

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

February 12, 2018 - 7:00 p.m.

AGENDA

I. INVOCATION

Reverend Tandy Scheffler, Oak Ridge Unitarian Universalist Church

II. PLEDGE OF ALLEGIANCE

Eli Roth, student at Jefferson Middle School

III. ROLL CALL

IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

- a. City Manager's recognition of City Clerk Beth Hickman and Deputy City Clerk Sandy Sexton for receiving Municipal Clerk certification

Proclamations

- a. A proclamation designating March 2, 2018 as Arbor Day
- b. A proclamation honoring Shelter Animals Rescue Group for their service to the Oak Ridge community
- c. A proclamation recognizing the City of Rockwood's 150th Anniversary

V. SPECIAL REPORTS

- a. FY 2017 Audit Report – Conor O'Donoghue and Julie Hayes, Coulter & Justus

VI. CONSENT AGENDA

- a. Approval of January 8, 2018 City Council regular meeting minutes
- b. 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, 2018, AND TO AUTHORIZE DISTRIBUTION OF THE ELECTRIC FUNDS BETWEEN THE CITY OF OAK RIDGE AND ANDERSON AND ROANE COUNTIES IN ACCORDANCE WITH STATE LAW.
- c. A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$70,000 TO ANDERSON COUNTY FOR RENOVATIONS OF THE DANIEL ARTHUR REHABILITATION CENTER LOCATED ON EMORY VALLEY ROAD FOR GENERAL SESSIONS DIVISION II.
- d. A RESOLUTION AUTHORIZING AN ASSIGNMENT AND ASSUMPTION OF THE WOOD AND GREEN WASTE DISPOSAL AGREEMENT BETWEEN THE CITY AND NATURE'S BEST ORGANICS OF TENNESSEE, LLC, TO THE LETCO GROUP DBA LIVING EARTH.

- e. A RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A GRANT FROM THE TENNESSEE DEPARTMENT OF TOURISM DEVELOPMENT IN AN AMOUNT UP TO \$75,000.00 FOR IMPROVEMENTS AT MELTON LAKE PARK AND INSTALLATION OF SIGNAGE AT HISTORIC SITES.
- f. A RESOLUTION AUTHORIZING AN EXTENSION THROUGH DECEMBER 2019 TO THE LEASE AGREEMENT BETWEEN THE CITY AND THE OAK RIDGE ROWING ASSOCIATION.
- g. A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BARGE DESIGN SOLUTIONS, KNOXVILLE, TENNESSEE, FOR SURVEY, DESIGN, PERMITTING ASSISTANCE, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE BLANKENSHIP FIELD REVITALIZATION PROJECT.

VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

- a. AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 15-209, TITLED "RESTRICTION OF RED LIGHTS VISIBLE FROM FRONT," AND SUBSTITUTING THEREFOR A NEW SECTION 15-209, TITLED "RESTRICTION OF STEADY-BURNING LIGHTS VISIBLE FROM FRONT"; BY DELETING SECTION 15-210, TITLED "RESTRICTION OF BLUE LIGHTS VISIBLE FROM FRONT," AND SUBSTITUTING THEREFOR A NEW SECTION 15-210, TITLED "RESTRICTION OF FLASHING LIGHTS VISIBLE FROM FRONT"; BY CREATING SECTION 15-301, TITLED "PROHIBITED USE OF HAND-HELD MOBILE TELEPHONE IN MARKED SCHOOL ZONE; PROHIBITED USE OF MOBILE TELEPHONE WITH HANDS-FREE DEVICE BY PERSON UNDER 18," WHICH SECTION WAS PREVIOUSLY RESERVED FOR FUTURE USE; AND BY ADDING VARIOUS SUBPARTS TO SECTION 15-349, TITLED "TEXTING WHILE DRIVING PROHIBITED"; ALL FOR THE PURPOSE OF ADDING NEW STATE LAW PROVISIONS INTO THE CITY CODE WHICH TOOK EFFECT JANUARY 1, 2018 AND FOR STATE LAW COMPLIANCE.
- b. AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY DELETING SECTION 5.3, TITLED "ENTRY LEVEL SALARY RATES," SUBSECTIONS C.2. AND D, AND SUBSTITUTING THEREFOR NEW SUBSECTIONS C.2. AND D, AND BY DELETING SECTION 6.9, TITLED "TEMPORARY ASSIGNMENT/ACTING PAY," AND SUBSTITUTING THEREFOR A NEW SECTION 6.9 WITH THE SAME TITLE, FOR THE PURPOSE OF UPDATING THE PERSONNEL PLAN.
- c. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 12, TITLED "ENERGY CONSERVATION CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-1201, TITLED "ENERGY CONSERVATION CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-1201, TITLED "ENERGY CONSERVATION CODE ADOPTED," AND BY CREATING A NEW SECTION 12-1202, TITLED "AMENDMENTS," ALL FOR THE PURPOSE OF ADOPTING THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE FOR COMPLIANCE WITH TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE, DIVISION OF FIRE PREVENTION, REQUIREMENTS.

VIII. FINAL ADOPTION OF ORDINANCES

- 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 001.00, ANDERSON COUNTY TAX MAP 100A, GROUP C, (APPROXIMATELY 1.1 ACRES) FROM O-2, OFFICE DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT, SAID PARCEL BEING LOCATED AT 101 BUS TERMINAL ROAD.

IX. RESOLUTIONS

X. APPEARANCE OF CITIZENS

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

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

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

- a. CITY MANAGER'S REPORT
- b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

PROCLAMATIONS

CITY CLERK MEMORANDUM
18-02

DATE: January 31, 2018
TO: Honorable Mayor and Members of City Council
FROM: Mary Beth Hickman, City Clerk
SUBJECT: PROCLAMATION FOR THE FEBRUARY 12, 2018 CITY COUNCIL MEETING AGENDA

The following proclamations are presented for the February 12, 2018 City Council meeting for the City Council's consideration:

A proclamation designating March 2, 2018 as Arbor Day

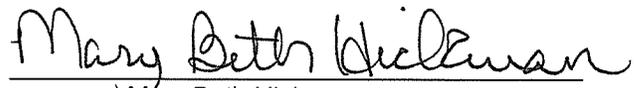
This request was submitted by the Oak Ridge Recreation and Parks Department to proclaim March 2, 2018 as Arbor Day. As the proclamation states, there will be a public tree planting on March 2, 2018 at 10:00 a.m. at Willow Brook School. Recreation and Parks Director Jon Hetrick will be in attendance at the City Council meeting to accept the proclamation.

A proclamation honoring Shelter Animals Rescue Group for their service to the Oak Ridge community.

This request was submitted by Mayor Warren Gooch to honor Shelter Animals Rescue Group (SARG) for their efforts in the community, such as assisting low-income residents with spaying/neutering and shots and donating pet food for low-income seniors.

A proclamation recognizing the City of Rockwood's 150th Anniversary

This request was submitted by Becky Ruppe, City Recorder/City Administrator for the City of Rockwood, to honor the City of Rockwood as it celebrates its 150th anniversary.



Mary Beth Hickman

Attachments:

Proclamation designating March 2, 2018 as Arbor Day
Proclamation honoring Shelter Animals Rescue Group for their service to the Oak Ridge community
Proclamation recognizing the City of Rockwood's 150th anniversary

PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees and this holiday, called "Arbor Day," was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the City of Oak Ridge has been designated a "Tree City USA" by the National Arbor Day Foundation in recognition of the City's desire to maintain an effective program of tree care and planting that will continue through the years; and

WHEREAS, as part of this program, the City's Recreation and Parks Department distributes seedlings to fourth graders in all five of the elementary schools each year, and this year's seedlings will be hornbeam trees; and

WHEREAS, the program also includes the planting of an official tree on Arbor Day of each year, in cooperation with the UT Arboretum, with the planting location being rotated among the elementary schools; and

WHEREAS, this year a Bald Cypress is being planted at St. Mary's School in a public ceremony to take place on Friday, March 2, 2018, at 10:00 a.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that March 2, 2018, be proclaimed

ARBOR DAY

in the City of Oak Ridge, Tennessee, and that all citizens be urged to support efforts to protect our trees and woodlands and to support our city's urban forestry program.

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 12th day of February in the year 2018.

WARREN L. GOOCH
MAYOR

PROCLAMATION

WHEREAS, Shelter Animals Rescue Group (SARG) is a 501 (c)3 non-profit organization formed in January, 1996 for the purpose of giving animals from the Oak Ridge Animal Shelter and surrounding areas a second chance at life; and

WHEREAS, SARG is dedicated to reducing the population of unwanted animals and committed to the placement of animals into loving and responsible homes; and

WHEREAS, SARG sponsors monthly spay/neuter/shot clinics for low-income residents from East Tennessee counties, primarily Anderson, Campbell, Knox and Roane counties; and

WHEREAS, in 2017, SARG paid the costs of fifty-five cat spays, forty dog spays, twenty-five cat neuters, thirty dog neuters, and clinics are scheduled monthly through 2018; and

WHEREAS, SARG donates pet food monthly for low-income seniors through the Anderson County Senior Center; and

WHEREAS, since 2012, SARG has used funds raised at their annual Paws for Life Gala to assist Anderson and Roane County residents with unexpected pet medical emergencies at a six-year total of \$30,000; and

WHEREAS, SARGE purchased a cargo van for transporting Oak Ridge Shelter animals to shelters in the North, thus assisting the Oak Ridge Animal Shelter in becoming a no-kill shelter; and

WHEREAS, SARG has donated \$11,000 to the Oak Ridge Animal Shelter to assist with renovations to the facility, including antibacterial flooring and \$5,000 to Anderson County to assist with building an animal holding facility for dogs and cats in the county; and

WHEREAS, since its formation, SARG has saved approximately 1,050 animals and worked diligently to find them forever homes.

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

That the City of Oak Ridge pays tribute to

SHELTER ANIMALS RESCUE GROUP

for its tireless efforts on behalf of animals in the Oak Ridge community and encourage citizens to support 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 12th day of February in the year 2018.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, the land upon which the City of Rockwood is located was originally owned by the Cherokee Indians; and

WHEREAS, Chief Tullentusky signed over title to the land on October 25, 1805 but was allowed to hold a square mile reserve of land which included what is now known as Brick Yard Springs; and

WHEREAS, in September, 1868, General John Wilder and Captain Hiram S. Chamberlain purchased 728 acres of land including the area known as Kimbrough's Landing, which today is known as Rockwood Landing; and

WHEREAS, in March, 1868, the first shipment of materials to build the first furnace for what proved to be a business venture that would last 100 years arrived at Kimbrough Landing; and

WHEREAS, the Roane Iron Company was founded in 1868 and continued to operate until it opened and closed several times with a final dismantling in 1964; and

WHEREAS, the City of Rockwood was founded as a mining and milling town to serve the employees of Roane Iron Company; and

WHEREAS, the City of Rockwood got its name from William O. Rockwood, the first President of the Roane Iron Company; and

WHEREAS, other industries came to this growing community, with the Rockwood Knitting Mill being established in 1905, Rockwood Stove Works in 1916, and Chamberlain Memorial Hospital in 1917; and

WHEREAS, in 1875, the City of Rockwood had the only two schools in the whole county; and

WHEREAS, despite the unpredictable challenges it has faced throughout the years, Rockwood is still promoting growth through industry, and business is still alive in Rockwood; and

WHEREAS, Rockwood has persisted 150 years since its founding, and, with a population of 5,443, the city continues to strive for a bright future while preserving its heritage.

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

That the City of Oak Ridge joins in celebrating

THE 150TH ANNIVERSARY OF THE CITY OF ROCKWOOD, TENNESSEE

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 12th day of February in the year 2018.

WARREN L. GOOCH, MAYOR

CONSENT AGENDA

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

January 8, 2018

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on January 8, 2018 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The invocation was given by Pastor Derrick Hammond with Oak Valley Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katie Roach, Oak Ridge High School Senior.

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Kelly Callison; Mayor Pro Tem Rick Chinn, Jr.; Councilmember Jim 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; Kenneth R. Krushenski, City Attorney, Mary Beth Hickman, City Clerk; and Janice McGinnis, Finance Director.

RULES AND PROCEDURES

Councilmember Dodson moved to suspend the City Council Rules and Procedures for the purpose of agenda formatting for the January 8, 2018 City Council meeting, and Councilmember Vogel seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

ELECTIONS

Elect one (1) applicant to the Anderson County Community Action Commission

Councilmember Callison moved that Susan Asbury be elected by acclamation, and Councilmember Dodson seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

Elect one (1) applicant to the Anderson County Economic Development Association

Eric Tobler was elected on the first ballot.

Elect two (2) applicants to the Oak Ridge Beer Permit Board

William Bailey and David Mosby were re-elected on the first ballot.

Elect two (2) applicants to the Board of Building and Housing Code Appeals

Philip Nipper and Amy Seiber were re-elected on the first ballot.

Elect one (1) applicant to the Board of Zoning Appeals

Syd Ball was re-elected on the first ballot.

Elect six (6) applicants to the Convention and Visitors Bureau/Explore Oak Ridge

Councilmember Dodson moved that Heather Brown be elected by acclamation as a hotel representative on the Convention and Visitors Bureau/Explore Oak Ridge. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent. Two vacancies remain unfilled for hotel representatives, as only one person applied.

Naomi Asher and Carol Smallridge were re-elected and Barbara Ferrell was elected on the first ballot.

Elect six (6) applicants to the Environmental Quality Advisory Board.

