

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

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

AGENDA

I. INVOCATION

Pastor Robert May, Oak Ridge Family Bible Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

Proclamations

- a. Proclamation recognizing the Jefferson Middle School Atomic Eagles FIRST Lego League Team for their advancement to the World Festival competition in Houston, Texas
- b. A proclamation honoring Steve Reddick for his selection as Oak Ridge Schools' Teacher of the Year
- c. A proclamation paying tribute to Roane County Commissioner Stephen Kelley
- d. A proclamation honoring Japan Consul-General Masami Kinefuchi
- e. A proclamation designating April 8-14, 2018 as Library Week

V. SPECIAL REPORTS

- a. Final Report on MORE₂ Program – Bruce Applegate, Director of Administrative Services

VI. CONSENT AGENDA

- a. Approval of February 12, 2018 City Council regular meeting minutes
- b. Approval of February 16, 2018 City Council special meeting minutes
- c. Approval of February 20, 2018 City Council special meeting minutes
- d. A RESOLUTION GRANTING RENEWAL PERMITS TO PERSONS ENGAGED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY FOR ONE YEAR.
- e. A RESOLUTION AMENDING THE TRADE LICENSING BOARD'S RULES AND PROCEDURES RELATIVE TO THE RESIDENCY REQUIREMENT FOR MEMBERS.
- f. A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH GRESHAM, SMITH AND PARTNERS, KNOXVILLE, TENNESSEE, FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES RELATED TO THE MELTON LAKE DRIVE LIGHTING PROJECT FOR THE ELECTRIC DEPARTMENT IN THE ESTIMATED AMOUNT OF \$48,500.00.

- g. A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS VEHICLE TO THE CITY OF HARRIMAN, TENNESSEE, AT NO COST FOR THEIR USE.
- h. A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS ASPHALT ROLLER TO THE ANDERSON COUNTY WATER AUTHORITY AT NO COST FOR THEIR USE.

VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing

- 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 1.30, TAX MAP 30, (APPROXIMATELY 5.88 ACRES) FROM FIR, FEDERAL INDUSTRY AND RESEARCH DISTRICT, TO IND-2, IMDO INDUSTRIAL MANHATTAN DISTRICT OVERLAY, SAID PARCEL BEING LOCATED AT 615 AMERICUS AVENUE.

First Reading

- a. AN ORDINANCE TO AMEND TITLE 10, TITLED "ANIMAL CONTROL," CHAPTER 1, TITLED "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 10-118, TITLED "IMPROPER CARE OF ANIMALS PROHIBITED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 10-118, TITLED "IMPROPER CARE OF ANIMALS PROHIBITED," TO SET FORTH SPECIFICATIONS FOR DOGHOUSES AND SIMILAR SHELTERS TO PROVIDE INSULATION AND PROTECTION FROM THE ELEMENTS.
- b. AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS, ETC.," CHAPTER 1, TITLED "MISCELLANEOUS," SECTION 2-101, TITLED "MEMBERSHIP TO BOARDS AND COMMISSIONS; RESIDENCY REQUIRED," TO WAIVE THE RESIDENCY REQUIREMENT FOR THE TRADE LICENSING BOARD UPON CERTAIN CONDITIONS.
- c. AN ORDINANCE ABANDONING A PORTION OF WEST MADISON LANE RIGHT-OF-WAY UPON CERTAIN CONDITIONS BEING MET BY THE ADJACENT PROPERTY OWNER.
- d. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY DELETING SUBSECTION 1.C.(1) OF SECTION 14.12, TITLED "SIGNS FOR COMMUNITY BUSINESS DISTRICTS," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 1.C.(1) TO CORRECT A CONFLICT REGARDING WALL SIGNS IN COMMUNITY BUSINESS DISTRICTS FOR BUILDINGS WITH STREET FRONTAGE ON MORE THAN ONE STREET.

VIII. FINAL ADOPTION 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.

IX. RESOLUTIONS

- a. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO INFOR (US), INC., FOR A THREE-YEAR RENEWAL OF SOFTWARE MAINTENANCE OF THE ASSET MANAGEMENT SYSTEM IN THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEARS 2019-2021 IN THE ESTIMATED AMOUNT OF \$86,987.73.
- b. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO SPECIALIZED OPERATIONS SERVICES, CLEVELAND, TENNESSEE, FOR THE FURNISHING OF CERTAIN CHEMICALS FOR THE WATER TREATMENT PLANT FOR THE REMAINDER OF FISCAL YEAR 2018 IN THE ESTIMATED AMOUNT OF \$67,500.00.
- c. A RESOLUTION TO AMEND THE ENERGY SAVINGS PROJECT AGREEMENT (FY2018-045) WITH ENERGY SYSTEMS GROUP, LLC, TO ADD UPGRADES FOR TWO (2) CHILLERS AND TO ADD REPLACEMENTS FOR TWO (2) ADDITIONAL HVAC UNITS IN THE TOTAL AMOUNT OF \$295,365.00.
- d. A RESOLUTION TO AMEND THE CONTRACT BETWEEN THE CITY AND THE OAK RIDGE BOARD OF EDUCATION PERTAINING TO THE SCHOOLS’ ANNUAL REIMBURSEMENT OBLIGATION TO THE CITY FOR THE ENERGY SAVINGS PROJECT, SAID AMENDMENT TO ADDRESS THE REIMBURSEMENT FOR ADDITIONAL PROJECT COSTS REQUESTED BY THE SCHOOLS FOR JEFFERSON MIDDLE SCHOOL.
- e. A RESOLUTION TO APPROVE A MASTER AGREEMENT WITH NATIONAL JOINT POWERS ALLIANCE TO ALLOW THE CITY TO BE A PARTICIPATING MEMBER IN A PURCHASING COOPERATIVE.

