefore, all projects that receive

² WIFIA authorizes EPA to provide loans or loan guarantees. The term "loans" will be used throughout this handbook in place of "loans or loan guarantees."

WIFIA credit assistance must be co-financed with other sources of funding, including tax-exempt or taxable bonds, loans, grants, and equity.

EPA balances the distinct credit advantages that the WIFIA program offers with prudent lending practices. The WIFIA program will only fund projects that it finds to be creditworthy during the evaluation process.

1.1 LEGISLATIVE REFERENCE

Congress enacted the WIFIA program as part of the Water Resources Reform and Development Act of 2014³ (WRRDA). WIFIA was subsequently amended by The Fixing America's Surface Transportation (FAST) Act of 2015⁴ and the Water Infrastructure Improvements for the Nation Act of 2016⁵. Chapter 52 of Title 33 of the United States Code⁶ codifies WIFIA, with supporting regulations appearing in 40 C.F.R. 35 subpart Q. These documents are provided on the WIFIA program website at www.epa.gov/wifia.

1.2 FUNDING OF WIFIA CREDIT ASSISTANCE

The WIFIA program is governed by The Federal Credit Reform Act of 1990⁷. Therefore, EPA is required to estimate the long-term credit subsidy cost of each WIFIA credit instrument, account for this cost with an appropriation by Congress, and set it aside in a reserve. EPA must estimate and set aside this reserve before it can close or disburse WIFIA credit assistance. Congress appropriates funding to cover the credit subsidy cost of WIFIA credit assistance. Congress may also set a loan limit on the total amount of WIFIA credit assistance that can be extended under each appropriation.

1.3 PROGRAM ADMINISTRATION

The WIFIA program provides credit assistance to eligible borrowers. It is housed in the Water Infrastructure Division in the Office of Wastewater Management within the Office of Water and led by a Program Director.

³ [P.L. 113-121, §§5022-5035](#)

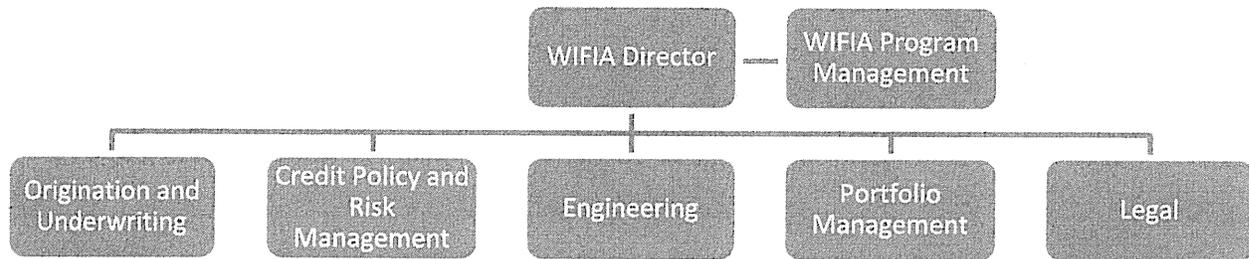
⁴ [P.L. 114-94](#)

⁵ [P.L. 114-322](#)

⁶ [33 U.S.C. §§3901-3914](#)

⁷ [2 U.S.C. §661 et seq.](#)

FIGURE 1: WIFIA PROGRAM ORGANIZATIONAL STRUCTURE



As displayed in Figure 1, the organizational structure of the WIFIA program contains a Program Director and six teams:

- **Program Director** manages the WIFIA program, develops program policy and leads interaction with the Credit Review Board, Credit Council, and EPA leadership.
- **WIFIA Program Management** team provides comprehensive program support. Functions include communication, program evaluation, contract management, and development of program policy.
- **Origination and Underwriting** team guides projects through the application process, including letter of interest and application intake and review, and communication with prospective borrowers. The Origination and Underwriting team leads the negotiation of the terms and conditions for WIFIA transactions and performs credit evaluations to ensure repayment of the WIFIA debt. This team communicates with external parties, including performing outreach to explain the application process to prospective borrowers and serving as primary points of contact during the application process.
- **Credit Policy and Risk Management** team reviews the credit analysis performed by the Origination and Underwriting team. This team establishes and monitors the credit policy and risk management for individual WIFIA loans as well as the WIFIA loan portfolio. The Credit and Risk Management team provides the overall risk assessment for WIFIA transactions and calculates the federal credit subsidy cost of the WIFIA credit assistance. This team also acts as the main contact with outside credit and risk oversight stakeholders such as Office of Management and Budget.
- **Engineering** team assesses the feasibility of each project and the reasonableness of submitted technical documents. This team evaluates the design, operating, and engineering plans and coordinates with technical advisors, as necessary.
- **Portfolio Management** team manages assets and monitors the financial compliance of approved projects. As part of these responsibilities, the Portfolio Management team monitors changes in financial covenants and in the portfolio-at-risk to preempt any events that may lead to default. This team approves disbursements and services WIFIA credit assistance.