Councilmember Vogel moved to re-elect Dr. William Dean and Robert Kennedy and to elect Rebecca Bowman, Wende Doolittle and Kelley Smith to serve three-year terms by acclamation as there were no other candidates. The motion was seconded by Councilmember Hope and approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

Elect three (3) applicants to the Health and Educational Facilities Board

Councilmember Dodson moved to re-elect Dr. Fay Martin and David Mason and to elect Sara Wieland by acclamation, and Councilmember Vogel seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

Elect one (1) applicant to the Industrial Development Board

Councilmember Smith moved that Sasha Benjamin be elected by acclamation, and Councilmember Vogel seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

Elect one (1) applicant to the Oak Ridge Housing Authority

Tom Beehan was elected on the first ballot.

Elect three (3) applicants to the Oak Ridge Land Bank Board of Directors.

Councilmember Dodson moved to re-elect Anne Dunthorn and Charlie Jernigan and to elect David Mosby by acclamation, and Councilmember Callison seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

On a subsequent vote, Anne Dunthorn and Charlie Jernigan were elected for three-year terms, and David Mosby was elected for a two-year term.

Elect two (2) applicants to the Oak Ridge Municipal Planning Commission

Councilmember Vogel moved that Claudia Lever and Stephen Whitson be re-elected by acclamation, and councilmember Callison seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

Elect two (2) applicants to the Personnel Advisory Board

Bonnie Hebert and Martha Wallus were elected on the first ballot.

Elect four (4) applicants to the Recreation and Parks Advisory Board

David Kitzmiller, Dan Robbins, and Ken Rueter were re-elected on the first ballot. Melissa McMahan was elected on the second ballot.

Councilmember Smith moved to assign three-year terms to Mr. Kitzmiller, Mr. Robbins, and Mr. Rueter, and Ms. McMahan was elected to fill the balance of an unexpired term ending on December 31, 2018. Councilmember Dodson seconded and the motion passed unanimously by voice vote.

Elect four (4) applicants to the Senior Advisory Board

Councilmember Hope moved to re-elect Martha Adler-Jasny, Susan Asbury and Alfred Skyberg and to elect Richard Hauser by acclamation, and Councilmember Callison seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

Elect two (2) applicants to the Traffic Safety Advisory Board

Councilmember Dodson moved to re-elect Martha Adler-Jasny and Melissa McMahan by acclamation. Councilmember Smith, and the motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

Mayor Gooch stated that just prior to the Council meeting, he had received a letter from Dale Christenson, Federal Project Director of the Uranium Processing Facility Project Office, regarding an informational meeting about the proposed electrical substation project. Mayor Gooch recognized Steve Wyatt with the National Nuclear Security Administration to provide more information. Mr. Wyatt stated that the meeting would be held from 4:00 until 7:00 pm on Wednesday, January 24, 2018 at the Scarboro Community Center. Representatives from NNSA and TVA would be on hand to discuss the project. He further stated that there would be an advertisement run in the news media and flyers would be distributed in the community.

Councilmember Smith stated that she hoped that there would be more than 30 minutes allotted for questions and that written information about the project would be made available.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

(NONE)

CONSENT AGENDA

Councilmember Callison moved for adoption of the Consent Agenda, and Councilmember Vogel seconded.

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

Approval of the December 8, 2017 City Council special meeting minutes

Approval of the December 11, 2017 City Council regular meeting minutes

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing

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 001.00, ANDERSON COUNTY TAX MAP 100A, GROUP C, (APPROXIMATELY 1.1 ACRES) FROM O-2, OFFICE DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT, SAID PARCEL BEING LOCATED AT 101 BUS TERMINAL ROAD.

Councilmember Dodson moved to open the public hearing, and Councilmember Vogel seconded. The motion was approved unanimously by voice vote.

Commissioner Theresa Scott, 102 Victoria Road, Oak Ridge, thanked Councilmembers for working with County Commission to aid in the relocation of the General Sessions Court and to make the people's voices heard regarding maintaining a division of General Sessions Court in Oak Ridge.

Councilmember Callison moved that the public hearing be closed, and Councilmember Smith seconded. The motion was approved unanimously by voice vote.

Councilmember Dodson moved for adoption of the ordinance, and Councilmember Vogel seconded. Community Development Director Wayne Blasius provided an overview of the ordinance and answered questions from Council.

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

FINAL ADOPTION OF ORDINANCES

(NONE)

RESOLUTIONS

A RESOLUTION TO ADOPT THE *CITY OF OAK RIDGE, TENNESSEE 2018 STATE LEGISLATIVE AGENDA* TO INFORM STATE OFFICIALS OF KEY PROJECTS, POLICIES, AND PRIORITIES IN THE CITY OF OAK RIDGE AND TO HELP SECURE FUNDING FOR AGREED UPON PRIORITIES OF THE COMMUNITY.

Councilmember Smith moved for approval of the resolution, and Councilmember Callison seconded. Government Affairs and Information Services Director Dr. Amy Fitzgerald provided an overview of the resolution and answered questions from Council.

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

A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A NEW DISINFECTION SYSTEM FOR THE WATER TREATMENT PLANT FROM SPECIALIZED OPERATIONS SERVICES, CLEVELAND, TENNESSEE, IN THE ESTIMATED AMOUNT OF \$87,831.00.

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

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

A RESOLUTION APPROVING THE REVISED POSITION CLASSIFICATION PLAN FOR FY2018, AS RECOMMENDED BY THE CITY MANAGER.

Councilmember Dodson moved for approval of the resolution, and Councilmember Hope seconded. City Manager Mark Watson provided an overview of the resolution, and Administrative Services Director Bruce Applegate answered questions from Council.

Councilmember Vogel pointed out that the Personnel Advisory Board had met the previous Friday and raised some questions regarding the classification of certain positions. Mr. Applegate stated that those questions and requests for changes had been forwarded on to McGrath Human Resources Group.

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

APPEARANCE OF CITIZENS

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Confirmation of appointment of Thomas Tuck and Richard Chinn, Sr. to the Anderson County Development Corporation Board of Directors Operating Committee

Councilmember Hope moved that the appointments be confirmed, and Councilmember Smith seconded. The appointment was confirmed unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn was absent.

Announcements

Mayor Gooch read a letter from the Oliver Springs Police Department thanking the Oak Ridge Police Department for assistance with an incident in their city. Mayor Gooch asked that the letter be made a part of the official record. It is attached to the back of these minutes.

Councilmember Hope thanked the Fire Department for its response to a recent fire, and Councilmember Smith thanked the Public Works Department for its hard work during recent inclement weather.

Councilmember Dodson announced that the schools are partnering with the Police Department to provide crisis intervention training.

Councilmember Vogel announced the next Community Blueprint meeting for public comment on a new master plan taking place on January 25, 2018 at Robertsville Middle School.

Councilmember Smith stated that she would like to have further discussion regarding a lack of qualified applicants for the Trade Licensing Board at an upcoming work session.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

City Manager Mark Watson reminded Councilmembers about the joint work session with the Board of Education on January 16, 2018 at Robertsville Middle School. He stated that the agenda would include a presentation on the new Pre-K building and a briefing on the airport project.

The City Manager also reported that construction will soon begin on the new American Museum of Science and Energy site. He also stated that there have been around thirty-five water main breaks since January 1st due to the extreme dip in temperatures.

CITY ATTORNEY'S REPORT

ADJOURNMENT: 8:13 p.m.



Oliver Springs Police Department

701 Main Street

Oliver Springs, Tennessee 37840

Phone (865)435-7777 Fax (865)435-7778

Kenneth Morgan: Chief of Police



To: Warren L. Gouch, Mayor of Oak Ridge

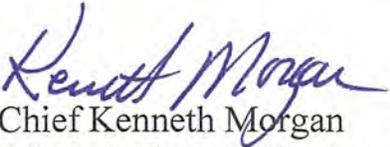
CC: Mark S. Watson, Oak Ridge City Manager
James T. Akagi, Oak Ridge Chief of Police

Date: December 27, 2017

On December 26, 2017, the Oliver Springs Police Department received a call that escalated quickly into a volatile situation. A town of only 3,500 people received word that we had a man, barricaded in a house, and was armed with not only a pistol, but explosives as well. This man had not only broken into his own mother's residence, but had assaulted his family as well. When speaking with the man over the phone, he threatened law enforcement. At this moment, only one day after Christmas, we as a small agency asked for help. It was answered immediately.

Chief Akagi responded to the scene with several members from the Oak Ridge Police Department and equipment that was vital to the success of this situation being brought to a peaceful resolution. It is a great day to be able to express how well our brothers and sisters in blue respond in a time of need. If not for the quick response and no hesitation from Chief Akagi and his officers to provide us support, I am afraid the situation could have been much worse. Please convey to Chief Akagi and to his officers, we appreciate you and thank you for being there for us.

With Great Respect and Thanks,


Chief Kenneth Morgan
Oliver Springs Police Department

FINANCE DEPARTMENT MEMORANDUM

18-01

DATE: February 2, 2018
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: TAX EQUIVALENTS

Introduction

An item for City Council's consideration is a resolution that authorizes tax equivalent payments from the Electric Fund to the General Fund and to Anderson and Roane Counties and a tax equivalent payment from the Waterworks Fund to the General Fund.

Funding

Funding is budgeted and will be provided by the Electric and Waterworks Fund.

Review

Tennessee Code Annotated (TCA) authorizes and establishes guidelines for municipal operated utility systems to pay tax equivalent payments to the General Fund of the municipality. Basically, this is in lieu of property tax payment paid by the City's utility systems. This is comparable to the property taxes that a private business that provided a similar service would be required to pay the City.

The City Electric Fund's tax equivalent payment is calculated utilizing guidelines set forth in Sections 7-52-301 and 7-52-307 of the TCA and Section 2 – Terms and Conditions, Revision 1987, of the TVA contract. The tax equivalent is calculated utilizing the net asset value of the Electric System's physical plant (i.e. electric lines, land, traffic signals, street lights, vehicles and substations) on a cost basis and a three-year average of the system's operating revenues, excluding purchased power. The net asset value of the system's property is \$49,630,086 in the Anderson County portion of the City and \$7,696,625 in the Roane County portion of the City. Based on the calculations specified in Section 2 of the TVA contract, the tax equivalent payment from the Electric Fund for fiscal 2018 is \$2,123,215.43.

State law requires City Council to annually approve the amount of the Electric Fund's tax equivalent payments and to allocate 77.5% of the total tax equivalent to the City's General Fund, with the remaining 22.5% allocated to the county taxing jurisdictions. Computations in accordance with these formulas result in the following Electric Fund tax equivalent payments as follows:

Portion to Oak Ridge General Fund (77.5%)	\$1,645,491.95
Portion to Counties (22.5%)	
distributed based on plant value:	
Anderson County	413,584.82
Roane County	<u>64,138.66</u>
Total Electric Fund Tax Equivalent	<u>\$2,123,215.43</u>

The Waterworks Fund disburses tax equivalent payments to the City's General Fund under authorization of TCA 7-34-115. The code provides for a maximum tax equivalent payment to the General Fund not to exceed the amount of taxes payable on privately owned property of a similar nature. The tax equivalent payment can be established at any level below that maximum amount. There is no provision for the Waterworks Fund's tax equivalent payment to be shared with the counties. Tennessee code does require City Council to annually approve the Waterworks Fund tax equivalent payment. This calculation is based on the net book value of waterworks fixed assets at the public utility assessment ratio of 55%, which equates to the assessed value, at the City's equalized property tax rate per \$100 of assessed value. The amount of the tax equivalent payment will fluctuate each year based on the value of new assets added versus depreciation and changes in the appraisal ratio. The amount of tax equivalent on the waterworks system comparable to that of a private enterprise for fiscal 2018 is \$1,433,990.17.

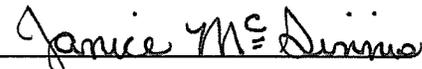
TCA 7-34-115 also provides for an equity investment charge payable to the General Fund from the waterworks system at a 6% per annum rate. The General Fund's initial investment in the Waterworks system at the 6% rate equates to an annual payment of \$250,445.25

The Waterworks Fund's payment to the General Fund would be \$1,684,435.42, which is the total of these two charges.

Recommendation

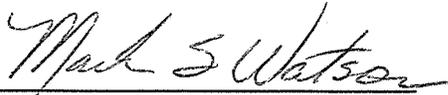
Adoption of the attached resolution is recommended reflecting the tax equivalent payment as provided for under State law.

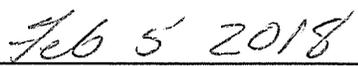
Attachment


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

RESOLUTION

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, 2018, AND TO AUTHORIZE DISTRIBUTION OF THE ELECTRIC FUNDS BETWEEN THE CITY OF OAK RIDGE AND ANDERSON AND ROANE COUNTIES IN ACCORDANCE WITH STATE LAW.

WHEREAS, Chapter 237 of the Public Acts of 1969 (Tennessee Code Annotated §7-52-301, §7-52-307, and §7-34-115) provides for the transfer of tax equivalents from the Electric Fund and the Waterworks Fund to the General Fund of the owning municipality; and

WHEREAS, said law further provides that the governing body of the municipality shall determine the amounts to be transferred for each fiscal year to the municipality's General Fund, not to exceed specified limits; and

WHEREAS, the City Council of the City of Oak Ridge now desires to establish such payment for the fiscal year ending June 30, 2018, and accordingly authorize its distribution between the City and Anderson and Roane Counties in accordance with State law.