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: February 28, 2018
TO: Honorable Mayor and Members of City Council
FROM: Mary Beth Hickman, City Clerk
SUBJECT: PROCLAMATIONS FOR THE MARCH 12, 2018 CITY COUNCIL MEETING AGENDA

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

A proclamation recognizing the Jefferson Middle School Atomic Eagles FIRST Lego League Team for their advancement to the World Festival competition in Houston, Texas

This request was submitted by Councilmember Jim Dodson to honor the Jefferson Middle School Atomic Eagles FIRST Lego League Team for winning the First Place Champions Award at the East Tennessee State Regional Championship in Cookeville, Tennessee and advancing to represent Oak Ridge and Tennessee at the World Festival in Houston in April.

A proclamation honoring Steve Reddick for his selection as Oak Ridge Schools Teacher of the Year

This request was submitted by Councilmember Jim Dodson to honor Steve Reddick, who has been selected as the Oak Ridge Schools' Teacher of the Year. Mr. Reddick will be invited to attend and accept the proclamation.

A proclamation paying tribute to Roane County Commissioner Stephen Kelley

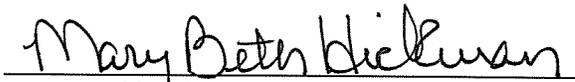
This request was submitted by multiple Councilmembers to pay tribute to Commissioner Kelley for his service to the Oak Ridge community. Commissioner Kelley passed away on February 21, 2018.

A proclamation honoring Japan Consul-General Masami Kinefuchi

This request was submitted by City Manager Mark Watson to honor Consul-General Masami Kinefuchi as he leaves his position of Consul-General in Nashville and returns to Tokyo.

A proclamation designating April 8-14, 2018 as Library Week.

This request was submitted by Kathy McNeilly, Director of the Oak Ridge Public Library, to designate April 8-14, 2018 as Library Week. Director McNeilly will be in attendance to accept the proclamation.


Mary Beth Hickman

Attachments:

Proclamation recognizing the Jefferson Middle School Atomic Eagles FIRST Lego League Team for their advancement to the World Festival competition in Houston, Texas
Proclamation honoring Steve Reddick for his selection as Oak Ridge Schools' Teacher of the Year
Proclamation paying tribute to Roane County Commissioner Stephen Kelley
Proclamation honoring Japan Consul-General Masami Kinefuchi
Proclamation designating April 8-14, 2018 as Library Week

PROCLAMATION

WHEREAS, the FIRST Lego League began in 1999 and sponsors international competitions for 9-14 year-olds from over 50 countries in the areas of research, robot design, robot performance and core values presentations; and

WHEREAS, The Atomic Eagles, a FIRST Lego League team from Jefferson Middle School, received the First Place Champions Award at the East Tennessee State Regional Championship in Cookeville, Tennessee on February 10, 2018; and

WHEREAS, with this award, the Atomic Eagles earned the right to represent Tennessee at the World Festival in Houston, Texas in April; and

WHEREAS, The Atomic Eagles first competed with twenty-four other area FIRST Lego League teams at the Knoxville Qualifier on December 9, 2017 and earned the First Place Champions Award, which qualified them to participate in the state competition; and

WHEREAS, in Cookeville, they competed with forty-eight teams from all over East Tennessee; and

WHEREAS, the theme of this year's project was HydroDynamics, and teams had to find a problem and solution with the way water is found, used, transported and disposed of; and

WHEREAS, the team got their inspiration for the project from the mother of one of their members, who grew up in Kenya and had to walk for water daily ; and

WHEREAS, the Atomic Eagles are made up of Ben Dallas, Aaron Fiscor, Lindsey Fiscor, Aaliyah Herron, Marissa Kenworthy, Amelie Nagle, Brian Qu and Alex Shanafield, along with coaches Janie Shanafield, David Hundermark and mentor Harold Shanafield from the Oak Ridge National Laboratory; and

WHEREAS, the City is fortunate to have such outstanding young men and women as part of the Oak Ridge community.

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

that the City congratulates the Jefferson Middle School Atomic Eagles for their impressive awards at the FIRST Lego League State Championship and wishes the team the best of luck as they represent our city at the World Festival in April.

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 March in the year 2018.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, Steve Reddick is a Phi Beta Kappa graduate of the University of Tennessee, earning a Bachelor's and a Master's degree in History in 1981 and 1983; and

WHEREAS, in 1983, Mr. Reddick was awarded a Rotary Foundation scholarship to study at the University College in Cork, Ireland, where he earned a second Master's degree; and

WHEREAS, Mr. Reddick began working as a junior high (now middle) school Social Studies teacher in the Oak Ridge schools in 1984 and has served in many roles, including as head coach for cross country and assistant coach for track and field, Athletic Director, acting administrator and President of the Oak Ridge Education Association ; and

WHEREAS, as an Eighth Grade American History teacher, Mr. Reddick believes there is no more relevant nor exciting subject to teach, as students are "citizens in training," who will one day vote, pay taxes, serve our country and be part of our local, national and global communities; and

WHEREAS, Mr. Reddick utilizes print and electronic resources to develop his students' reading, writing, thinking and discussion skills, as well as the "habits of mind" that they will need to become active and engaged citizens; and

WHEREAS, Mr. Reddick has an impressive list of academic achievements, including many published articles in professional journals and public presentations, both stateside and internationally; and

WHEREAS, on April 20, 2017, Mr. Reddick was inducted into the University of Tennessee Educators Hall of Honor; and

WHEREAS, in recognition of his many accomplishments and his commitment to the success of his students, Mr. Reddick has been selected as the Teacher of the Year for Oak Ridge Schools; and

WHEREAS, the Tennessee Department of Education encourages school systems to recognize teachers who care about children, who devote their professional lives to enriching the lives of Tennessee students, and who demonstrate exceptional gains in student achievement.