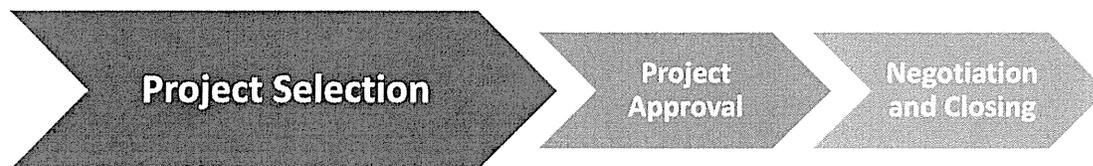
- **Legal** team oversees the drafting of legal documentation, including term sheets, credit agreements, and related financing documents.

SECTION 5

5.0 PROJECT SELECTION

This section describes the first phase of the WIFIA program application process, which includes the release of the Notice of Funding Availability (NOFA), the submission of letters of interest, the evaluation of letters of interest, and the selection of projects to invite to apply.

Due to the competitive nature of project selection, prospective borrowers should submit all inquiries in writing to wifia@epa.gov during this phase of the application process. In addition to answering the prospective borrower directly, the WIFIA program will compile the questions and their responses into a frequently asked questions (FAQ) document posted on its website.



5.1 NOTICE OF FUNDING AVAILABILITY

The initial phase commences with the issuance of a NOFA. A NOFA notifies the public that new funding is available, typically after funds are appropriated by Congress, and EPA is ready to accept letters of interest from prospective borrowers. EPA will publish the NOFA in the Federal Register and on the WIFIA program website. Each NOFA will specify the amount of funding available to support WIFIA credit assistance, EPA's priorities for the funding round(s), and the weight given to each selection criterion. EPA may also include in the NOFA additional eligibility requirements, set-asides, or priorities as mandated by the appropriating legislation.

EPA may announce multiple selection rounds in a single NOFA. For each selection round, the NOFA will identify a deadline by which letters of interest must be submitted to be considered for funding in that selection round.

5.2 LETTER OF INTEREST SUBMISSION

Prospective borrowers must submit a letter of interest by the deadline articulated in the NOFA to be considered for WIFIA credit assistance in a selection round.

In the letter of interest, prospective borrowers provide the WIFIA program with sufficient information to: (i) validate the eligibility of the prospective borrower and the proposed project, (ii) perform a preliminary creditworthiness assessment, (iii) perform a preliminary engineering feasibility analysis, and (iv) supply the WIFIA program with information to evaluate the project against the selection criteria defined in the NOFA.

5.2.1 COMPONENTS

The letter of interest contains the following eight (8) sections:

1. **Prospective Borrower Information:** In this section, the prospective borrower provides basic information such as its legal name, address, website, Dun and Bradstreet Data Universal Number System (DUNS) number, and employer/taxpayer identification number. In addition, it describes the project's organizational structure, and readiness to proceed. As part of the description of its financial condition, the prospective borrower should include the year-end audited financial statements for the past three years, as available.

If the project will be undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, or a tribal government or consortium of tribal governments, the prospective borrower must demonstrate public sponsorship for the project. Public sponsorship means that the prospective borrower can demonstrate, to the satisfaction of the EPA, that it has consulted with the affected State, local, or tribal government in which the project is located, or is otherwise affected by the project and that such government supports the proposed project. A prospective borrower can show support by including a certified letter signed by the approving municipal department or similar agency, mayor or other similar designated authority, local ordinance, or any other means by which local government approval can be evidenced.