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

That the City of Oak Ridge, Tennessee pay from its Electric Fund and its Waterworks Fund to the General Fund and that the Electric Funds then be distributed to the respective taxing jurisdictions, in accordance with Chapter 237 of the Public Acts of 1969, in the estimated amounts shown below:

<u>Electric Fund</u>	
City of Oak Ridge	\$1,645,491.95
Anderson County	413,584.82
Roane County	64,138.66
 <u>Waterworks Fund</u>	
City of Oak Ridge	\$1,684,435.42

This the 12th day of February 2018.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
18-03

DATE: January 30, 2018

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: FINANCIAL SUPPORT FOR RENOVATIONS OF THE DANIEL ARTHUR
REHABILITATION CENTER FOR GENERAL SESSIONS DIVISION II

Introduction

An item for City Council's consideration is a resolution approving the recommendation of the City Manager to increase financial support for Anderson County in the completion of the new General Sessions Court complex in the Daniel Arthur Building on Emory Valley Road.

Funding

The City Manager has previously provided from the FY 2018 Budget an allocation of \$20,000 from the City Manager's Contingency fund, with an additional \$20,000 to be approved by the City Council. The City Manager also recommends an advance of the FY 2019 allocation of \$30,000 to be provided to Anderson County for completion of the project.

Review

Over 18 months ago, Anderson County discussed the need to improve its Sessions Court facilities in Oak Ridge. The Oak Ridge Sessions Court is important to the efficiency of the court system by making available facilities in not only Oak Ridge, but also serving Anderson County, Oliver Springs and Rocky Top law enforcement and citizens. The Anderson County Commission decided to invest in the Daniel Arthur facility when the City of Oak Ridge decided to move its senior citizen center close to downtown, where a new facility would be built.

The Anderson County Commission has found that some costs were unanticipated for the building including the need for a large secondary HVAC system, code compliance upgrades and firewalls. This has resulted in some change orders and the Commission has asked the City to consider further financial contributions toward this project. The final product is expected to be secure, efficient and helpful for the records needs of the court system, but costs have mounted with change orders.

The aforementioned \$70,000 combined is recommended for consideration. The amount exceeds the limits placed on the City Manager and thus approval is requested from the City Council. For the past several years, Anderson County and the City of Oak Ridge have worked hand in hand in assisting each other with our services including fire services, animal control and law enforcement. The Sessions Court is important for the Oak Ridge Police Department in providing close proximity access for officers to be present at required court cases and eliminating travel time and wait time in the courts. Anderson County is saving costs of the purchase or construction of a new building by investing in the existing County-owned Daniel Arthur Center. Anderson County has provided financial support to the City of Oak Ridge for the purchase of a fire truck, while the City has in turn issued its surplus trucks to neighboring volunteer fire departments in Anderson County.

The financial recommendation continues that cooperative trend by assisting each government with the implementation of the Sessions Court. The City Manager recommends approval of this additional allocation to be used for the Sessions Court and an advance of the FY 2019 court support payment.

Recommendation

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments

Meyers, LaVern

From: Jay Yeager <jyeager@aclawdirector.com>
Sent: Monday, January 15, 2018 11:41 PM
To: isbelt@ymail.com
Cc: Watson, Mark; Gooch, Warren L.
Subject: Re: Recommendation for Sessions Court Funding

Many thanks Mark. We are truly grateful we have stakeholders like you, Mayor Gooch and the entire City Council working in partnership with us to solve this community issue. This is outstanding news and will be received well by our County Commission and the citizens we all serve. I think I can safely speak for our County Commission when I say we are deeply appreciative of this commitment and your future proposal.

With deep respect,
Jay

On Jan 15, 2018, at 10:18 PM, Timothy Isbel <isbelt@ymail.com> wrote:

Thank You! Mark

Sent from Yahoo Mail on Android

On Mon, Jan 15, 2018 at 9:35 PM, Watson, Mark
<MWatson@oakridgetn.gov> wrote:

Good evening, Jay!

First, let me say thank you for keeping the City of Oak Ridge and my office informed about your progress at the Daniel Arthur Center. I realize this project has turned into quite an undertaking, and I wish to let you and the County Commission know of their commitment toward this project. For the record and after attending the on-site meeting a few weeks ago, it was very helpful for myself and our staff to observe the challenges at the site.

You have contacted me about the cost of additional HVAC needs at a cost of \$80,000 and the City participating in some way with the cost. I have a limit on my authority as City Manager, but would commit an additional \$20,000 from the City Manager's 2017 Contingency Fund. I will also pledge to take a recommendation for additional approval by the City Council of \$20,000 in supplemental funding in partnership with the County at the City Council's February, 2018 meeting. As this project continues, I will also review an advance of next year's funding once city finances are clear on available funding. (Roane County related sales taxes have seen a dramatic decrease this first 1/3 year.) Assuming this rights itself within the federal system, we could consider such by the beginning of the 4th quarter or April 1st.

This initial proposal gives us a path forward for an initial \$40,000, which will be a sign of the importance of this project to the City of Oak Ridge and our surrounding sister cities.

The City Council and the Board of Education are scheduled for a joint meeting at 6:00 p.m. tomorrow night. Please feel free to share my comments with the Commission and we can discuss further on Wednesday.

Mark Watson

City Manager

City of Oak Ridge

Electronic communications with officials and employees of the City are subject to Tennessee's Public Records Act.

RESOLUTION

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$70,000.00 TO ANDERSON COUNTY FOR RENOVATIONS OF THE DANIEL ARTHUR REHABILITATION CENTER LOCATED ON EMORY VALLEY ROAD FOR GENERAL SESSIONS DIVISION II.

WHEREAS, since its inception, Anderson County General Sessions Division II has been located within the city limits of Oak Ridge, with its first location inside the Municipal Building and its current location inside the former Oak Ridge Utility District (ORUD) building on the Oak Ridge Turnpike; and

WHEREAS, Anderson County Commission voted to move General Sessions Division II to the Daniel Arthur Rehabilitation Center on Emory Valley Road adjacent to other Anderson County governmental offices; and

WHEREAS, the City supports the continuation of General Sessions Division II in Oak Ridge as it lowers the cost to the taxpayers through reduction of time and wages for Oak Ridge law enforcement officers to attend court, and it allows residents to conveniently conduct business as needed within their own community saving time from work and avoiding travel commitments; and

WHEREAS, in years past, the City has made contributions towards rent and other expenses associated with keeping General Sessions Division II within the city limits of Oak Ridge; and

WHEREAS, by Resolution 4-31-2017, City Council committed to provide \$30,000.00 per year over the next five years starting with the FY2018 budget to encourage this investment in the community; and

WHEREAS, Anderson County has experienced some unanticipated additional costs to renovate the Daniel Arthur building and the County has requested the City to consider additional financial contributions toward this project; and

WHEREAS, the City Manager recommends an advance of the \$30,000.00 FY2019 budget amount plus an additional \$40,000.00 to assist Anderson County with renovation costs.

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

The recommendations of the City Manager are approved and the City is hereby authorized to pay Anderson County \$70,000.00 to assist the County with renovation costs to the Daniel Arthur Rehabilitation Center for General Sessions Division II and for no other purpose; said amount includes an advance of the to-be-budgeted amount of \$30,000.00 for Fiscal Year 2019.

This the 12th day of February 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
18-03

DATE: January 24, 2018
TO: Mark S. Watson, City Manager
FROM: Shira A. McWaters, P.E., Public Works Director
SUBJECT: PROPOSAL FOR REASSIGNMENT OF NATURE'S BEST ORGANICS CONTRACT TO THE LETCO GROUP, DBA LIVING EARTH

Introduction

An item for City Council consideration is the recommendation to assign the Nature's Best Organics contract to The Letco Group, LLC, dba Living Earth.

Funding

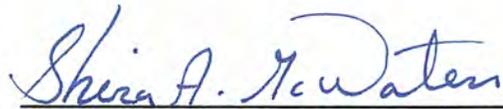
There is no cost to this action.

Background

The City of Oak Ridge has a contract with Nature's Best Organics of Tennessee, LLC for the disposal of green waste at their Joe Daniels Road, Knoxville, TN location. The City's Parks and Public Works Department uses this facility to dispose of green and wood waste. Nature's Best Organics is selling their operations to The Letco Group, doing business as Living Earth. As part of the contract of sale, Nature's Best Organics will be leasing the site to The Letco Group, who will be assuming operations and responsibilities of waste disposal services. Based on this information there will be no changes in services only a change in whom the City will be paying for these services. Both the City of Knoxville and Nashville Metro Davidson County have expressed their intent to consent to the assignment of their contracts to The Letco Group.

Recommendation

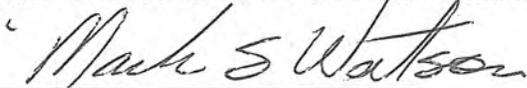
Staff recommends the assignment of the City of Oak Ridge contract with Nature's Best Organics to The Letco Group, dba Living Earth.



Shira A. McWaters, P.E.

City Manager's Comments:

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



Mark S. Watson

Jan 28, 2018
Date

RESOLUTION

A RESOLUTION AUTHORIZING AN ASSIGNMENT AND ASSUMPTION OF THE WOOD AND GREEN WASTE DISPOSAL AGREEMENT BETWEEN THE CITY AND NATURE'S BEST ORGANICS OF TENNESSEE, LLC, TO THE LETCO GROUP DBA LIVING EARTH.

WHEREAS, by Resolution 2-12-2012, City Council authorized an agreement with Nature's Best Organics of Tennessee, LLC, for wood and green waste disposal services; and

WHEREAS, the contract's current term expires June 30, 2019, with one remaining two-year renewal unless either party terminates prior to the expiration of the current term; and

WHEREAS, Nature's Best Organics is selling its Tennessee green waste and wood waste operations to The Letco Group dba Living Earth; and

WHEREAS, under this contract of sale, Nature's Best Organics will continue ownership of its locations and will lease the sites to The Letco Group who will then assume all operational control and responsibility for providing waste disposal services under Nature's Best Organics' contracts with various governmental partners; and

WHEREAS, the City Manager recommends approval of the assignment and assumption to The Letco Group dba Living Earth.

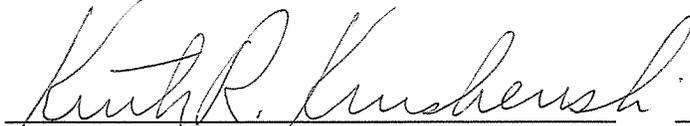
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City is hereby authorized to enter into an Assignment and Assumption of Wood and Green Waste Disposal Agreement between the City, Nature's Best Organics of Tennessee, LLC, and The Letco Group dba Living Earth.

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

This the 12th day of February 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
18-02

DATE: January 30, 2018
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: TENNESSEE TOURISM ENHANCEMENT GRANT

Introduction

An item for City Council's consideration is a resolution authorizing the application and acceptance of a Tennessee Tourism matching grant from the Tennessee Department of Tourism Development in an amount up to \$75,000.00 for improvements at Melton Lake Park and installation of signage at historic sites.

Funding

The City's participation in this matching grant program will come from the City's Capital Improvements Program fund.

Review

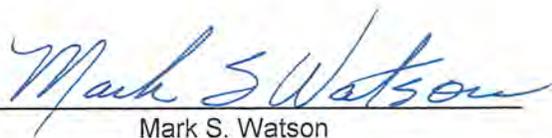
The State of Tennessee has begun an annual allocation of matching grant funding that is to be used to enhance tourism facilities and venues throughout the state. The City of Oak Ridge is aware of a need to continue the improvements made over a year ago along the rowing embayment on the Clinch River. With the recent announcement of the selection of Oak Ridge for the NCAA Women's National Rowing Championships, City staff became aware of continuing needs by users for electrical services at the site. This addition will also prepare the area for additional events such as 10-K runs, athletic competitions, and riverfront festivals. Additionally, viewing accessibility to the venue is limited to paved roadways. A viewing area is proposed for elderly and disabled users along the waterfront.

The City is proposing to provide necessary electrical hookups along with benches, accessible viewing area as well as some historical signage as needed at various historical sites in the City by the Explore Oak Ridge organization in promoting the new Manhattan Project National Historical Park. A map of the rowing embayment is attached. Estimated costs of the electrical improvements is \$45,000, signage is \$15,000, and ADA accessibility and viewing areas with bench seating is \$15,000.