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

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

STEVE REDDICK

as we celebrate his selection as Oak Ridge Schools Teacher of the Year.

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 March in the year 2018.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, Stephen Kelley was born in Harriman, Tennessee on November 25, 1954; and

WHEREAS, after graduating from Roane County High School and serving in the United States Navy for three year, Mr. Kelley obtained a Bachelor's degree in Business Administration from Tusculum College; and

WHEREAS, as a self-taught computer programmer, Mr. Kelley joined his father in Scientific Endeavors, a software development company and would later work on cutting-edge software with several companies; and

WHEREAS, Mr. Kelley was a past president of the Humane Society of East Tennessee, a past president of the Oak Ridge Sister City Support Organization and a member of the Executive Committee of the Roane County Democratic Party; and

WHEREAS, Mr. Kelley served on the Roane County Commission from 2010 until his death on February 21, 2018; and

WHEREAS, Mr. Kelley is survived by his wife, Renee Rickard Kelley; his three sons, Will, Sam and Ben; his mother, Ruth Kelley; his brother David Kelley and four sisters, Becky Brown, Janet Kelley, Jean West, and Laura Ousley as well as numerous nieces and nephews.

WHEREAS, Mr. Kelley was a man of strong beliefs, and he put his values into action as a public servant, volunteer, and as a role model for all who knew him; and

WHEREAS, the Oak Ridge City Council desires to express its appreciation and gratitude for Mr. Kelley's years of dedicated public service and his tireless volunteer spirit; and

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

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

STEPHEN L. KELLEY

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

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 March in the year 2018.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, Masami Kinefuchi has served with distinction as Consul-General of Japan in Nashville since April 1, 2015; and

WHEREAS, Consul-General Kinefuchi has jurisdiction over five states, Arkansas, Kentucky, Louisiana, Mississippi and Tennessee, where more than four hundred Japanese companies operate and approximately 11,400 Japanese citizens reside; and

WHEREAS, during his tenure in Nashville, Consul-General Kinefuchi has worked tirelessly to strengthen U.S.-Japan relations and maintain the close friendship between Japan and the United States; and

WHEREAS, Consul-General Kinefuchi graduated from the National Defense Academy of Japan in 1981 and received a Master's Degree of Strategic Studies and International Economics from the School of Advanced International Studies at Johns Hopkins University; and

WHEREAS, Consul-General Kinefuchi entered the Ministry of Foreign Affairs of Japan in 1983, holding office both in Tokyo and overseas and has served as the Minister's Secretariat and in the offices of Political Affairs, Economic Matters, Economic Cooperation and Information; and

WHEREAS, Consul General Kinefuchi's recent overseas assignments were Minister and Deputy Chief of the Mission at the Embassy of Japan in Australia and Egypt; and

WHEREAS, before taking the office of Consul-General, Consul-General Kinefuchi served as Assistant Vice Minister at the Ministry of Justice in charge of immigration policy; and

WHEREAS, Consul-General Kinefuchi plays a vital role in facilitating the exchange of commerce and culture between Japan and Tennessee; and

WHEREAS, Consul-General Kinefuchi has been a friend to Oak Ridge, Tennessee and an ardent supporter of our city's mission of international peace and youth exchange with Naka, Japan.

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

That in recognition of his dedication and public service as Consul-General of Japan in Nashville, Tennessee, the City of Oak Ridge pays tribute to

CONSUL-GENERAL MASAMI KINEFUCHI

thanks him for a growing relationship with the City of Oak Ridge and wishes him all success in his future assignment as he returns to Japan.

BE IT FURTHER RESOLVED that we sincerely thank him for learning about the Oak Ridge community and our desire to share our science, knowledge, friendship and goodwill with the people of Japan.

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 March in the year 2018.

WARREN L. GOOCH, MAYOR

PROCLAMATION

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the week of April 8-14, 2018 be proclaimed

LIBRARY WEEK

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 12th day of March in the year 2018.

WARREN L. GOOCH
MAYOR

CONSENT AGENDA

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

February 12, 2018

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on February 12, 2018 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The invocation was given by Reverend Tandy Scheffler with the Oak Ridge Unitarian Universalist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Eli Roth, student at Jefferson Middle School.

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.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

Councilmember Jim Dodson recognized Joye Montgomery with the Secret City Festival Committee, who announced that the headlining act for the Secret City Festival would be the Little River Band.

City Manager Mark Watson recognized City Clerk Beth Hickman and Deputy City Clerk Sandy Sexton for obtaining their municipal clerk certifications. He also recognized Beth Hickman for her role in the City's United Way campaign last year.

Proclamations

A proclamation designating March 2, 2018 as Arbor Day.

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

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

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

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

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

SPECIAL REPORTS

FY 2017 Audit Report

Conor O'Donoghue and Julie Hayes with Coulter & Justus provided a summary of the FY 2017 Audit Report of the City. Councilmember Smith thanked them for their consistent professionalism in conducting the annual audit. The report was received for the record.

CONSENT AGENDA

Councilmember Vogel requested that the following item be removed from the Consent Agenda for discussion:

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.

Councilmember Smith requested that the following item be removed from the Consent Agenda for discussion:

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.

Mayor Pro Tem Chinn requested that the following item be removed from the Consent Agenda for discussion:

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.

Mayor Pro Tem Chinn 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, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Approval of the January 8, 2018 City Council regular meeting minutes

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.

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.

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

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.