2. **Project Plan:** The prospective borrower provides a general description of the project, including its location, population served, purpose, design features, project delivery method, and development schedule. In addition, it includes other relevant information that could affect the development of the project, such as community support, pending legislation, litigation, and permitting. Also, the prospective borrower submits project documents including preliminary engineering analysis, project plans and specifications, project schedule, and a system master plan, as available.
3. **Project Operations and Maintenance Plan:** The prospective borrower describes its plan for operating, maintaining, and repairing the project post-completion, discusses the sources of revenue used to finance these activities, and provides an estimate of the economic useful life of the project.
4. **Financing Plan:** The prospective borrower details the proposed sources and uses of funds for the project and states the type and amount of credit assistance it is seeking from the WIFIA program. The discussion of proposed financing should identify the source(s) of revenue or other security that would be pledged to the WIFIA assistance. Additionally, the prospective borrower describes the credit characteristics of the project and how the senior obligations of the project will achieve an investment-grade rating as well as the anticipated rating on the WIFIA instrument. It also includes a financial pro forma which shall consist of a financial summary of the project's projected financial performance through final maturity of the WIFIA credit instrument, including a projected annual income statement, balance sheet, statement of cash flows and project debt amortization schedule. The financial summary must be provided at a detail sufficient to evaluate the repayment of the WIFIA credit instrument and calculated credit metrics (e.g., debt service coverage). The WIFIA program must be able to validate the submitted materials, which it will use to evaluate creditworthiness.

5. **Selection Criteria:** The prospective borrower describes the potential policy benefits achieved through the use of WIFIA assistance with respect to each of the WIFIA program selection criteria. These criteria and their weights are enumerated in the NOFA. Appendix C of the handbook also contains a detailed discussion of the selection criteria.
6. **Contact Information:** The prospective borrower identifies the point of contact with whom the WIFIA program should communicate regarding the letter of interest. For the purpose of completing its evaluation, WIFIA program staff may contact a prospective borrower regarding specific information in the letter of interest.
7. **Certifications:** The prospective borrower certifies that it will abide by all applicable laws and regulations, including NEPA, the Federal Water Pollution Control Act, the American Iron and Steel requirements, and Federal labor standards, among others if selected to receive funding.
8. **SRF Notification:** The prospective borrower acknowledges that EPA will notify the State infrastructure financing authority in the State in which the project is located that it submitted a letter of interest and provide the submitted letter of interest and source documents to that authority. The prospective borrower may opt out of having its letter of interest and source documents shared.

Prospective borrowers should use the template provided on the WIFIA website to prepare the letter of interest. In cases where there are differences between the guidance in this document and the guidance on the electronic form, the latter should dictate the prospective borrower's response.

5.3 LETTER OF INTEREST SUBMISSION

Prospective borrowers should submit letters of interest electronically to wifia@epa.gov by midnight in their respective time zone on the date of the deadline stated in the NOFA. If needed, electronic files on a USB drive or CD can be provided via express mail or courier delivery service to the attention of:

Director, WIFIA Program
 US EPA William Jefferson Clinton West Building-room 6210 A
 1301 Constitution Ave, NW
 Washington, DC 20004

5.4 LETTER OF INTEREST EVALUATION

The WIFIA program will select projects to be invited to apply based on submitted letters of interest. EPA will only select projects which are reasonably anticipated to be able to meet the eligibility requirements and for which the WIFIA program has sufficient budget authority. This helps to ensure the potential borrowers do not expend time and financial resources, including incurring fees associated with submitting an application, for a project that is not likely to proceed to financial close.

EPA will assess letters of interest by performing an eligibility screening, a preliminary creditworthiness assessment, a preliminary engineering feasibility analysis, and an evaluation of the selection criteria.

5.4.1 ELIGIBILITY SCREENING

Upon receipt of a letter of interest, the WIFIA program will verify that the letter of interest is complete and validate that the prospective borrower is an eligible entity as described Section 2.1 and the proposed project is an eligible project as described in Section 2.2.

5.4.2 PRELIMINARY CREDITWORTHINESS ASSESSMENT

Following the determination of eligibility, the WIFIA program will perform a preliminary creditworthiness assessment. The preliminary creditworthiness assessment has two purposes:

- To evaluate whether the credit assistance requested by the prospective borrower has reasonable assurance of repayment.
- To estimate the amount of budget authority necessary to fund such WIFIA credit assistance.

If the WIFIA program finds that the credit assistance that the prospective borrower requested does not support a determination of creditworthiness, the project will be considered ineligible for WIFIA credit assistance. Prospective borrowers are encouraged to provide the WIFIA program with as much information about the proposed credit request as possible in response to the letter of interest and through attachments. Whenever possible, the prospective borrower should include existing credit ratings on the proposed source of repayment. The WIFIA program will use this information to determine historic financial performance (for established entities) as well as the strength of the proposed revenue pledge by evaluating revenue and expense projections including coverage ratios and growth trends.