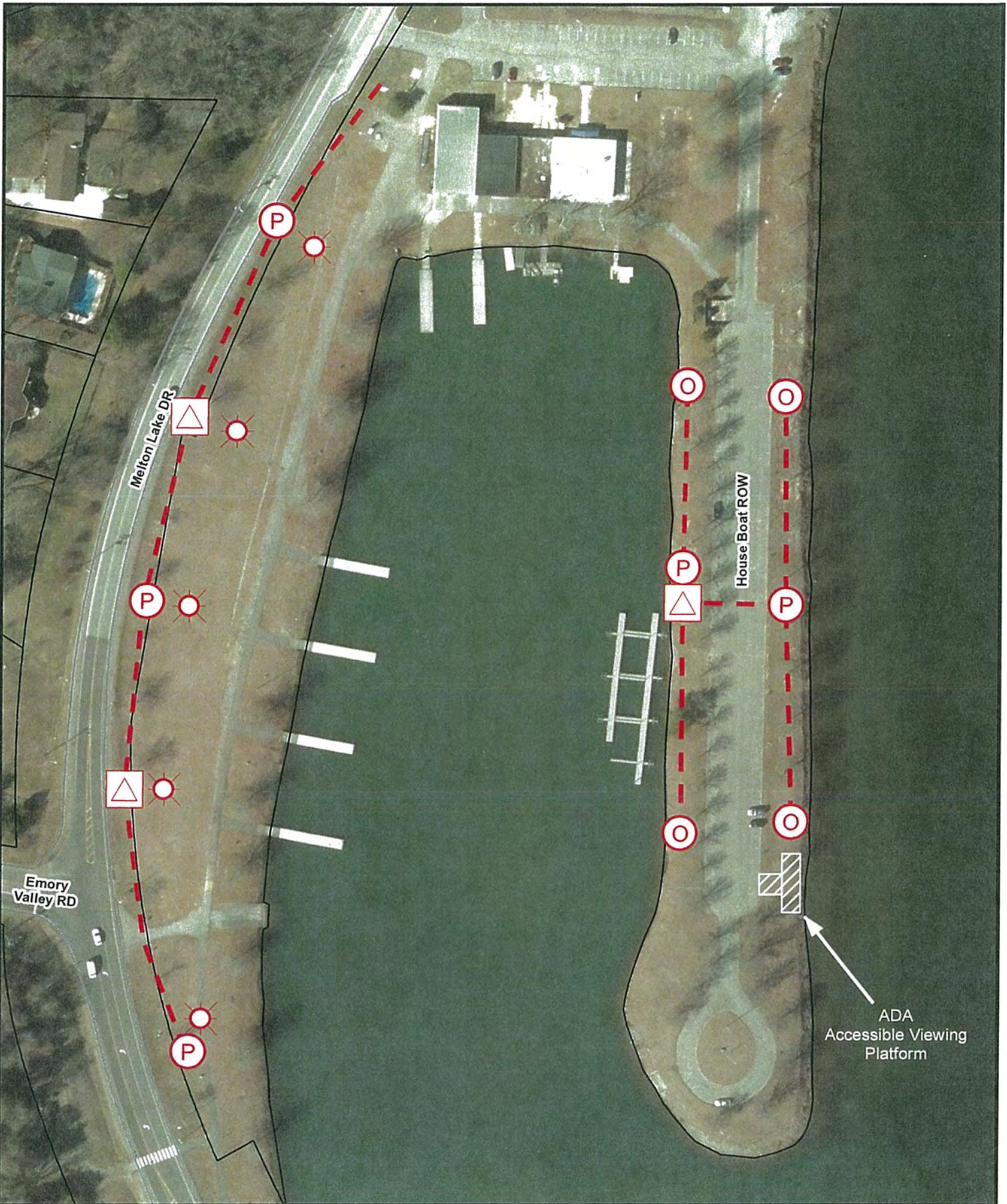
The City Council is asked to confirm their support of this application and acceptance of the grant if awarded.

Recommendation

Staff recommends approval of the attached resolution as submitted.


Mark S. Watson

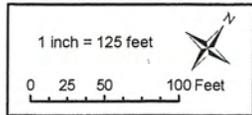
Attachments



Melton Lake Improvement Concept
 Document Name: MeltonLakeImprovementConcept.mxd
 Document Path: X:\KJM\GIS\Projects\Melton Lake Improvement Concept\MeltonLakeImprovementConcept.mxd

Last Updated: 1/31/2018
 Reference Scale: 1:2,000

- Legend**
- Underground Electric
 - △ Underground Transformer
 - P Power Pedestal
 - O Power Outlet
 - ☀ LED Light



RESOLUTION

A RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A GRANT FROM THE TENNESSEE DEPARTMENT OF TOURISM DEVELOPMENT IN AN AMOUNT UP TO \$75,000.00 FOR IMPROVEMENTS AT MELTON LAKE PARK AND INSTALLATION OF SIGNAGE AT HISTORIC SITES.

WHEREAS, the Tennessee Department of Tourism Development has available grant funds under the Tourism Enhancement Grant program, which was developed to provide tourism infrastructure resources to enhance and improve the tourism economic impact in Tennessee counties; and

WHEREAS, grant funds are available up to \$75,000.00 with a required fifty percent (50%) local match; and

WHEREAS, the City desires to apply for a grant for two projects: (1) improvements to Melton Lake Park such as electrical improvements and accessible viewing areas with benches, and (2) installation of interpretive signage at various historic sites that are associated with the Manhattan Project and the Manhattan Project National Historical Park; and

WHEREAS, the City is eligible to apply for a grant under this program and has funds available in the Capital Projects Fund for the required local match, with the Oak Ridge Convention and Visitors Bureau dba Explore Oak Ridge providing matching funds towards the signage project; and

WHEREAS, the City Manager requests approval to apply for and accept said grant, with grant administration provided by the Oak Ridge Convention and Visitors Bureau dba Explore Oak Ridge.

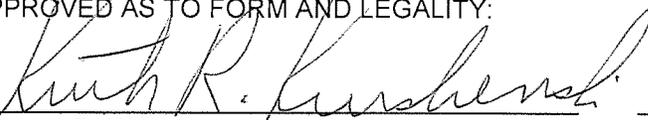
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

The City is hereby authorized to apply for, and accept if approved, a Tourism Enhancement Grant from the Tennessee Department of Tourism Development in an amount up to \$75,000.00 for improvements to Melton Lake Park and installation of historic signage at various locations; said grant requiring a fifty percent (50%) local match.

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

This the 12th day of February 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

**RECREATION & PARKS MEMORANDUM
18-05**

DATE: January 31, 2018
TO: Mark S. Watson, City Manager
FROM: Jonathan W. Hetrick, Recreation & Parks Director
SUBJECT: EXTENSION OF THE LEASE AGREEMENT WITH THE OAK RIDGE ROWING ASSOCIATION

Introduction

An item for City Council's consideration is a resolution to extend the term of the lease with the Oak Ridge Rowing Association (ORRA), dated March 17, 2008, until December 31, 2019 under the existing terms.

Funding

No City funding is required for the lease extension. The rent paid to the City by ORRA will continue at the current lease rate for the term of the extension.

Review

The current lease for the use of a portion of Melton Lake Park by ORRA, including the rowing building, adjacent grounds and launch/recovery docks, expires on February 28, 2018. Both parties have expressed a desire to renew the lease of the premises, but changes to the use of the facility and the footprint of the Rowing Association's use require additional time for negotiation. ORRA needs a continuing lease in order to sign contracts for regattas in 2018 and 2019. This lease extension will allow the parties to negotiate needed changes in the lease, (including additional launch/recovery docks, storage of the starting docks in the off season and building improvements) while continuing ORRA activities without interruption.

Recommendation

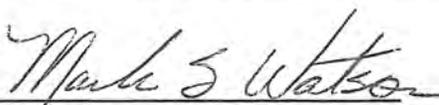
Staff recommends approval of the accompanying resolution as submitted.

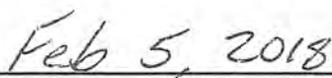

Jonathan W. Hetrick

Attachments
Resolution

City Manager's Comments:

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


Mark S. Watson


Date

LEASE AGREEMENT

This Lease Agreement made and entered into the 17th day of March, 2008, by and between the City of Oak Ridge, Tennessee, a municipal corporation, herein ("Lessor") and the Oak Ridge Rowing Association, a not-for-profit corporation organized and existing under the laws of the State of Tennessee, herein ("Lessee").

WHEREAS, the Oak Ridge Rowing Association is a nationally acclaimed organization established for the promotion of rowing activities; and

WHEREAS, the Oak Ridge Rowing Association performs community service and promotion of the City of Oak Ridge and Melton Hill Lake through its nationally recognized regattas and sports training facilities; and

WHEREAS, the City of Oak Ridge recognizes the contribution of the Oak Ridge Rowing Association for its efforts to promote recreation services in the city.

THEREFORE, in consideration of Ten Dollars in hand paid, the receipt of which is hereby acknowledged and other good and valuable considerations the parties agree as follows:

I. LEASED PREMISES, PURPOSE, TERM

1. Lessor hereby leases to Lessee, upon the terms and conditions set forth hereinafter, that part of the property designated as part of the Oak Ridge Marina, consisting of an approximately 5,000 square foot building (designated as "the boat house"); the adjacent grounds from the rear of the building (south side) to the basin, from the west side of the building to the driveway, and from the front of the building (north side) to the parking lot. The leased premises includes the Finish Tower, the Lessee's two (2) launch docks and the gas dock adjacent to the leased space.

(property description on attached Exhibit A)

2. The purposes for which the premises are leased to the Lessee is to provide a community service in conducting and continuing a rowing program and aquatic activities that have been nationally recognized and acclaimed.
3. The term of this Lease Agreement shall commence on March 1, 2008 and shall continue for ten (10) years until February 28, 2018 with an option to renew upon the mutual consent of both parties for an additional ten (10) year term. The option to renew must be exercised sixty (60) days prior to the expiration of this Lease Agreement and NOTICE given to the other party. If the non-requesting party does not respond to the requesting party's NOTICE at least fifteen (15) days prior to the expiration of this Lease Agreement, such non-response shall be deemed to be consent to renew.

II. RENT

The Lessee shall pay \$6,600.00 annual rent to the Lessor payable monthly in the amount of Five Hundred Fifty Dollars (\$550.00). Rental payments are payable in advance on or before the 1st of each month without need of an invoice. If this Lease Agreement is renewed by the parties for an additional term, the annual rent amount shall be increased by \$600.00 for a total annual rent of \$7,200.00 for the renewal term, payable in advance monthly payments of \$600.00.

III. FACILITIES, OPERATIONS

1. Any addition to the facilities by Lessee shall be approved in advance and in writing by Lessor including siting and building plans. Title to any additions to the site or expanded site shall vest in Lessor upon completion of construction and acceptance by the City.
2. The Lessee shall keep the leased premises in good condition , normal wear and tear excepted. The Lessor shall maintain and repair the roof, roof structure, gutters, down spouts, exterior walls (excluding glass) and the foundation of the building. Repairs resulting from wrongful use, neglect or intentional acts by the Lessee or its agents, employees, guests or invitees shall be repaired at Lessee's expense. All other repairs to the premises of any kind including but not limited to repairs of plumbing fixtures, lighting, glass, signs, floors, heating and air conditioning equipment, and all electrical installation shall be made within a reasonable time by the Lessee at its expense in order to maintain the premises in good order and condition. If Lessor notifies Lessee of any necessary repairs to be made by Lessee, such repairs shall be made within a reasonable time after notification, however, health and safety matters requiring repairs shall be addressed immediately.
3. No equipment shall be stored or left outside of the leased space without consent of Lessor. Lessee agrees to be responsible for removing debris and litter due to Lessee's operations. Breezeway shall be shared with New China Palace Restaurant.

IV. GENERAL PROVISIONS

1. The Lessee shall not sublease the property or operation without the prior written consent of the Lessor. This does not apply to the rental of space for boat storage. The Lessee shall not sell or assign this lease or allow the property to be occupied by anyone contrary to the terms of this lease without prior written consent of the Lessor. Any consent required of the Lessor shall be reasonably given.

2. The Lessee shall pay all utility bills incident to its use and operation of the premises during the term of the lease. Any City assessed property taxes are included in the rent payments set forth above; however, county assessed property taxes are not included in the rent payments and are a separate obligation of Lessee which shall be paid on or before the date due. The Lessee shall be required to pay any other taxes lawfully assessed against the leased property.
3. The Lessee agrees that the premises will be used only for lawful purposes and under no circumstances will there be violations of the laws of the United States, the State of Tennessee, the City of Oak Ridge, or any other applicable governmental authority. Lessee shall comply with all City, County, State and Federal laws, regulations, codes, and ordinances.
4. The Lessor and Lessee will execute an annual Special Events Agreement, which will supplement this Lease Agreement.

V. TERMINATION

1. If the Lessee or its representatives neglect or fail to perform or observe any of the agreements of the lease and fails to cure any such default within a reasonable time after official notification by the Lessor, then the Lessor may immediately with notice but without demand enter into the premises and expel the Lessee and thereupon the lease shall terminate.
2. In the event the Lease Agreement is terminated, except as otherwise provided for hereafter, all improvements, additions, alterations and repairs made to the premises by the Lessor or Lessee, shall become the property of the Lessor without cost. It is agreed that all trade fixtures installed by the Lessee shall be returned to Lessee at the Lease Agreement expiration or termination provided that that substantial damage to Lessor's property will occur by the removal of such items.

VI. WASTE

Lessee covenants to neither commit or permit to be committed any waste whatsoever.

VII. NUISANCE

Lessee covenants not to create or allow any nuisance to exist in, from or on the demised premises; and Lessee covenants to immediately abate any nuisance that may arise when requested by Lessor to do so and free of any expenses to Lessor. Lessee further agrees not to permit garbage, trash, refuse and rubbish to accumulate and will cause same to be regularly removed and disposed of at Lessee's expense, and none shall be burned in or about the premises.