Councilmember Vogel moved for approval of the resolution, and Councilmember Callison seconded. City Manager Mark Watson provided an overview of the resolution. Councilmember Vogel cited an email from

County Law Director Jay Yeager that was included in the agenda packet that thanked the City Council and the City Manager for their diligence regarding this issue.

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

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.

Councilmember Smith moved for approval of the resolution, and Councilmember Dodson seconded. City Manager Mark Watson provided an overview of the resolution and answered questions from Council. Several Councilmembers asked questions pertaining to ADA-accessible seating.

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

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

Mayor Pro Tem Chinn moved for approval of the resolution and Councilmember Smith seconded. City Manager Mark Watson provided an overview of the resolution, and Recreation and Parks Director Jon Hetrick answered questions from Council.

Mayor Pro Tem Chinn read the following statement and asked that it be included as part of the official record:

“During the work session we recently held, many of us expressed our frustration about the delays in getting the Blankenship Field work underway. In thinking about some of the comments made, I believe placing the “blame” on our friends at TDEC was unfair. From the very beginning of this process, the staff and leadership of TDEC have been extremely helpful. Without their support, this project would not be possible. We need to resist the finger-pointing and continue to work together to push this project over the goal-line. By working together, we can get this done. Thanks.”

Councilman Vogel inquired about how records would be kept since Barge Design Solutions is performing the work in-kind. Recreation and Parks Director Jon Hetrick stated that they would submit invoices that would reflect the value of the work that was performed.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

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.

Mayor Pro Tem Chinn moved for approval of the ordinance, and Councilmember Vogel seconded. Police Chief Jim Akagi provided an overview of the ordinance and answered questions from Council. City Attorney Ken Krushenski stated that this ordinance brings our city code in line with state law, and that the violation would be a civil and not a criminal action. Chief Akagi indicated that the offense would be considered a primary offense.

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

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.

Mayor Pro Tem Chinn moved for approval of the ordinance, and Councilmember Smith seconded. Administrative Services Director Bruce Applegate 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, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

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.

Councilmember Dodson moved for approval 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 adopted unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

FINAL ADOPTION OF ORDINANCES

AN ORDINANCE TO AMEND 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 for adoption of the ordinance, and Councilmember Smith seconded.

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

RESOLUTIONS

(NONE)

APPEARANCE OF CITIZENS

Derrick Hammond, 107 W. Melbourne Road, Oak Ridge, addressed Council to request an update on the Pre-K project as well as the Y-12 electrical substation project. City Manager Mark Watson stated that at the February 20, 2018 work session, Jacene Phillips with Studio Four Design would be presenting an update on the Pre-K project. The work session will be held at 6:00 p.m. at the Central Services Complex. The City Manager also stated that NNSA is in the process of getting answers to questions posed by Council members and members of the community during the recent public meeting.

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Councilmember Vogel stated that the most recent Blueprint meeting was held on Thursday, February 8, 2018 at the Preserve at Clinch River. He also announced that the Planning Commission would be holding a work session on February 15, 2018.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Vogel requested updated information regarding the implementation of the 2nd and 3rd year phases of the compensation plan and how it would impact the city budget. City Manager Mark Watson stated that these numbers would be presented to the Budget and Finance Committee for discussion at their meeting on February 21st.

Mayor Gooch requested an updated paving schedule in response from multiple questions from citizens.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

City Manager Mark Watson stated that there would be a special called meeting at the work session on February 20th.

CITY ATTORNEY'S REPORT

ADJOURNMENT: 7:55 p.m.

OAK RIDGE CITY COUNCIL SPECIAL MEETING

Municipal Building Courtroom

February 16, 2018

4:00 p.m.

Minutes

The special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 4:00 p.m. on February 20, 2018 in the Municipal Building Courtroom with Mayor Warren L. Gooch presiding.

ROLL CALL

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

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

ITEMS FOR DISCUSSION

Councilmember Dodson moved to formally add to the agenda the following item:

A RESOLUTION AWARDING A CONTRACT (FY2018-134) IN THE ESTIMATED AMOUNT OF \$100,423.00 TO HURST EXCAVATING, LLC, KNOXVILLE, TENNESSEE, FOR AN EMERGENCY WATERLINE REPLACEMENT AT BEAR CREEK ROAD.

Councilmember Smith moved for approval of the resolution, and Mayor Pro Tem Chinn seconded. City Manager Mark Watson provided an overview of the resolution, and City Engineer Roger Flynn answered questions from Council.

Mayor Pro Tem Chinn inquired whether this is a matching project with the Department of Energy. It was confirmed that it is a 50/50 match due to the terms of the City's contract with the Department of Energy.

Councilmember Vogel inquired as to whether the failure was a result of changes in the road. City Engineer Roger Flynn stated that the contribution of the road when the Uranium Processing Facility was relocated to Bear Creek Road did contribute to the failure.

Councilmember Smith stated that she hoped that the City can negotiate with NNSA regarding their responsibility for this failure. She also stated that she was pleased with the steps that staff took in obtaining quotes for this project.

Councilmember Hope inquired whether there were other areas of pipe that the City needs to be concerned about. City Engineer Roger Flynn stated that there are two other locations that need attention, and that the City objected to one area of road construction in writing prior to it taking place.

Councilmember Dodson stated that this situation has been a catastrophic failure and that the City should go back and review the contract with DOE.

Councilmember Vogel cited a communication issue in asking how DOE could work inside and easement and not come to the City.

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

A RESOLUTION AWARDDING A CONTRACT (FY2018-135) TO ZEHNTNER CONSTRUCTION GROUP, BRENTWOOD, TENNESSEE, FOR THE CONCRETE REPAIR PROJECT AT THE OAK RIDGE MUNICIPAL (OUTDOOR) SWIMMING POOL IN THE ESTIMATED AMOUNT OF \$195,620.00.