5.4.3 PRELIMINARY FEASIBILITY ANALYSIS

The WIFIA program will perform a preliminary engineering review to evaluate whether the project is technically feasible based on the information submitted with the letter of interest. The purpose of this review is not to provide input on project design but to ensure the project can be completed on time and within budget. The WIFIA program will evaluate the reasonableness of the project development schedule, environmental review, cost estimates, and operations and maintenance plan. While additional supporting materials such as alternatives analysis or master plans are not required, the prospective borrower can make a stronger case for a well thought out, documented, and prioritized project by providing the WIFIA program with such information.

5.4.4 SELECTION CRITERIA

The statute requires that the WIFIA program evaluate projects using selection criteria. The statute establishes the first eleven (11) criteria, to which the implementation rule adds two (2) additional criteria. The WIFIA program evaluates the criteria as described in Appendix C. The WIFIA program selection criteria are as follows:

1. The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public health benefits.
2. The likelihood that WIFIA credit assistance would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

3. The extent to which the project uses new or innovative approaches such as the use of energy efficient parts and systems, or the use of renewable or alternate sources of energy; green infrastructure; and the development of alternate sources of drinking water through desalination, aquifer recharge or water recycling.
4. The extent to which the project protects against extreme weather events, such as floods or hurricanes, as well as the impacts of climate change.
5. The extent to which the project helps maintain or protect the environment or public health.
6. The extent to which a project serves regions with significant energy exploration, development, or production areas.
7. The extent to which a project serves regions with significant water resource challenges, including the need to address water quality concerns in areas of regional, national, or international significance; water quantity concerns related to groundwater, surface water, or other resources; significant flood risk; water resource challenges identified in existing regional, state, or multistate agreements; and water resources with exceptional recreational value or ecological importance.
8. The extent to which the project addresses identified municipal, state, or regional priorities;
9. The readiness of the project to proceed toward development, including a demonstration by the prospective borrower that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which WIFIA credit assistance is obligated for the project.
10. The extent to which the project financing plan includes public or private financing in addition to WIFIA credit assistance.
11. The extent to which WIFIA credit assistance reduces the contribution of federal assistance to the project.
12. The extent to which the project addresses needs for repair, rehabilitation or replacement of a treatment works, community water system, or aging water distribution or wastewater collection system.
13. The extent to which the project serves economically stressed communities, or pockets of economically stressed rate payers within otherwise non-economically stressed communities.

5.5 PROJECT SELECTION

Once all letters of interest for a selection round have been evaluated, the Selection Committee will select which prospective borrowers to invite to apply. The Selection Committee will choose projects from the pool of active letters of interest received before the selection round due date. The Selection Committee will consider the selection criteria scoring, preliminary engineering feasibility findings, the preliminary creditworthiness assessment, and the amount of budget authority necessary to provide WIFIA credit assistance, as required by statute. The Selection Committee will also consider the diversity

of project types and geography within the portfolio.³⁵ There is no threshold score that must be achieved in order to be selected. Rather, the Selection Committee will weigh each of the factors outlined above in making final determinations.

The WIFIA program will provide written notification inviting prospective borrowers to submit an application for WIFIA credit assistance. In these notifications, the WIFIA program will indicate the location of the latest application materials and provide the deadline for submitting an application. This deadline will be 365 days from the date of the notification. To retain their invitation, prospective borrowers must respond to the notification within thirty business days to confirm receipt of the notification as well as their intent to submit a timely application. Prospective borrowers that are invited to apply and do not plan to submit an application for WIFIA credit assistance are asked to notify the WIFIA program immediately to allow other prospective borrowers to be invited.

An invitation to apply for WIFIA credit assistance does not guarantee EPA's approval, which remains subject to a project's continued eligibility, including creditworthiness, the successful negotiation of terms acceptable to EPA, and the availability of funds at the time at which all necessary recommendations and evaluations have been completed. However, the purpose of EPA's letter of interest review is to pre-screen prospective borrowers to the extent practicable. In doing this, it is expected that EPA will only invite projects to apply if it anticipates that those projects are able to obtain WIFIA credit assistance.