VIII. INSURANCE

1. Lessee covenants and agrees to carry, during the term of the lease, at Lessee's expense:
 - A. Worker's Compensation Insurance for all of Lessee's employees.
 - B. Public Liability and Property Damage Insurance coverage with minimum coverage limits for public liability insurance of \$1,000,000.00 for one person with respect to one accident and \$2,000,000.00 for more than one person with respect to any one accident, and for property damage insurance in a single limit of not less than \$2,000,000.00, such insurance coverage to be for the joint benefit of and to protect the interest of both Lessor and Lessee.
2. Lessee agrees and covenants not to do or permit anything to be done on the premises which would invalidate any policy of insurance which Lessor/Lessee may now or hereinafter have on the demised premises, the improvements thereon or the common areas adjacent thereto.
3. Lessee may, if Lessee so desires, carry for Lessee's own benefit and protection and at Lessee's expense, insurance coverage on Lessee's property, inventory and trade fixtures located in the demised premises, insuring same against fire or other peril (it being understood that Lessor does not carry and shall not be obligated to carry any such coverage for the benefit of Lessee).
4. Lessee agrees to deliver to Lessor on the inception date and on the renewal date of each such policy of insurance the Lessee is required to carry by the terms of this Lease Agreement, the usual certificates or proof of insurance issued by the insurance carriers certifying that such insurance is in full force and that all such policies shall not be cancelled without ten days written notice to Lessor.
5. The City of Oak Ridge, Tennessee, shall be named as an additional insured on all insurance policies carried by Lessee. The Lessee shall furnish the City certificates evidencing such insurance is in effect continuously during the term of this Lease Agreement and all such policies shall provide that they may not be canceled or changed on less than ten (10) days notice to the City.

IX. CHANGES AND ALTERATIONS

Lessee covenants not to make any changes, alterations or additions in, on, to, or about the demised premises without first obtaining the written consent of the Lessor. Lessee shall not, in any event do anything that lessens the value of or weakens the building erected on the demised premises.

X. DAMAGES, ACCIDENTS, ETC.

Irrespective of any insurance coverage required by paragraph entitled INSURANCE hereof, Lessee shall hold and save the Lessor free and harmless from any and all claims, actions, damages, expenses, including attorney fees, and liability whatsoever for injury (including death) to any person or persons, or for the resultant effects of any injury (including death) to any person or persons, and for the damage to the property of any person or persons, firm or corporation, including the Lessor, arising directly or indirectly from the use or occupancy of the demised premises and adjacent area previously identified or any part thereof by the Lessee, its agents, contractors, employees, invitees and others on or about such premises by reason of Lessee's occupancy thereof.

XI. INSOLVENCY, ETC. OF LESSEE

In the event of the insolvency or bankruptcy of the Lessee, or the filing of any petition under any provision of the Bankruptcy Act or State insolvency laws against Lessee, whether voluntarily, except where an involuntary petition is dismissed in ninety (90) days, or in the event of a partial or general assignment by Lessee for the benefit of Lessee's creditor(s), or in the Lessee files a Petition for an arrangement or composition under the provisions of the Bankruptcy Act, the Lessor shall have the right and privilege to immediately terminate this Lease Agreement and declare the then-remaining unpaid balance of the rental due for the remainder of the term as if same were not terminated, immediately due and payable. Lessor shall have the right with or without legal process to immediately re-enter into possession of the demised premises.

XII. INDEMNIFICATION

Lessee shall indemnify and keep indemnified and hold Lessor harmless from and against any and all liability, liens, claims, damages, expenses (including attorney's fees), fees, costs, fines, penalties, suits, proceedings, actions, and causes of action of any and every kind and nature arising or growing out of or in any way connected with Lessee's use, occupancy, management or control of the Premises or Lessee's operations, conduct, or activities on or about the Premises. Lessee hereby agrees to hold Lessor harmless and Lessor shall not be held responsible for and is hereby expressly relieved from any and all liability by reason of injury, loss or damage to any person (including death) or property on or about the Premises, arising directly or indirectly from the use or occupancy of the Premises and adjacent area previously identified or any part thereof by Lessee, its agents, contractors, employees, invitees and other on or about such premises by reason of Lessee's occupancy thereof.

XIII. LIENS INCURRED BY LESSEE

Lessee shall not permit any mechanic's lien, materialmen's liens, or other liens to be placed upon the Premises during the term hereof caused by or resulting from any work performed, materials furnished or obligations incurred by or at the request of Lessee. If Lessee shall fail

to discharge any such liens within fifteen (15) days after demand from Lessor, then, in addition to any other right or remedy of Lessor, Lessor may, but shall not be obligated to, procure a discharge of the same in any manner permitted by law. Any amount paid or incurred by Lessor for such purpose and all legal and other expenses of Lessor, including attorney's fees, incurred in procuring the discharge of such lien shall become due and payable forthwith by Lessee.

XIV. SURRENDER

At the expiration of the lease term, Lessee shall surrender the Premises in the same or better condition as that which existed at the effective date of this Lease Agreement, reasonable wear and tear excepted.

XV. NOTICE

Whenever notice is given or made under this Lease Agreement, it shall be in writing and delivered in person or sent by mail with postage prepaid. Notices shall be addressed as follows:

To Lessor
City Manager
City of Oak Ridge
P. O. Box 1
Oak Ridge, Tennessee 37831-0001

To Lessee
Oak Ridge Rowing Association
697 Melton Lake Drive
Oak Ridge, Tennessee 37830
Attn: President

XVI. NO WAIVER OF BREACH

Any failure or neglect by Lessor to assert or enforce any rights or remedies because of any breach or default by Lessee under this Lease Agreement shall not prejudice Lessor's rights or remedies with respect to any existing or subsequent breaches or defaults. Acceptance of any partial payment from Lessee will not waive Lessor's right to pursue Lessee for any remaining balance due nor shall any endorsement or statement on any check or letter which acknowledges a check or payment as rent be deemed an accord and satisfaction.

XVII. NO PARTNERSHIP

Lessor does not in any way or for any purpose become a partner, employer, principal, master, agent or joint venturer of or with Lessee.

XVIII. SEVERABILITY

If any provision of this Lease Agreement is deemed invalid, the remainder of this Lease Agreement shall not be affected thereby and shall remain in full force and effect.

XIX. ANTI-DISCRIMINATION

In the use of the demised premises, the Lessee shall not discriminate against any person because of race, creed, color, national origin, religion, age, sex, sexual orientation, disability or other legally protected status.

XX. GOVERNING LAW

The Lease Agreement shall be construed according to the laws of the State of Tennessee.

XXI. ENTIRE AGREEMENT

This Lease Agreement contains all the agreements and understandings made between the parties and may only be modified in writing.

IN WITNESS WHEREOF, this Lease Agreement has been executed by the parties hereto:

APPROVED AS TO FORM AND LEGALITY:

Kathy R. Kuschenski
City Attorney

CITY OF OAK RIDGE, TENNESSEE
Thomas J. Beecher
Mayor

OAK RIDGE ROWING ASSOCIATION

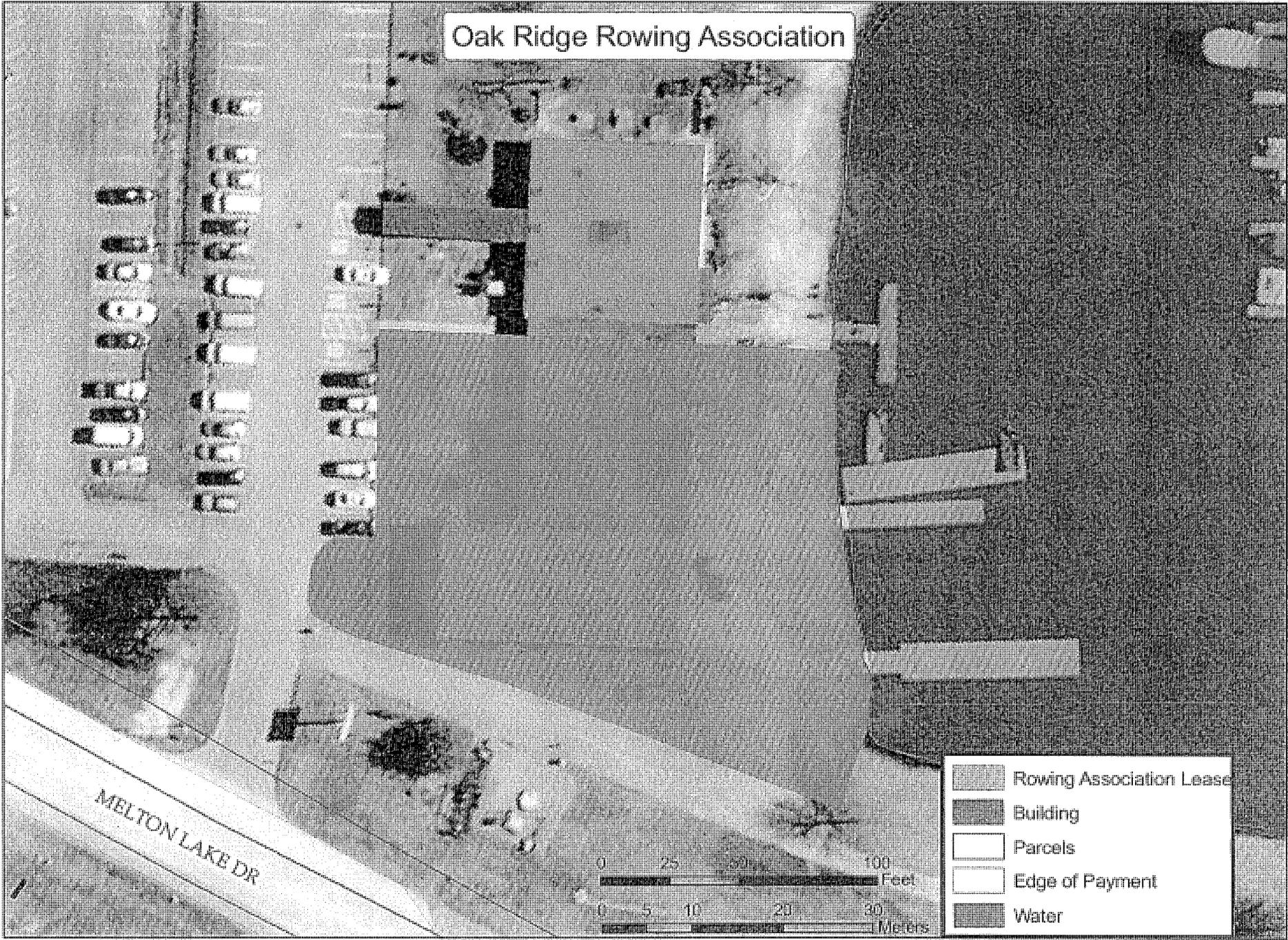
Rodney E. Beard
Signature

Rodney E. Beard, Pres.
Printed Name and Title

Tax ID Number

Approved by Resolution 3-25-08

Oak Ridge Rowing Association



MELTON LAKE DR



- Rowing Association Lease
- Building
- Parcels
- Edge of Payment
- Water

RESOLUTION

A RESOLUTION AUTHORIZING AN EXTENSION THROUGH DECEMBER 2019 TO THE LEASE AGREEMENT BETWEEN THE CITY AND THE OAK RIDGE ROWING ASSOCIATION.

WHEREAS, by Resolution 3-25-08, the City entered into a ten-year lease agreement with the Oak Ridge Rowing Association for approximately 5,000 square feet of space and associated grounds located at the Oak Ridge Marina for the purpose of conducting a rowing program and aquatic activities; and

WHEREAS, said lease agreement is set to expire on February 28, 2018 unless renewed by the parties for an additional ten-year term under the agreement; and

WHEREAS, the City has an interest in continuing the lease agreement but with updates and modifications to address today's expectations for rowing events in light of construction of the 8th rowing lane; and

WHEREAS, in order to give sufficient time to discuss expectations with the Oak Ridge Rowing Association and to receive their input on those expectations, the City Manager recommends an extension of the existing lease agreement through December 31, 2019 upon the same terms and conditions, with the expectation that a new lease agreement will be provided to City Council for approval next year.

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

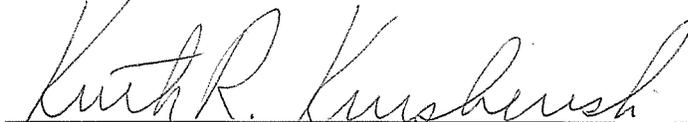
That the lease agreement between the City and the Oak Ridge Rowing Association, dated March 17, 2008, is hereby extended through December 31, 2019 upon the same terms and conditions.

BE IT FURTHER RESOLVED that, it is the City's intention to bring forth a new lease agreement in 2019 for City Council's review that includes updated expectations for rowing and aquatic events in light of construction of the new 8th rowing lane.

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

This the 12th day of February 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

RECREATION & PARKS MEMORANDUM
18-03

DATE: January 31, 2018
TO: Mark S. Watson, City Manager
FROM: Jonathan Hetrick, Recreation & Parks Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH BARGE DESIGN SOLUTIONS

Introduction

An item for City Council's consideration is a resolution approving an agreement with Barge Design Solutions to provide professional services for the Oak Ridge Blankenship Field Renovation and Trailhead Improvement Project. The scope of work will include surveying, civil engineering, landscape design, permitting and construction administration.

Funding

Barge Design Solutions will provide the services outlined in the attached proposal as an in-kind service intended to count toward the matching funds required of the Blankenship Field Revitalization Foundation for the Local Park and Recreation Fund (LPRF) grant previously awarded to the City for the project. The estimated value of the services provided is \$50,000. Barge Design Solutions will provide an invoice that reflects the actual value of the final in-kind service amount to document that value for the grant match.

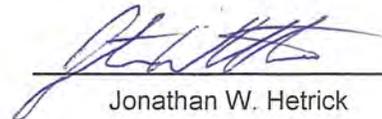
Review

Working in partnership with the Blankenship Field Revitalization Foundation and Oak Ridge Schools, the City applied for and was awarded an LPRF grant from the Tennessee Department of Environment and Conservation (TDEC) Recreational Education Services Division (RES). The grant, in the amount of \$496,000, requires a 50/50 match. The Foundation has committed to provide the matching funds and in-kind services.