Councilmember Dodson moved for approval of the resolution, and Councilmember Callison seconded. Vonda Wooten, Aquatics Manager in the Recreation and Parks Department, provided an overview of the resolution and answered questions from Council.

Mayor Gooch inquired as to how this was budgeted, and City Manager Mark Watson replied that it is in the capital budget for this year.

Councilmember Smith inquired as to whether this company was contacted in the original bid process. Ms. Wooten replied that this contractor was the one who had previously done this type of work on the pool, but that this was before she came to the City. She was unaware of this contractor until only recently and prior efforts to receive bids had failed to yield any.

Mayor Pro Tem Chinn questioned the financial feasibility of spending this amount on the pool at this time, given the shortened timeframe of use and suggested there were alternative ways of providing the service, such as partnering with other private pools in the city.

Councilmember Vogel stated that this expenditure needs to be budgeted for in future capital budgets.

Councilmember Dodson stated that the city pool is an amenity that many residents enjoy and that the cost of repairing it should be weighed against that.

Councilmember Smith stated that she has misgivings about giving up the pool, and that there has not been a proper engineering evaluation performed to see what the water is doing after it leaves the pool.

John Iacovino, 120 Westlook Circle, Oak Ridge, stated that he has been supplying coatings for the pool in the past and that he was previously unaware of this bid opportunity.

Mayor Gooch stated that he had a difficult time approving a contract with a company who does not offer a warranty on their products.

Mayor Pro Tem Chinn made a motion to defer action on this resolution until the special called meeting on February 20, 2018, and Councilmember Hope 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.”

ADJOURNMENT: 5:17 p.m.

OAK RIDGE CITY COUNCIL SPECIAL MEETING
Central Services Complex Multipurpose Room

February 20, 2018

6:00 p.m.

Minutes

The special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 6:00 p.m. on February 20, 2018 in the Multipurpose Room of the Central Services Complex with Mayor Pro Tem Rick Chinn presiding. Mayor Pro Tem Chinn relinquished the chair upon Mayor Warren Gooch's arrival.

ROLL CALL

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

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

ITEMS FOR DISCUSSION

Councilmember Dodson moved to formally add to the agenda the following item:

A RESOLUTION AWARDDING A CONTRACT (FY2018-135) TO ZEHNTNER CONSTRUCTION GROUP, BRENTWOOD, TENNESSEE, FOR THE CONCRETE REPAIR PROJECT AT THE OAK RIDGE MUNICIPAL (OUTDOOR) SWIMMING POOL IN THE ESTIMATED AMOUNT OF \$195,620.00.

Councilmember Hope seconded the motion, and the motion carried unanimously.

Presentation and review of status of the Oak Ridge General Aviation Airport Project

Aviation Consultant Billy Stair provided an update on the status of the Oak Ridge Airport Project. He stated that the project is currently awaiting Federal Aviation Administration approval after that agency expressed concerns about the original proposal. The two main concerns were the size and purpose of the new airport and the safety of the airspace. Mr. Stair stated that the FAA had changed the designation of the airport from a "B" to a "C," which has necessitated the design of a new layout. No Council action was taken on this issue.

Update and any necessary action to authorize Studio Four Design to proceed with construction drawings for the Pre-K and Senior Center projects

Jacene Phillips with Studio Four Design provided an update on the Pre-K and Senior Center projects in order to determine if City Council is ready to proceed with construction drawings. Ms. Phillips presented budget numbers for each of the projects and stated that with regard to the Pre-K, she would like to request the help of Council to make necessary cuts to move the cost of the project back to being more in line with the original budget. After reviewing the budget numbers for both projects, the Councilmembers had several questions. Councilmember Hope said that he would like to see a breakdown of the costs of each item separately from the cost of just the building. He also asked that Studio Four try to get the cost back down to \$185 per square foot and come back with options to make that happen.

Councilmember Dodson reminded Council that they have an invitation to visit the pre-school on March 9th, and they would get an opportunity to see how the school operates in its existing environment and what its needs would possibly be upon expansion.

Mayor Pro Tem Chinn stated that Ms. Phillips has done a good job looking at cuts within the parameters that have been set, but it may be time to look at other parameters.

Councilmember Callison suggested that Council give Studio Four a budget number and ask them to keep it at or below that number.

City Manager Mark Watson stated that Councilmembers should discuss options for amounts for bonded indebtedness. Councilmember Hope suggested \$10,000,000 with a 10 percent contingency. Councilmember Dodson suggested \$12,000,000; Mayor Gooch suggested \$11 to 11.5 million.

Councilmember Vogel stated that it is a question of what we can afford, and he encouraged Ms. Phillips to use a different estimator in order to get more adequate numbers.

Mayor Pro Tem Chinn stated that we need to look at what our other financial obligations are to see what we can afford.

Councilmember Smith stated that Council needs an estimate of the potential impact of the bond issue. Councilmember Hope suggested that the information be provided by the Finance Department, and the City Manager stated that we would shoot for March 12, 2018 or earlier to get the information.

With regard to the Senior Center project, Senior Advisory Board member Gene Dunaway stated that the board was very happy with the design of the building and stated that it was necessary to construct a building that would last many years.

Liz Batchelor with the Oak Ridge Senior Foundation had stated that the Foundation could possibly pay for the cost of the furniture for the center so that cost could be removed from the budget numbers.

There was no action taken on these issues, pending the provision of recalculated cost estimates and the impact of bonded indebtedness at various amounts on the budget. It was stated that a special called meeting would be held for another update if the information requested could not be obtained by the March 12, 2018 City Council meeting.