³⁵ 33 U.S.C. §3902(a)

RESOLUTION

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A LETTER OF INTEREST TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY UNDER THE WIFIA PROGRAM FOR THE WATER TREATMENT PLANT CONSTRUCTION PROJECT, AND AUTHORIZING THE SUBMITTAL OF THE REQUIRED APPLICATION AND FEE SHOULD THE CITY'S PROJECT BE SELECTED TO MOVE FORWARD IN THE APPLICATION PROCESS.

WHEREAS, by Resolution 2-14-2017, City Council adopted the Oak Ridge Water Treatment Plant Evaluation report, dated November 18, 2016, prepared by Jacobs Engineering Group, Inc., Knoxville, Tennessee, and directed the City Manager to move forward with implementing the recommendation set forth in the report for construction of a new Water Treatment Plant at the existing Raw Water Intake site; and

WHEREAS, funding is an integral part of implementation of the project; and

WHEREAS, the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) established the WIFIA program, which is a federal credit program administered by the U.S. Environmental Protection Agency (EPA) for eligible water and wastewater infrastructure projects; and

WHEREAS, the WIFIA program provides long-term, low-cost supplemental loans for regionally and nationally significant projects; and

WHEREAS, entities eligible to apply for the WIFIA program include local governments and construction of a new water plant falls under the list of eligible development and implementation activities; and

WHEREAS, the first step in the WIFIA program process is submittal of a letter of interest to the EPA outlining the project's eligibility, financial creditworthiness, engineering feasibility, and alignment with EPA's policy priorities; and

WHEREAS, letters of interest are due electronically by April 10, 2017; and

WHEREAS, based upon this information, the EPA selects which projects it intends to fund and invites those entities to continue to the application process for WIFIA credit assistance; and

WHEREAS, as part of the letter of interest, the eligible entity must indicate whether it will submit the required application if selected; and

WHEREAS, the EPA has a proposed rule which must be finalized prior to charging any fees, however, this proposed rule requires a non-refundable application fee of \$100,000.00 with submittal of the WIFIA application; and

WHEREAS, the City Manager requests City Council approval to move forward with the WIFIA application process and approval to submit the application along with any required fees should the City be selected to move forward in the application process 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 Manager is hereby authorized to submit a letter of interest to the U.S. Environmental Protection Agency for the Water Infrastructure Finance and Innovation Act (WIFIA) program for credit assistance for construction of a new water treatment plant project.

BE IT FURTHER RESOLVED that, if selected by the EPA to move forward in the WIFIA program application process for this project, the City Manager is authorized to submit the application along with any required fees.

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
17-11

DATE: March 7, 2017
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: REPEAL OF ANY PREEMPTION OF LOCAL CONTROL TO REGULATE SMOKING

Introduction:

An item for City Council's consideration is a resolution urging the Tennessee General Assembly to repeal any preemption of local control to regulate smoking.

Funding:

No costs are associated with this action as it is legislative in nature.

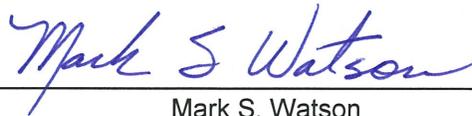
Background:

At the last City Council meeting, Councilmember Dodson expressed interest in an item brought forward by his students. The request was for more local control in determining public smoking locations. For several years state legislative actions have eroded local control in deciding about public venues. At present, the Cancer Society of Tennessee is making an effort to restore local control in the consumption and use of tobacco in public places. Many states have many options they use to address proximities to public parks, such as kid's playgrounds, smoking areas in airports, and smoking outside of entrances. This has been preempted in Tennessee for local governments.

If some cities are desirous of making more healthful communities and it requires local actions to do so, the resolution as sponsored by the Cancer Society is just such an effort. The City Manager supports the adoption of this measure by the City Council and will allow the City Manager and the City Council to express such with members of the Tennessee General Assembly, including our local delegation.

Recommendation:

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments:

Correspondence from Councilmember Dodson
Resolution

Hickman, Beth

Subject: Resolution to Restore Local Control of Smoke-Free Air and other Tobacco-Related Laws

Beth,

This letter serves as my request for the Oak Ridge City Council to consider a resolution that asks the Tennessee General Assembly to repeal any preemption of local smoke-free air and other tobacco-related laws and restore the right of local governments to enact and enforce smoke-free ordinances.

I am bringing this resolution to City Council at the request of an Oak Ridge high school student and member of the Youth Advisory Board and Allies for Substance Abuse Prevention. I feel strongly that encouraging our young people to have input in local government is very important for our future.