Recommendation

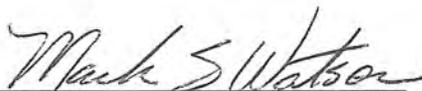
Staff recommends approval of the accompanying resolution as submitted.

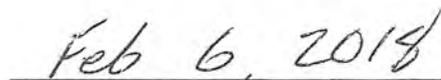
Attachments:
Proposal
Resolution


Jonathan W. Hetrick

City Manager's Comments:

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


Mark S. Watson


Date

January 19, 2018
Project No.: P932024

Mr. Jon Hetrick
Recreation and Parks Director
City of Oak Ridge
P.O. Box 1
Oak Ridge, TN 37831

RE: Blankenship Field Revitalization Project – Survey and Design Services Proposal

Dear Mr. Hetrick,

Barge Design Solutions, Inc. (Barge) encloses the details of our proposal in the attached scope of work (Attachment A) for the project named above. As you know, Barge is providing the services outlined in Attachment A as in-kind donation to the project. It is understood that the Blankenship Field Revitalization Foundation intends to count these in-kind services as part of their matching funds that are required by the TDEC LPRF grant which was previously awarded to the City.

This proposal was prepared based on my understanding of the project description. If we have not fully addressed your project requirements, or if you have any other questions regarding the proposal, please advise me immediately by calling 865.934.4140 or by email at casey.tyree@bargedesign.com.

Please have the party responsible for our fee sign the City's standard agreement with this proposal attached and return to us as your acceptance of the proposal and as your authorization to proceed. We will forward a fully executed copy to you.

Sincerely,



Digitally signed by Casey Tyree
DN: C=US,
E=casey.tyree@bwsc.net, O=LR,
OU=BWSC, CN=Casey Tyree
Date: 2018.01.19 17:35:49-05'00'

Casey Tyree, PE, PMP
Vice President

The scope of work is presented in the following elements.

- I. Project Description
- II. Scope of Services
- III. Project Understanding, Assumptions, and Exclusions
- IV. Time of Performance
- V. Client's Responsibilities
- VI. Deliverables
- VII. Fee

I. Project Description

Barge Design Solutions, Inc. (Barge) is proposing to provide survey, engineering, landscape architecture, permitting, and construction administration services for the Blankenship Field Revitalization Project in Oak Ridge, TN. The project will include the following improvements:

1. Conversion of the existing natural turf football field to synthetic turf
2. New goal posts and south end kicking net
3. Resurfacing of the existing track
4. Field fencing and sidewalks.
5. Trailhead improvements to include landscaping and a pre-fabricated restroom facility

II. Scope of Services

Barge proposes to perform the following Scope of Services for the project described above:

A. Survey Services

Topographic Survey

Barge proposes to supplement the original Topographic Survey prepared by others as necessary to complete the design. Details of the survey are as follows:

1. The extents of the additional survey will encompass the field north of the football field. This survey is required for design of the proposed spoils area. The area adjacent to the main entrance gate where the proposed restroom building will be located will also be surveyed to allow for design of this area.
2. Ground run topographic data
3. One foot contours with spot elevations.
4. Drainage and utility features
5. Wetlands location data

B. Design Services

Civil Engineering and Landscape Architecture Design

Provide civil engineering design services to include site layout, site utilities design (water and sanitary sewer for restroom building), grading/drainage/erosion control design, and Opinion of Probable Construction Cost (OPCC).

Field Layout and Grading Design

Barge proposes to provide site layout, grading, and drainage design for the site. This will include details for the sidewalks, fencing, turf and base, designed to local specifications. Also included for the site will be inlet and pipe, size and location, drainage swales, and relevant spot elevations to achieve positive drainage.

Sanitary Sewer Design

Barge will provide detailed design for the proposed gravity sanitary sewer. It is assumed a gravity sanitary sewer system is available to the immediate site and has sufficient capacity to provide for the proposed restroom.

Domestic Water System Design

Barge will provide a domestic water system design illustrating connection to existing water lines adjacent to the project site, size and routing of the proposed system, point of connection within 5 feet of the proposed restroom building. Typical details will be provided as well.

Phased Erosion Control/Stormwater Management System Design

Barge will provide storm drainage management system design, including surface conveyance system, and pipe conveyance system per the local requirements. Stormwater calculations will be accomplished using approved methods. A stormwater pollution prevention plan (SWPPP) will be prepared as required. Plans will also include erosion, sediment, and pollution controls using accepted Best Management Practices (BMP's).

Site Design Meetings

Barge will attend the following design meetings:

1. Design Coordination – 12 Meetings

C. Permitting

Barge will assist Client with permit approval process. Known permits required for the project consist of:

- a. Construction General Permit – TDEC. This will require submittal of Notice of Intent and SWPPP.

D. Construction Administration

Provide professional services related to construction administration of the project as outlined below on an as-needed basis. These services will begin at the pre-construction meeting and may include any of the following:

1. Assist with the preconstruction conference.
2. Assist with the preparation of meeting minutes of preconstruction meeting.
3. Barge can review submittals, including shop drawings, product data, samples and other submittals as requested by the Client.
4. Assist with monthly construction progress meeting and issue meeting minutes.
5. 4 site visits for an assumed 4-month construction period.
6. Provide support for the review change order requests.
7. Provide necessary interpretations and clarifications of the contract documents.
8. Answer Request for Information items (RFI's)
9. Participate in punch list inspection.
10. Assist with final project closeout.

III. Project Understandings, Assumptions, and Exclusions

- A. Barge will provide the above-noted services based upon a given set of assumptions. These assumptions are as follows.
1. Barge will have access to the site and adjoining areas, as required.
 2. Permit, recording fees, etc., are to be paid by the Client/Owner.
 3. Rezoning or variance applications are unnecessary.
- B. The following excluded services can be provided as an additional service with an appropriate adjustment in fees.
1. Geotechnical Engineering services

IV. Time of Performance

Barge is prepared to begin work upon receipt of a signed professional services agreement or written authorization to proceed. Barge and Client are aware that many factors outside Barge's control may affect Barge's ability to complete the services to be provided under this Agreement. Barge will perform these services with reasonable diligence and expediency, consistent with sound professional practices.

V. Client's Responsibilities

Barge strives to work closely with our clients. In order for the project team to function efficiently, certain information is needed to be provided by the Client and other interested stakeholders in a timely manner. These items and responsibilities are noted below.

- A. Provide information as required to support development of Barge's scope, as required in the project agreement for services.

- B. Provide review comments in a timely manner.
- C. Provide single point of contact for project coordination purposes.

VI. Deliverables

Several deliverables will be produced as part of the basic professional services. The following is a list of documents that will be produced as a part of this effort.

- A. Survey
- B. Final Plans (90%)
- C. Construction Documents (100%)
- D. SWPPP and Notice of Intent
- E. Project Manual to include Technical Specifications

VII. Fee

The services outlined above will be provided as an in-kind service and it is understood that the Client will not compensate Barge for these services. The estimated not-to-exceed fee provided below is being provided to document the amount of expected in-kind survey and design services that will be provided on this project. Barge will provide an invoice to the Client that reflects the final in-kind service amount so that the Blankenship Field Revitalization Foundation may count this amount towards their grant match requirement.

Fee Summary Table

Items	Fee Type	Fee Amount
Survey, Design, Permitting and Construction Administration	In-Kind Service	\$50,000.00

RESOLUTION

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BARGE DESIGN SOLUTIONS, KNOXVILLE, TENNESSEE, FOR SURVEY, DESIGN, PERMITTING ASSISTANCE, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE BLANKENSHIP FIELD REVITALIZATION PROJECT.

WHEREAS, by Resolutions 3-17-2016 and 12-124-2017, the City applied for and received a Local Parks and Recreation Fund Grant in the amount of \$496,000.00 from the Tennessee Department of Environment and Conservation (TDEC) for the Blankenship Field Revitalization project; and

WHEREAS, said grant requires a fifty percent (50%) local match; and

WHEREAS, Barge Design Solutions, Knoxville, Tennessee, has submitted a proposal for survey, design, permitting assistance, and construction administration services for this project; and

WHEREAS, Barge Design Solutions has offered said services as an in-kind donation to the project valued at an amount not to exceed \$50,000.00; and

WHEREAS, the City Manager recommends approval of an agreement with Barge Design Solutions for said services, subject to applicable grant requirements.

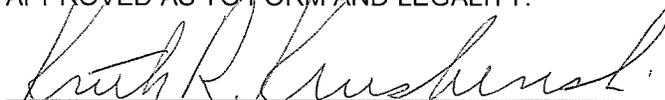
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

The recommendation of the City Manager is approved and the City is hereby authorized to enter into a professional services agreement with Barge Design Solutions, Knoxville, Tennessee, for survey, design, permitting assistance, and construction administration services for the Blankenship Field Revitalization project as an in-kind donation valued at an amount not to exceed \$50,000.00.

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

This the 12th day of February 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

**FIRST READING
OF
ORDINANCES**

POLICE DEPARTMENT MEMORANDUM
18-02

DATE: January 25, 2018
TO: Mark S. Watson, City Manager
FROM: James T. Akagi, Chief of Police
SUBJECT: MOTOR VEHICLE UPDATES

Introduction

An item for the agenda is an ordinance to update motor vehicle provisions in the City Code. The amendments to the City Code are for state law compliance.

Funding

Implementation of the ordinance does not require any funding.

Background

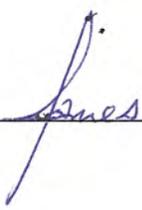
The attached ordinance is a result of continued efforts to keep the City Code current with state law provisions that went into effect January 1, 2018. The City is authorized by Tennessee Code Annotated §16-18-302 to enforce in City Court any ordinance that mirrors or substantially duplicates the language of a state criminal statute if the state offense is a Class C misdemeanor and the civil fine for the ordinance violation is not in excess of fifty dollars (\$50.00). Violation of each of the items listed below is a Class C misdemeanor and, therefore, the City is allowed by state law to create an ordinance violation for the offense enforceable in City Court.

The attached ordinance updates the City Code as follows:

- Lights from vehicles – The attached ordinance updates two provisions of the City Code that were previously designated to address red lights (City Code §15-209) and blue lights (City Code §15-210). State law now prohibits any steady-burning lights visible from the front of any color other than white or amber (not just red and blue), and prohibits flashing lights visible from the front in any color other than factory installed emergency lights. Exceptions apply for emergency vehicles. This amendment brings the City Code into compliance with state statute.
- Mobile telephones in school zones – The attached ordinance designates City Code §15-301 (previously blank) to address the use of mobile telephones in school zones. The ordinance specifies that adults may use a hands-free mobile device while traveling in a school zone; however, juveniles may not use a mobile telephone at all (hands-free or otherwise) while traveling in a school zone. This change also requires amendments to City Code 15-349 pertaining to texting while driving for consistency between the provisions. This amendment brings the City Code into compliance with state statute.

Recommendation

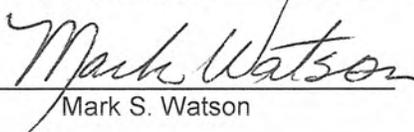
Approval of the attached ordinance is recommended in order to keep the motor vehicle provisions of the City Code in compliance with State law.


James T. Akagi

Attachments: Ordinance

City Manager's Comments:

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


Mark S. Watson 2-5-18
Date

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 15-209, TITLED "RESTRICTION OF RED LIGHTS VISIBLE FROM FRONT," AND SUBSTITUTING THEREFOR A NEW SECTION 15-209, TITLED "RESTRICTION OF STEADY-BURNING LIGHTS VISIBLE FROM FRONT"; BY DELETING SECTION 15-210, TITLED "RESTRICTION OF BLUE LIGHTS VISIBLE FROM FRONT," AND SUBSTITUTING THEREFOR A NEW SECTION 15-210, TITLED "RESTRICTION OF FLASHING LIGHTS VISIBLE FROM FRONT"; BY CREATING SECTION 15-301, TITLED "PROHIBITED USE OF HAND-HELD MOBILE TELEPHONE IN MARKED SCHOOL ZONE; PROHIBITED USE OF MOBILE TELEPHONE WITH HANDS-FREE DEVICE BY PERSON UNDER 18," WHICH SECTION WAS PREVIOUSLY RESERVED FOR FUTURE USE; AND BY ADDING VARIOUS SUBPARTS TO SECTION 15-349, TITLED "TEXTING WHILE DRIVING PROHIBITED"; ALL FOR THE PURPOSE OF ADDING NEW STATE LAW PROVISIONS INTO THE CITY CODE WHICH TOOK EFFECT JANUARY 1, 2018 AND FOR STATE LAW COMPLIANCE.