Update and any necessary action on legislative issues

City Manager Mark Watson provided an update on various legislative issues of interest to Council members. Among these were the bill that would keep cities from regulating Air BnB lodging operating within the city limits, a proposal pertaining to testing of water in schools; and the regulation of cellular structures on poles. The City Manager also discussed an upcoming meeting with the Department of Revenue pertaining to sales tax collections. No action was taken.

A RESOLUTION AWARDED A CONTRACT (FY2018-135) TO ZEHNTNER CONSTRUCTION GROUP, BRENTWOOD, TENNESSEE, FOR THE CONCRETE REPAIR PROJECT AT THE OAK RIDGE MUNICIPAL (OUTDOOR) SWIMMING POOL IN THE ESTIMATED AMOUNT OF \$195,620.00.

Vonda Wooten, Aquatics Manager in the Recreation and Parks Department, and Jon Hetrick, Recreation and Parks Director, answered questions from Council. Ms. Wooten indicated that she had spoken with the contractor, and he had agreed to a one-year warranty on workmanship and materials. Mr. Hetrick also stated that the contractor would not get paid until the project was completed, and the contractor had until April 23, 2018 to complete the project.

Several Council members asked if this is an expenditure that is needed right now and if the pool could operate without this. Mr. Hetrick stated that the pool could open and operate without this fix, but that the loss of water would only get worse and perhaps cost the City more money for having to replenish the spring water with City water.

John Iacovino, 120 Westlook Circle, Oak Ridge, addressed Council regarding the possibility of finding

another contractor that could provide a more reasonable and accurate estimate of labor and other costs.

Councilmember Callison made a motion to approve the contract as recommended by staff in the resolution. Councilmember Dodson seconded. During discussion, Councilmember Smith stated the motion needed to be amended to incorporate the changes mentioned, such as the one-year warranty on workmanship and materials, the April 23, 2018 deadline for completion, and the stipulation that payment is not made until the project is completed. Councilmember Hope moved to amend the motion to incorporate the changes discussed. Councilmember Dodson seconded, and the motion carried unanimously.

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

ADJOURNMENT: 9:04 p.m.

LEGAL MEMORANDUM
18-06

DATE: February 27, 2018
TO: Honorable Mayor and Members of City Council
FROM: Kenneth K. Krushenski, City Attorney
SUBJECT: RETAIL PACKAGE STORE RENEWAL APPLICATIONS

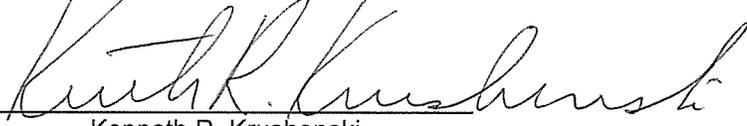
The accompanying resolution authorizes the granting of permits for the retail sale of alcoholic beverages in the city for the year 2018-2019. All applications are for renewal of current permits. A list of permitted stores and any significant changes in the applications from last year is provided below:

Store Number

- | | |
|-----|---|
| 153 | <u>Oak Ridge Package Store</u> , 971 Oak Ridge Turnpike—Scott E. Garriott, applicant. No changes. |
| 154 | <u>Hilltop Wine & Spirits</u> , 346 N. Illinois Avenue—Troy Joseph Howe, applicant. No changes. |
| 155 | <u>Lizz's Wine & Spirits, Inc.</u> , 1505 Oak Ridge Turnpike—Aaron Wells and V. J. Murray, applicants. No changes. |
| 157 | <u>Turnpike Liquor Store</u> , 331 Oak Ridge Turnpike—Kalpesh Trambadia and Nilaykumar Trambadia, applicants. No changes. |
| 158 | <u>JB's Wine & Spirits, Inc.</u> , 202 S. Illinois Avenue—Rashmikant R. Patel and Bhevesh M. Patel, applicants. No changes. |

Each store is required to renew its city retail permit annually. This enables the city to learn of any changes that have occurred in local retail liquor store operations and to ensure compliance with applicable laws and regulations.

Approval of the attached resolution is recommended.


Kenneth R. Krushenski

lm

Attachment

RESOLUTION

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

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

WHEREAS, said permits will expire on March 31, 2018, and it is necessary that renewal permits be issued before that date, and

WHEREAS, the individuals listed hereinafter have made application for permits for the year 2018-2019, and

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

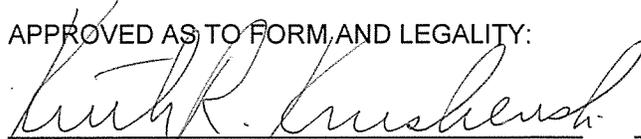
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the following persons are hereby granted a permit to engage in the retail sale of alcoholic beverages in the city at the indicated locations, for the year 2018-2019, and that the Mayor is authorized to sign said permits on behalf of the city:

| <u>City Permit No.</u> | <u>Name of Applicant</u> | <u>Store and Location</u> |
|------------------------|---|--|
| 153 | Scott E. Garriott | Oak Ridge Package Store 971 Oak Ridge Turnpike |
| 154 | Troy Joseph Howe | Hilltop Wine & Spirits 346 N. Illinois Avenue |
| 155 | Aaron Wells V. J. Murray | Lizz's Wine & Spirits, Inc. 1505 Oak Ridge Turnpike |
| 157 | Kalpesh Trambadia Nilaykumar Trambadia | Turnpike Liquor Store 331 Oak Ridge Turnpike |
| 158 | Rashmikant R. Patel Bhevesh M. Patel | JB's Wine & Spirits, Inc. 202 S. Illinois Avenue |

This the 12th day of March 2018.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

LEGAL DEPARTMENT MEMORANDUM
18-03

DATE: February 21, 2018

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: AMENDMENT TO THE TRADE LICENSING BOARD'S RULES AND PROCEDURES TO ALLOW NON-RESIDENTS OF THE CITY OF OAK RIDGE TO SERVE ON THE BOARD SUBJECT TO CERTAIN CONDITIONS

Introduction

An item for the agenda is a resolution approving a change in the Trade Licensing Board's Rules and Procedures to allow non-residents to serve on the Board subject to certain conditions.