Local municipalities should also have more autonomy to regulate ordinances that improve the health for our citizens. Support of this resolution will promote better quality of life by encouraging succession of tobacco use in our local parks without any adverse economic impact on our hospitality industry.

This effort is being led by the American Cancer Society chapters across the state and this movement has secured the support of many other health focused agencies and municipalities.

Thank you,

Jim Dodson
Oak Ridge City Council

Sent from my iPad

RESOLUTION

A RESOLUTION URGING THE TENNESSEE GENERAL ASSEMBLY TO REPEAL ANY PREEMPTION OF LOCAL CONTROL TO REGULATE SMOKING.

WHEREAS, according to the Centers for Disease Control and Prevention's (CDC) January 11, 2017 published Fast Fact on the Health Effects of Secondhand Smoke, secondhand smoke causes numerous health problems such as cardiovascular disease, lung cancer, and Sudden Infant Death Syndrome (SIDS), as well as can cause serious health problems in children including bronchitis, pneumonia, and an increased number of ear infections, and that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, the 2006 U.S. Surgeon General's report, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*," concluded that secondhand smoke causes premature death and disease in children and adults who do not smoke; children exposed to secondhand smoke are at an increased risk of SIDS, acute respiratory infections, ear problems, and more severe asthma; exposure of adults to secondhand smoke has immediate effects on the cardiovascular system and causes coronary heart disease and lung cancer; and there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, by Tennessee Code Annotated §39-17-1551, state law has preempted local control to regulate smoking, and while state law prohibits smoking in enclosed public places with limited exceptions under the Non-Smoker Protection Act (Tennessee Code Annotated §39-17-1801 et seq.), this Act does not prohibit smoking in outdoor recreational areas such as parks; and

WHEREAS, in 2016, state law was amended to give back some local control over smoking regulation on the grounds of local government-owned swimming pools and large amphitheaters, however, this law was limited by population to Davidson County and municipalities located in Sullivan County (Tennessee Code Annotated §39-17-1551); and

WHEREAS, there is current legislation pending before the General Assembly (HB0122/SB0303) to authorize municipalities to regulate the use and possession of tobacco products in public places, places of employment, and parks, provided the local regulation is not less restrictive than the state regulations that apply to the same facilities; and

WHEREAS, local governments should have more autonomy to regulate ordinances that improve the health safety of their citizens.

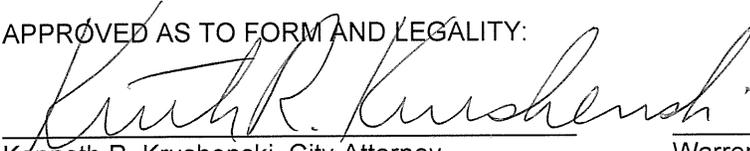
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City of Oak Ridge, Tennessee, urges the Tennessee General Assembly to repeal any preemption of local smoke-free air and other tobacco-related laws, and restore the right of local governments to enact and enforce smoke-free air and other tobacco-related laws.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the Oak Ridge legislative delegation.

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Richard G. Chinn, Jr., Mayor Pro Tem

Kelly S. Callison, Councilmember

James Dodson, Councilmember

Charles J. Hope, Jr., Councilmember

Ellen D. Smith, Councilmember

Hans Vogel, Councilmember

Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
17-13

DATE: March 7, 2017
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SB 127

Introduction:

An item for City Council's consideration is a resolution expressing opposition to Senate Bill 0127 (House Bill 0054).

Funding:

Due to the undefined descriptions of what constitutes an internal policy of a business and how it may affect local government operations, the proposed law exposes the local taxpayer treasury to an undetermined amount of fiscal exposure and risk.

Background:

The 2017 Legislative session has had numerous bills filed with SB 127 by Senator Green being one that impinges on the local governments doing their job to ensure compliance with state and federal law. The bill allows a local government to be sued for discrimination if it takes an action against the business on the basis of its internal policies such as personnel and benefit policies.

SB 127 was an "early" bill that was proposed at the beginning of the Legislative Session. It was initially vague and hard to determine what it meant. The bill has been delayed numerous times and has met with serious opposition, but is being pushed by a gubernatorial candidate who is trying to appeal to a constituency. Various city managers throughout the state have assessed this bill and found it to be filled with risk and potential hardships to cities.