WHEREAS, City Code Title 15 contains provisions pertaining to motor vehicles; and

WHEREAS, there are provisions that can be incorporated into Title 15 of the City Code by the authority given in Tennessee Code Annotated §16-18-302 to enforce in City Court any ordinance that mirrors, substantially duplicates, or cross-references the language of a state criminal statute if the state offense is a Class C misdemeanor and the civil fine for the ordinance violation is not in excess of \$50.00; and

WHEREAS, the following state laws may be incorporated into the City Code as ordinance violations, which state laws went into effect January 1, 2018: no vehicle shall operate with lights displaying to the front of the vehicle in any color other than white or amber except for certain statutory exceptions (Tennessee Code Annotated §55-9-402(d)(3)), no vehicle shall operate with flashing lights in any color or combination of colors to the front of the vehicle other than factory installed emergency flashers except for certain statutory exceptions (Tennessee Code Annotated §55-9-402(d)(1)), and hands-free school zones (Tennessee Code Annotated §55-8-207); and

WHEREAS, the incorporation of hands-free school zones into state law results in some associated modifications to the current City Code provision on texting while driving to keep that section in compliance with state law; and

WHEREAS, the City desires to adopt ordinances mirroring the above-referenced state statutes to incorporate the violations into the City Code as municipal offenses, and to update the provision on texting while driving for state law compliance.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 2, titled "Vehicle Equipment," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 15-209, titled "Restriction on red lights visible from front," in its entirety and substituting therefor a new Section 15-209, titled "Restriction on steady-burning lights visible from front," which new section shall read as follows:

Section 15-209. Restriction of steady-burning lights visible from front.

No vehicle operated in this state shall be equipped with any steady-burning lights that display to the front of the vehicle in any color other than white or amber or in any combination of colors other than white and amber, except for the following vehicles:

- (1) A vehicle equipped with headlamps, daytime running lamps, or other similar devices in any color or combination of colors between white and amber authorized by the Federal Motor Vehicle Safety Standard No. 108, as adopted by the national highway traffic safety administration and compiled in 49 CFR 571.108;
- (2) A motor vehicle operated for the purposes of an emergency equipment company may display steady-burning red, white, blue, or amber lights, or any combination of steady-burning red, white, blue, and amber lights pursuant to Tennessee Code Annotated §55-9-402(g); provided, that emergency equipment company vehicles shall not display or illuminate the lights authorized by this section while the vehicle is on a public road, whether in motion or stationary;
- (3) A school bus, a passenger motor vehicle operated by rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated §55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the governing body of any county or municipality, may display steady-burning red lights; and
- (4) Authorized law enforcement vehicles and other vehicles listed in Tennessee Code Annotated §55-9-414 may display steady-burning red, white, and blue lights in combination.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 2, titled "Vehicle Equipment," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 15-210, titled "Restriction on blue lights visible from front," in its entirety and substituting therefor a new Section 15-210, titled "Restriction on flashing lights visible from front," which new section shall read as follows:

Section 15-210. Restriction of flashing lights visible from front.

No vehicle operated in this state shall be equipped with any flashing lights in any color or combination of colors that display to the front of the vehicle, other than factory installed emergency flashers, except as provided in this section and for the following vehicles:

- (1) Motorcycle escorts of properly identified funeral processions authorized by Tennessee Code Annotated §55-8-183 to display green strobe flashing lights;
- (2) Vehicles owned by or leased to licensed public or private security services but not personally owned vehicles of security guards may display flashing lights in any color other than red, white, or blue, or in any combination of colors other than red, white, or blue; provided, that the flashing lights authorized by this subsection for security service vehicles shall not be operated or illuminated while the vehicle is on a public road, in motion or stationary, and shall only be illuminated when patrolling a shopping center or mall parking lot or other private premises or if stopped in a hazardous location for the purposes of warning;
- (3) A highway maintenance or utility vehicle or recovery vehicle may display flashing white or amber lights or any combination of flashing white and amber lights pursuant to Tennessee Code Annotated §55-9-402(e);
- (4) A motor vehicle operated for the purposes of an emergency equipment company pursuant to subsection (g) may display flashing red, white, blue, or amber lights or any combination of flashing red, white, blue, and amber lights; provided, that emergency

equipment company vehicles shall not display or illuminate the lights authorized by this section while the vehicle is on a public road, whether in motion or stationary;

- (5) A passenger motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization may display flashing white or amber lights or flashing white and amber lights in combination when transporting an organ for human transplantation;
- (6) A school bus, passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated §55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the governing body of any county or municipality, may display flashing red or white lights or flashing red and white lights in combination; and
- (7) Authorized law enforcement vehicles and other vehicles authorized by Tennessee Code Annotated §55-9-414 to display flashing red, white, and blue lights in combination.

Section 3. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 3, titled "Operation of Vehicles Generally," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 15-301, titled "Prohibited use of hand-held mobile telephone in marked school zone; Prohibited use of mobile telephone with hands-free device by person under 18," which new section shall read as follows:

Section 15-301. Prohibited use of hand-held mobile telephone in marked school zone; Prohibited use of mobile telephone with hands-free device by person under 18.

- (1) As used in this section:
 - (a) "Hands-free device" means a device that is designed to allow two-way communication via mobile telephone without the necessity of holding the mobile telephone, such as a speakerphone or headset; and
 - (b) "Mobile telephone" means a cellular, analog, wireless, or digital device that provides for voice communication or for both voice and data communication. "Mobile telephone" does not include a two-way radio or push-to-talk device.
- (2)
 - (a) It is an offense for a person to knowingly operate a motor vehicle in any marked school zone in this state, when a warning flasher or flashers are in operation, and talk on a hand-held mobile telephone while the vehicle is in motion.
 - (b) It is a delinquent act for a person under eighteen (18) years of age to knowingly operate a motor vehicle on any road or highway in this state and talk on a mobile telephone that is equipped with a hands-free device while the vehicle is in motion.
 - (c) This section does not prohibit a person eighteen (18) years of age or older from operating a motor vehicle in any marked school zone in this state, when a warning flasher or flashers are in operation, and talking on a mobile telephone that is equipped with a hands-free device while the vehicle is in motion.
- (3) This section shall not apply to the following persons:

- (a) Officers of the state or of any county, city, or town charged with the enforcement of the laws of the state, when in the actual discharge of their official duties;
 - (b) Campus police officers and public safety officers, as defined by Tennessee Code Annotated §49-7-118, when in the actual discharge of their official duties;
 - (c) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;
 - (d) Emergency management agency officers of the state or of any county, city, or town, when in the actual discharge of their official duties; and
 - (e) Persons using a mobile telephone to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property.
- (4) (a) A violation of subsection (2)(a) is a Class C misdemeanor punishable only by a fine not to exceed fifty dollars (\$50.00); and
 - (b) A violation of subsection (2)(b) is punishable only by a fine not to exceed fifty dollars (\$50.00).
- (5) Any person violating this section is subject to the imposition of court costs, including any statutory fees of officers; provided, that the court costs, including any statutory fees of officers, shall not exceed ten dollars (\$10.00). No state or local litigation taxes are applicable to a case prosecuted under this section.
 - (6) A traffic citation that is based solely upon a violation of this section is a nonmoving traffic violation and no points shall be added to a driver record for the violation.

Section 4. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 3, titled "Operation of Vehicles Generally," Section 15-349, titled "Texting while driving prohibited," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new definition to subsection (1) which shall read as follows:

Section 15-349. Texting while driving prohibited.

- (1) For the purposes of this section, unless the context requires otherwise, the following definitions apply:

...

- (c) "Hands-free device" means a device that is designed to allow communication via mobile telephone or personal digital assistant without the necessity of holding the mobile telephone or personal digital assistant, such as a speakerphone or headset;

Section 5. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 3, titled "Operation of Vehicles Generally," Section 15-349, titled "Texting while driving prohibited," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by designating the existing subsection (2) as subsection (2)(a) and adding two more subparts (b) and (c), which shall read as follows:

Section 15-349. Texting while driving prohibited.

- (2) (a) No person while driving a motor vehicle on any public road or highway shall use a hand-held mobile telephone or a hand-held personal digital assistant to transmit or read a written message; provided, that a driver does not transmit or read a written message for the purpose of this subsection (2) if the driver reads, selects, or enters a telephone number or name in a hand-held mobile telephone or a personal digital assistant for the purpose of making or receiving a telephone call.
- (b) It is a delinquent act for a person under eighteen (18) years of age to knowingly operate a motor vehicle on any road or highway in this state and use a mobile telephone or personal digital assistant that is equipped with a hands-free device to transmit or read a written message.
- (c) This section does not prohibit a person eighteen (18) years of age or older from operating a motor vehicle on any road or highway in this state and using a mobile telephone or personal digital assistant that is equipped with a hands-free device to transmit or read a written message.

Section 6. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 3, titled "Operation of Vehicles Generally," Section 15-349, titled "Texting while driving prohibited," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended adding a new subpart under subsection (5), which new subpart which shall read as follows:

Section 15-349. Texting while driving prohibited.

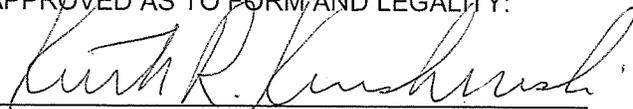
- (5) By Tennessee Code Annotated §55-8-199, this section shall not apply to the following persons:

...

- (e) Persons using a mobile telephone or personal digital assistant to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property.

Section 7. 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: _____

PERSONNEL DEPARTMENT MEMORANDUM
18-046

DATE: January 31, 2018
TO: Mark S. Watson, City Manager
FROM: Bruce M. Applegate, Director of Administrative Services
SUBJECT: AMENDMENTS TO THE PERSONNEL PLAN/ORDINANCE ASSOCIATED WITH THE NEW CLASSIFICATION/COMPENSATION STUDY

Introduction

An item for City Council's consideration is an ordinance to amend provisions of the Personnel Plan Ordinance (Ordinance No. 27-85): Entry Level Salary Rates (§5.3.C.2.), Entry Level Salary Rates (§5.3.D.), and Temporary Assignment/Acting Pay (§6.9.).

Funding

No funding is necessary for this item.

Background

By Resolution 12-87-2016, the City entered into an agreement with McGrath Human Resources Group (McGrath) to perform a compensation analysis and review of the City's compensation plan structure and related policies. McGrath completed their analysis and submitted their Classification and Compensation Report to the City, which was received September 11, 2017. City Council approved the recommended Phase 1 ordinance changes September 19, 2017.

On January 29, 2018, staff met with the Personnel Advisory Board (PAB) to provide an overview of the recommended Phase 3 ordinance changes and to answer any questions. At this meeting PAB reviewed and voted to recommend amendments of Personnel Ordinances pursuant to staff suggestions and forward those suggestions to City Council.

It is the City's intent to continue implementation of the report through a phased approach. Phase 3 adopts the recommended changes necessary to conform the internal promotion/demotion rates, and acting pay rates to match the structure of the new Compensation Plan.

A bold strike-through of the proposed changes to the Personnel Plan/Ordinance is attached and includes changes to the Entry Level Salary Rate sections, and Temporary Assignment/Acting Pay section. The remaining ordinance changes required to implement the upcoming phases of the McGrath Classification and Compensation Study are under continued review, and will be addressed on a quarterly basis to ensure adequate time for evaluation and employee outreach.

Analysis

A review of the Personnel Plan/Ordinance regarding Entry Level Salary Rates (§5.3.), and Temporary Assignment/ Acting Pay (§6.9.) required additional revision to conform to the implemented 2017 Classification and Compensation Plan.

Changes to the above Ordinance sections are elaborated on below:

5.3 Entry Level Salary Rates

Section 5.3.(c).2. and 5.3.(d) have been rewritten to align both promotion and demotion rates with the pay scale of the 2017 Compensation Plan. The 10% increase (promotion), and 10% decrease (demotion) have been changed to a 5% increase (promotion) and 5% decrease (demotion). The changes:

- Fall in line with the practices of comparable communities
- Align with the new salary scale
- Follow common personnel practices regarding promotion pay placement

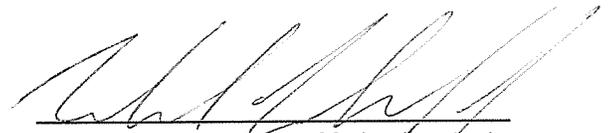
6.9 Temporary Assignment/Acting Pay

Section 6.9. has been adjusted to mirror the promotion increase rates changed in section 5.3.(d) above, and the two step application of acting pay has been restructured to a simplified one step approach.

Recommendation

Approval of the proposed ordinance is recommended.

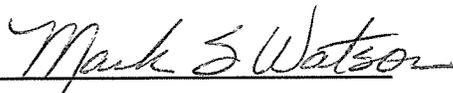
Attachments: Bold-Strikethrough of Proposed Ordinance Changes
Proposed Ordinance



Bruce M. Applegate Jr.
Director of Administrative Services

City Manager's Comments:

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



Mark S. Watson



Date

**PROPOSED CHANGES – PHASE III
PERSONNEL PLAN ORDINANCE**

5.3 ENTRY LEVEL SALARY RATES

- c. When a regular employee is demoted to a position in a lower pay range, the salary shall be set at:
 - (2) If the action is for cause – **the employee will be placed at the step which ensures at least ten five percent (40 5%) less than the existing salary or to the lowest pay rate of the pay grade if a ten five percent (40 5%) reduction is not possible.**
- d. When an employee is promoted to a classification with a higher pay grade, ~~the beginning rate shall be an increase equal to the percentage difference in the two pay grades or to a maximum of ten~~ **the employee will be placed at the step which ensures at least five percent (40 5%) greater than the rate received immediately prior to such promotion, or to the lowest step of the new pay grade whichever is greater.**

6.9 TEMPORARY ASSIGNMENT/ACTING PAY

The City recognizes the organizational need to periodically require employees to perform tasks expected of higher classifications. However, whenever practical, supervisors shall make job assignments which are consistent with the employee's position description for a substantial percentage of the employee's working hours with the City. Temporary assignments and/or acting pay are solely within the discretion of heads of departments (the City Manager in the case of acting department heads) to determine whether a person is working out of class for a substantial percentage of the working hours. It is also understood that the granting of a temporary assignment and/or acting pay does not imply a vested right to the position in a permanent basis.