Background

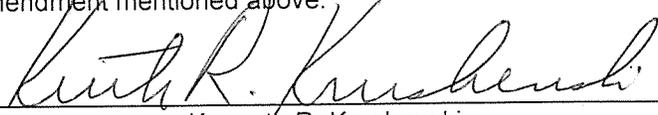
At City Council's annual elections for Boards and Commission held on January 8, 2018, an issue was noted with the Trade Licensing Board's vacancy. The vacancy could not be filled because the former Board member moved out of the City of Oak Ridge and, therefore, was not eligible for re-election. No other applicants applied.

In order to remedy this problem for the Trade Licensing Board, the Legal Department provided a proposed amendment to the Board's Rules and Procedures. (See attached bold-strikethrough) The amendment would permit the Board to include a member who is not a resident of the City of Oak Ridge provided the applicant has a valid City Business License, maintains an office in the City of Oak Ridge, and meets all other qualifications for Board membership. Of course, preference for membership shall be given to residents of the City. The Board approved this amendment at its February 13, 2018 meeting for City Council's consideration.

This amendment to the Rules and Procedures, if approved, will require a companion item to amend City Code §2-101 which requires residency for all boards and commissions with the exception of the three designated hotel/motel establishments' memberships on the Oak Ridge Convention and Visitors Bureau. (See Legal Department Memorandum 18-02 for further detail)

Recommendation

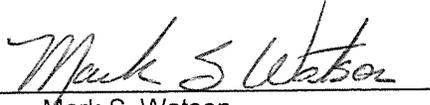
Approval of the attached resolution is recommended. If approved, the resolution will not become effective until Council adopts the companion ordinance amendment mentioned above.


Kenneth R. Krushenski

Attachments: Bold-Strikethrough of Proposed Amendment
Resolution

City Manager's Comments:

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


Mark S. Watson

3/6/18
Date

BOLD-STRIKETHROUGH OF PROPOSED AMENDMENT

RULES AND PROCEDURES

City of Oak Ridge
Trade Licensing Board

ARTICLE I. MEMBERS

Section 1.

- a) Members. The Board shall consists of seven (7) members with at least two (2) members holding a current and valid Class I or Class II electrical license from the City of Oak Ridge, if such qualified applicants are available; two (2) members holding a current and valid plumber's license from the City of Oak Ridge, if such qualified applicants are available; and the remaining members from the public at large, including persons who may possess current and valid electrical and plumbing licensees.
- b) Preference for membership on the Board shall be given to residents of the City of Oak Ridge, however if there are no qualified residents of the City of Oak Ridge who have applied for any Board vacancy then membership may be extended to include a non-resident who maintains an office in the City of Oak Ridge and possesses an Oak Ridge Business License and meets all other requirements for membership on the Board.¹**

¹ The current version of the Rules and Procedures consists of the language shown above that is now proposed to be labeled as subsection a). No changes were made to this text. The additional language is what is proposed under subsection b).

RESOLUTION

**A RESOLUTION AMENDING THE TRADE LICENSING BOARD'S RULES AND PROCEDURES
RELATIVE TO THE RESIDENCY REQUIREMENT FOR MEMBERS.**

WHEREAS, the Trade Licensing Board established written Rules and Procedures pursuant to City Code §12-307, which document was approved by City Council through Resolution 6-54-11; and

WHEREAS, the Board desires to amend its Rules and Procedures relative to the residency requirement for members.

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

That Article 1, Members, Section 1, of the Rules and Procedures of the Trade Licensing Board is hereby amended to read as follows:

ARTICLE I. MEMBERS

Section 1.

- a) Members. The Board shall consists of seven (7) members with at least two (2) members holding a current and valid Class I or Class II electrical license from the City of Oak Ridge, if such qualified applicants are available; two (2) members holding a current and valid plumber's license from the City of Oak Ridge, if such qualified applicants are available; and the remaining members from the public at large, including persons who may possess current and valid electrical and plumbing licensees.
- b) Preference for membership on the Board shall be given to residents of the City of Oak Ridge, however if there are no qualified residents of the City of Oak Ridge who have applied for any Board vacancy then membership may be extended to include a non-resident who maintains an office in the City of Oak Ridge and possesses an Oak Ridge Business License and meets all other requirements for membership on the Board.¹

BE IT FURTHER RESOLVED that this resolution shall not take effect unless and until such time as City Council amends City Code §2-101 relative to the residency requirement for boards and commissions to allow such change to occur.

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

This the 12th day of March 2018.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

**ELECTRIC DEPARTMENT MEMORANDUM
18-07**

DATE: February 23, 2018
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: AWARD OF ENGINEERING DESIGN CONTRACT

Introduction

An item for City Council's consideration is a resolution approving a contract with Gresham, Smith and Partners, Knoxville, Tennessee for the provision of engineering services related to the design and construction for Melton Lake Drive street lighting in the estimated amount of \$48,500.00.

Funding

Funding is provided by the Electric Fund. After the project is completed, the Electric Fund will be compensated for investment and other costs over time.

Review

The current street lighting on Melton Lake Drive extends about 2.3 miles from the Oak Ridge Turnpike to near Rivers Run Boulevard. Currently there is no street lighting for the approximately 1.2 mile portion of the roadway from Rivers Runs Boulevard to its intersection with Edgemoor Road.