The latest version of this bill and amendments is attached to the report. As an example that I have used, a Parks grant from the state comes with numerous stipulations such as Davis-Bacon wage requirements and Title 6 Discrimination requirements. To receive the grant, we must obey these requirements or be faced with denial of the grant. If it is determined that the hired contractor or sub-contractor is not federally compliant with our requirements, the City may have to take action or rescind a contract in a worst case. SB 127 would make this discriminatory and subject to penalties against the City. It is hard enough to manage through contracts without facing costs of litigation defending against discriminatory actions.

Recommendation:

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments:
Senate Bill 127 and Amendments
Resolution

SENATE BILL 127

By Green

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 48; Title 61; Title 62
and Title 67, relative to government actions.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 1, Part 4, is amended by adding the following as a new section:

(a) A government entity shall not take discriminatory action against a business entity on the basis of the internal policies of the business entity, including, but not limited to, personnel and employee benefit policies that are in compliance with state law.

(b) As used in this section:

(1) "Business entity" means a sole proprietorship, corporation, limited liability company, limited liability partnership, or other legal entity, association, or body vested with the power or function of a legal entity;

(2) "Discriminatory action" means any action taken by a government entity or local government entity to:

(A) Alter in any way the tax treatment of, or cause any tax, penalty, or payment to be assessed against a business entity;

(B) Deny, delay, or revoke a business entity's exemption from taxation;

(C) Withhold, reduce, exclude, terminate, deny, or otherwise make unavailable to a business entity any grant, contract, subcontract, cooperative agreement, bond issue, license, certification, or other similar opportunity, position, or status; or

(D) Withhold, reduce, exclude, terminate, deny, or otherwise make unavailable to a business entity access or an entitlement to property, facilities, speech forums, including traditional, limited, and nonpublic forums, or charitable fundraising campaigns; and

(3) "Government entity" means any branch, department, agency, commission, or instrumentality of this state and any official or other person acting under color of state law.

SECTION 2. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following as a new part:

(a) A local government entity shall not take discriminatory action against a business entity on the basis of the internal policies of the business entity, including, but not limited to, personnel and employee benefit policies that are in compliance with state law.

(b) As used in this section:

(1) "Business entity" means a sole proprietorship, corporation, limited liability company, limited liability partnership, or other legal entity, association, or body vested with the power or function of a legal entity;

(2) "Discriminatory action" means any action taken by a government entity or local government entity to:

(A) Alter in any way the tax treatment of, or cause any tax, penalty, or payment to be assessed against a business entity;

(B) Deny, delay, or revoke a business entity's exemption from taxation;

(C) Withhold, reduce, exclude, terminate, deny, or otherwise make unavailable to a business entity any grant, contract, subcontract, cooperative agreement, bond issue, license, certification, or other similar opportunity, position, or status; or

(D) Withhold, reduce, exclude, terminate, deny, or otherwise make unavailable to a business entity access or an entitlement to property, facilities, speech forums, including traditional, limited, and nonpublic forums, or charitable fundraising campaigns; and

(3) "Local government entity" means any city, town, municipality, county, including any county having a metropolitan form of government, local education agency, development district, utility district, human resource agency, or other political subdivision of this state.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Commerce and Labor Committee 1

Amendment No. 1 to SB0127

Johnson
Signature of Sponsor

AMEND Senate Bill No. 127

House Bill No. 54*

by deleting the language "state law" and substituting instead the language "state or federal law" in Section 1, subsection (a) and in Section 2, subsection (a).

AND FURTHER AMEND by deleting the language "or local government entity" from subdivision (b)(2) in Section 1.

AND FURTHER AMEND by deleting the language "government entity or" from subdivision (b)(2) in Section 2.

Amendment No. 2 to SB0127

**Green
Signature of Sponsor**

AMEND Senate Bill No. 127

House Bill No. 54*

by deleting subsection (a) in Section 1 and substituting instead the following:

(a) A government entity shall not take discriminatory action against a business entity on the basis of the personnel and employee benefit policies of the business entity if those policies are otherwise in compliance with state and federal law.

AND FURTHER AMEND by deleting subsection (a) in Section 2 and substituting instead the following:

(a) A local government entity shall not take discriminatory action against a business entity on the basis of the personnel and employee benefit policies of the business entity if those policies are otherwise in compliance with state and federal law.