An employee can be expected to perform tasks that are not described in the position description and periodically assigned to perform work normally specified for a higher job class. In the event an employee is assigned to perform the substantial duties of a higher level job class and this assignment extends beyond ten consecutive working days for employees on a forty-hour per week work schedule, five consecutive shifts for Fire Department station-based shift employees, and eight consecutive shifts for Police Department shift employees, the employee shall be compensated at the lowest pay level of the appropriate salary range that ensures a five percent (5%) adjustment to the employee's current pay rate or to the minimum of the new salary range, whichever is larger. This acting pay rate shall become effective on the eleventh working day for employees on a forty-hour per week schedule, on the sixth working shift for Fire Department station-based employees and on the ninth working shift for Police Department shift employees. ~~In the event that the acting pay continues for four (4) full biweekly pay periods after the initial eligibility period, the rate of pay shall be increased to provide a minimum of ten percent (10%) from the non-acting base pay, if possible in the pay range.~~ The acting pay rate will remain effective so long as the employee performs this specific assignment on a continuing basis.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY DELETING SECTION 5.3, TITLED "ENTRY LEVEL SALARY RATES," SUBSECTIONS C.2. AND D, AND SUBSTITUTING THEREFOR NEW SUBSECTIONS C.2. AND D, AND BY DELETING SECTION 6.9, TITLED "TEMPORARY ASSIGNMENT/ACTING PAY," AND SUBSTITUTING THEREFOR A NEW SECTION 6.9 WITH THE SAME TITLE, FOR THE PURPOSE OF UPDATING THE PERSONNEL PLAN.

WHEREAS, by Resolutions 9-100-2017 and 1-3-2018, City Council approved a new Position Classification Plan for FY2018, which was a result of the compensation analysis and review of the City's compensation plan structure and related policies conducted by McGrath Human Resources Group; and

WHEREAS, the City is in the process of a phased approach to implement McGrath Human Resources Group's recommendations; and

WHEREAS, at this time the City is proposing implementation of the third phase of personnel ordinance changes, which changes pertain to pay for promotions, demotions, and acting pay; and

WHEREAS, the Personnel Advisory Board at its January 29, 2018 meeting recommended the proposed amendments to the Personnel Plan for Council's approval; and

WHEREAS, the City Manager recommends that the Personnel Plan be amended as set forth below.

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

Section 1. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 5, titled "Pay Plan," Section 5.3, titled "Entry Level Salary Rates," is hereby amended by deleting Subsections 5.3.c.(2) and 5.3.d. in their entirety, and substituting therefor new Subsections 5.3.c.(2) and 5.3.d., which new subsections shall read as follows:

5.3 ENTRY LEVEL SALARY RATES

c. When a regular employee is demoted to a position in a lower pay range, the salary shall be set at:

...

(2) If the action is for cause – the employee will be placed at the step which ensures at least five percent (5%) less than the existing salary or to the lowest pay rate of the pay grade if a five percent (5%) reduction is not possible.

d. When an employee is promoted to a classification with a higher pay grade, the employee will be placed at the step which ensures at least five percent (5%) greater than the rate received immediately prior to such promotion, or to the lowest step of the new pay grade whichever is greater.

Section 2. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," Article 6, titled "Hours of Work, Overtime and Premium Compensation," is hereby amended by deleting Section 6.9, titled "Temporary Assignment/Acting Pay," in its entirety and substituting therefor a new Section 6.9, titled "Temporary Assignment/Acting Pay," which new section shall read as follows:

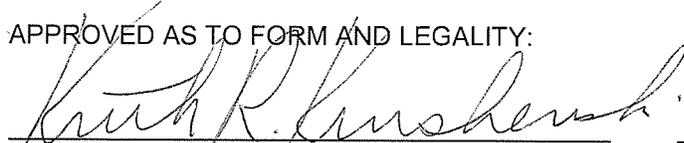
6.9 TEMPORARY ASSIGNMENT/ACTING PAY

The City recognizes the organizational need to periodically require employees to perform tasks expected of higher classifications. However, whenever practical, supervisors shall make job assignments which are consistent with the employee's position description for a substantial percentage of the employee's working hours with the City. Temporary assignments and/or acting pay are solely within the discretion of heads of departments (the City Manager in the case of acting department heads) to determine whether a person is working out of class for a substantial percentage of the working hours. It is also understood that the granting of a temporary assignment and/or acting pay does not imply a vested right to the position in a permanent basis.

An employee can be expected to perform tasks that are not described in the position description and periodically assigned to perform work normally specified for a higher job class. In the event an employee is assigned to perform the substantial duties of a higher level job class and this assignment extends beyond ten consecutive working days for employees on a forty-hour per week work schedule, five consecutive shifts for Fire Department station-based shift employees, and eight consecutive shifts for Police Department shift employees, the employee shall be compensated at the lowest pay level of the appropriate salary range that ensures a five percent (5%) adjustment to the employee's current pay rate or to the minimum of the new salary range, whichever is larger. This acting pay rate shall become effective on the eleventh working day for employees on a forty-hour per week schedule, on the sixth working shift for Fire Department station-based employees and on the ninth working shift for Police Department shift employees. The acting pay rate will remain effective so long as the employee performs this specific assignment on a continuing basis.

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

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

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
18-3**

DATE: January 24, 2018
TO: Mark Watson, City Manager
THROUGH: Wayne Blasius, Community Development Director
FROM: Arnold Blackwell, Code Enforcement Supervisor
RE: **ORDINANCE AMENDMENT TO ADOPT THE 2018 ENERGY CODE**

*WB
AAB*

Introduction

Items for the agenda is one (1) ordinance amendment to the City Code to continue to maintain compliance with the requirements of the State of Tennessee Department of Commerce and Insurance, Division of Fire Prevention.

Background

The State of Tennessee Department of Commerce and Insurance, Division of Fire Prevention has noted that cities may be seven (7) years behind the most current edition of the building and fire codes available. Currently, the City of Oak Ridge utilizes the following energy code edition:

- 2009 International Energy Conservation Code (IECC)

Several organizations encourage the adoption and enforcements of the most current codes, including: the International Code Council (ICC), the National Fire Protection Association (NFPA), the Insurance Services Organization (ISO) administrators of the Building Code Effective Grading System (BCEGS). City Staff is recommending the adoption of the following energy code for compliance:

- 2018 International Energy Conservation Code (IECC)

Staff is proposing a 90-day grace period for implementation of the newly adopted code. This will provide staff adequate time to schedule meetings with our development community and local contractors. This time will be used to share information and provide training to ensure a clear understanding of the revised code standards, and offer staff assistance during initial implementation. Adoption of the 2018 (IECC) will provide a mechanism to ensure the most efficient and effective methods of creating a safe, sustainable, and efficient community for residents, while maintaining compliance with the State of Tennessee.

Recommendation

City staff recommends approval of the attached ordinance.

Attachment

City Manager's Comments:

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

Mark Watson *2-5-18*

Mark Watson

Date

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 12, TITLED "ENERGY CONSERVATION CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-1201, TITLED "ENERGY CONSERVATION CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-1201, TITLED "ENERGY CONSERVATION CODE ADOPTED," AND BY CREATING A NEW SECTION 12-1202, TITLED "AMENDMENTS," ALL FOR THE PURPOSE OF ADOPTING THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE FOR COMPLIANCE WITH TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE, DIVISION OF FIRE PREVENTION, REQUIREMENTS.

WHEREAS, the State of Tennessee Department of Commerce and Insurance, Division of Fire Prevention, allows cities to be up to seven (7) years behind the most current edition of available building and fire codes; and

WHEREAS, the City's currently adopted energy code is the 2009 International Energy Conversation Code; and

WHEREAS, the City desires to adopt the 2018 edition of the International Energy Conservation Code to be in compliance with State requirements.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 12, titled "Energy Conservation Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-1201, titled "Energy Conservation Code Adopted," in its entirety and substituting therefor a new Section 12-1201, titled "Energy Conversation Code Adopted," which new section shall read as follows:

Sec. 12-1201. Energy Conservation Code Adopted.

The International Energy Conservation Code, 2018 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, and shall be known as the "Energy Conservation Code."

Section 2. Title 12, titled "Building, Utility, Etc. Codes," Chapter 12, titled "Energy Conservation Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 12-1202, titled "Amendments," which new section shall read as follows:

Sec. 12-1202. Amendments.

(1) Table R402.1.2 Insulation and Fenestration Requirements by Component.

In the row for Climate Zone 4 except Marine, change the following: Ceiling R-Value from "49" to "38"; Wood Frame Wall R-Value from "20 or 13+5" to "13"; and Mass Wall R-Value "8/13" to "5/10."

(2) Table R402.1.4 Equivalent U-Factors.

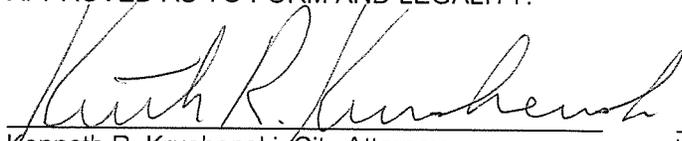
In the row for Climate Zone 4 except Marine, change the following: Ceiling U-Factor from "0.026" to "0.030"; Frame Wall U-Factor from "0.060" to "0.082"; and Mass Wall U-Factor from "0.098" to "0.141."

- (3) Section R402.4.1.2 Testing.
Delete in its entirety without replacement.
- (4) Section R403.3.3 Duct Testing (Mandatory).
Delete in its entirety without replacement.

Section 3. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

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

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

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

FINAL ADOPTION
OF
ORDINANCES

COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
17-64

DATE: December 18, 2017

TO: Mark Watson, City Manager

FROM: Kelly Duggan, Senior Planner 

THROUGH: Wayne Blasius, Community Development Director 

SUBJECT: Rezone Map 100A, Group C, Parcel 001.00 from O-2 Office District to B-2 General Business District

Introduction

An item for City Council's consideration is a request to approve the rezoning of a 1.1 acre parcel from O-2 Office District to B-2 General Business District. The property is currently owned by Vintage Development Corporation. The applicant, Mike Gray, represents Tacala TN Corp. If rezoned, the applicant plans to redevelop the site for use as a fast food restaurant (Taco Bell). Restaurants are currently allowed as special exceptions in the O-2 District, provided that there is no drive-thru. Therefore, the applicant is requesting a zoning change to the B-2 District, which allows drive-thru restaurants by right.

Funding

No funding is necessary to approve this request.

Analysis

The property is a 1.1 acre lot. The property contains an existing structure which is used for the Anderson County General Sessions Court Clerk. It is a corner lot with no direct access onto Oak Ridge Turnpike. Access is currently limited to existing curb cuts on Bus Terminal Rd and Milan Way.

The existing zoning is O-2 Office District. The proposed rezoning is for the B-2 General Business District. The requested B-2 zoning designation is in character with the area. Oak Ridge Turnpike is a primary commercial corridor for the city. Many of properties along the Turnpike already share a commercial zoning designation. In the immediate vicinity, there is a vibrant mix of office/medical uses and commercial uses that provide goods and services for professionals that work in the area. This grouping of compatible uses promotes pedestrian activity and provides more opportunities for social interaction, which should be encouraged.

Within the subject block, the uses on the south side of the Oak Ridge Turnpike are predominantly commercial in nature, while the uses on the north side are predominantly office in nature. The rezoning would support the existing land use patterns.

Furthermore, there is a B-2 zoning district immediately across Bus Terminal Rd. Therefore, the zoning change is merely an extension of that adjacent district. There is also a B-2 District within the same block as the subject site, as well as on the north side of the Oak Ridge Turnpike.

Recommendation

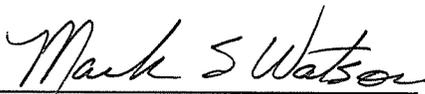
Staff recommends approval of this rezoning request. There is an existing B-2 district immediately across Bus Terminal Rd, so the zoning change would effectively extend that district. Further, the majority of the office uses in the immediate vicinity are on the north side of the Oak Ridge Turnpike, and properties on the south side are predominantly commercial in nature. Therefore the request would support and enhance the existing land use development pattern in the area.

Any significant re-development of the site would have to comply with the City's landscaping and design regulations, which would constitute an aesthetic and environmental improvement for the character of the area.

The rezoning request was reviewed and discussed by the Oak Ridge Planning Commission and recommended for approval to City Council by a vote of 9 – 0 (1 absent) during the regularly-scheduled meeting on December 14, 2017.

City Manager's Comments:

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



Mark S. Watson



Date

TITLE

AN ORDINANCE TO AMEND 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 001.00, ANDERSON COUNTY TAX MAP 100A, GROUP C, (APPROXIMATELY 1.1 ACRES) FROM O-2, OFFICE DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT, SAID PARCEL BEING LOCATED AT 101 BUS TERMINAL ROAD.

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 001.00 Map 100A, Group C (± 1.1 Acres)	101 Bus Terminal Road	O-2, Office District	B-2, General Business District

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

Publication Date: 12/22/2017
Public Hearing: 01/08/2018
First Reading: 01/08/2018
Publication Date: 01/11/2018
Second Reading: _____
Publication Date: _____
Effective Date: _____

Mary Beth Hickman, City Clerk

101 Bus Terminal Rd Zoning Change - Aerial

12/8/17



101 Bus Terminal Rd Zoning Change - Current Zoning

12/8/17