Senate State and Local Government Committee 1

Amendment No. 3 to SB0127

Yager
Signature of Sponsor

AMEND Senate Bill No. 127

House Bill No. 54*

by deleting subsection (a) in Section 1 and substituting instead the following:

(a) A government entity shall not take a discriminatory action against a business entity based upon the policies of the business entity regarding the following, if the policies are in compliance with state and federal statutes, rules, and regulations:

- (1) Health insurance policies and the coverage provided thereunder;
- (2) Family leave policies;
- (3) Minimum wage policies; or
- (4) Antidiscrimination policies.

AND FURTHER AMEND by deleting subsection (a) in Section 2 and substituting instead the following:

(a) A local government entity shall not take a discriminatory action against a business entity based upon the policies of the business entity regarding the following, if the policies are in compliance with state and federal statutes, rules, and regulations:

- (1) Health insurance policies and the coverage provided thereunder;
- (2) Family leave policies;
- (3) Minimum wage policies; or
- (4) Antidiscrimination policies.

RESOLUTION

A RESOLUTION EXPRESSING OPPOSITION TO SENATE BILL 0127 (HOUSE BILL 0054).

WHEREAS, legislation is pending before the General Assembly to prohibit state and local governments from taking a broad range of actions against a business based upon that business's internal policies (SB0127/HB0054); and

WHEREAS, the bill labels those actions by state and local governments as discriminatory; and

WHEREAS, due to the undefined descriptions of what constitutes an internal policy of a business and how it may affect local government operations, the proposed bill exposes the local taxpayer treasury to an undetermined amount of fiscal exposure and risk and may, as an example, create a conflict in the City's ability to comply with other federal and state requirements; and

WHEREAS, for the foregoing reasons, City Council opposes this bill.

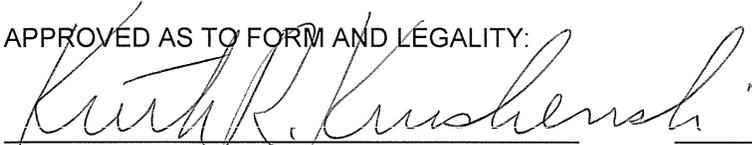
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City Council opposes Senate Bill 0127 (House Bill 0054) as it exposes the local taxpayer treasury to an undetermined amount of fiscal exposure and risk due to the undefined descriptions of what constitutes an internal policy of a business and how it may affect local government operations.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the Oak Ridge legislative delegation.

This the 13th day of March 2017.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

ELECTIONS

&

APPOINTMENTS

ANNOUNCEMENTS

SCHEDULING

CITY CLERK MEMORANDUM
17-06

DATE: February 28, 2017

TO: Honorable Mayor and Member of City Council

FROM: Mary Beth Hickman, City Clerk

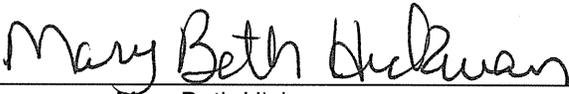
SUBJECT: APPOINTMENT OF JANE SHELTON AS THE PLANNING COMMISSION
REPRESENTATIVE TO THE TRAFFIC SAFETY ADVISORY BOARD

An item for City Council's consideration is the appointment of Jane Shelton as the Oak Ridge Municipal Planning Commission Representative on the Traffic Safety Advisory Board.

Resolution No. 8-112-85, as approved by City Council on August 5, 1985, requires that one member of the Traffic Safety Advisory Board shall be nominated by the Oak Ridge Municipal Planning Commission from its membership.

At its February 16, 2017 regular meeting, the Planning Commission voted unanimously to recommend Jane Shelton as the Planning Commission Representative on the Traffic Safety Advisory Board.

City Council action is required in order to confirm this appointment.



Mary Beth Hickman

Attachment:

Letter from Kathryn Baldwin, Community Development Director, and Stephen Whitson, Chairman of the Oak Ridge Municipal Planning Commission

COMMUNITY DEVELOPMENT MEMORANDUM
17-09

TO: Beth Hickman, City Clerk
FROM: Kathryn G. Baldwin, Community Development Director
DATE: February 23, 2017
SUBJECT: Planning Commission Nomination for Traffic Safety Advisory Board

At their regular meeting on February 16, 2017, the Oak Ridge Municipal Planning Commission voted unanimously to recommend Jane Shelton as the Planning Commission Representative to serve on the Traffic Safety Advisory Board.

Sincerely,



Kathryn Baldwin, Community Development Director



H. Stephen Whitson, Chairman of the Oak Ridge Municipal Planning Commission