The current lighting is made up of underground electric cables feeding High Pressure Sodium lights. The cable is "direct buried," meaning there is no conduit present. The cable has started deteriorating in recent years causing outages and requiring significant maintenance.

The proposed project will replace the existing wiring with new cables inside of new electrical conduits. That way when those cables need replacement, no excavation will be required. The existing high pressure sodium fixtures will be replaced with state of the art LED street lighting. Poles and arms will be re-used whenever possible.

The project will also extend lighting from its termination to the Edgemoor Road intersection. Lighting design will be similar to the existing portions, utilizing underground cables and LED fixtures. Staff believes that this will improve safety for the roadway and adjacent walking trail.

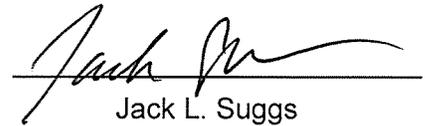
The project was first proposed in the Capital Improvement Program and is included in the current budget.

Staff does not have sufficient manpower to design this work in a reasonable timeframe. For that reason, our Electric Engineering Manager, Ms. Margaret Elgin, P.E. polled engineering firms in our area who are qualified to perform the project, have performed in a timely and satisfactory manner on other projects, and have available resources to perform it. Based on information gathered, staff recommends awarding this contract to Gresham, Smith and Partners of Knoxville, Tennessee.

Staff has had excellent results from this firm and they are familiar with our standards and requirements. Additionally, the local nature of the firm will help reduce engineering and construction administration cost for the project.

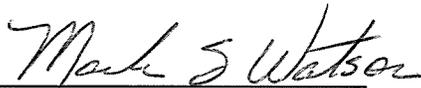
Recommendation

Staff recommends approval of the attached resolution.


Jack L. Suggs

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH GRESHAM, SMITH AND PARTNERS, KNOXVILLE, TENNESSEE, FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES RELATED TO THE MELTON LAKE DRIVE LIGHTING PROJECT FOR THE ELECTRIC DEPARTMENT IN THE ESTIMATED AMOUNT OF \$48,500.00.

WHEREAS, the current lighting along Melton Lake Drive consists of "direct buried" underground electric cables feeding High Pressure Sodium lights; and

WHEREAS, the cable has started deteriorating in recent years causing outages and requiring significant maintenance; and

WHEREAS, the City proposes to replace the existing wiring with new cables inside of new electrical conduits, which will result in a reduction in future maintenance costs; and

WHEREAS, additionally, the City proposes to replace the light fixtures with LED street lighting and to extend the lighting from its current termination point near Rivers Run Boulevard to the Edgemoor Road intersection, thereby improving safety for the roadway and adjacent greenway; and

WHEREAS, Gresham, Smith and Partners, Knoxville, Tennessee, has been selected by the Electric Department to provide design and construction administration services for this project; and

WHEREAS, the City Manager recommends approval of a professional services agreement with Gresham, Smith and Partners, for the Melton Lake Drive lighting project.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a professional services agreement with Gresham, Smith and Partners, Knoxville, Tennessee, for performance of engineering design and construction administration services related to the Melton Lake Drive lighting project for the Electric Department, in the estimated amount of \$48,500.00.

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

This the 12th day of March 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE POLICE DEPARTMENT MEMORANDUM
18-06

DATE: March 1, 2018
TO: Mark S. Watson, City Manager
FROM: James T. Akagi, Chief of Police
SUBJECT: Surplus Support Services Vehicle – Donation to City of Harriman, Tennessee

Introduction

An item for City Council's consideration is a resolution authorizing the transfer of a surplus 2012 Nissan Cube (VIN: JNAZ28RX9T100163) to the City of Harriman, Tennessee at no cost for their use.

Funding

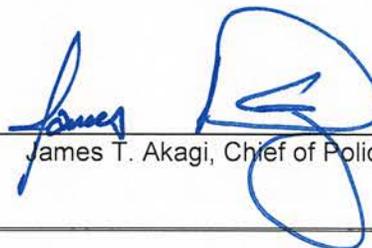
The City of Oak Ridge will incur no cost in the disposal of this equipment, as the unit will be provided to the City of Harriman in "as-is" condition.

Background

This vehicle is no longer used by the Police Department. This vehicle has no known mechanical issues. The Blue Book value of the donated vehicle is approximately \$4,413.00.

Recommendation

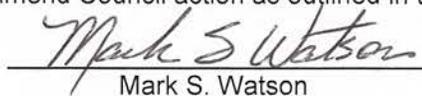
Approval of the attached resolution is recommended.



James T. Akagi, Chief of Police

City Manager's Comments:

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



Mark S. Watson

3/6/18
Date

RESOLUTION

A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS VEHICLE TO THE CITY OF HARRIMAN, TENNESSEE, AT NO COST FOR THEIR USE.

WHEREAS, the City has declared a 2012 Nissan Cube vehicle as surplus to the City's needs, which vehicle was previously used by the Police Department; and

WHEREAS, the City of Harriman has requested the donation of said surplus vehicle; and

WHEREAS, Tennessee Code Annotated §12-3-1005 allows governmental entities to purchase, trade, or gift personal property to each other without public advertisement and competitive bidding; and

WHEREAS, the City Manager recommends the vehicle be donated to the City of Harriman for their use.

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

That the recommendation of the City Manager is approved and the donation of one (1) 2012 Nissan Cube to the City of Harriman, Tennessee, as authorized by Tennessee Code Annotated §12-3-1005, is hereby approved.

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

This the 12th day of March 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
18-14

DATE: March 5, 2018
TO: Mark S. Watson, City Manager
FROM: Mike Miller, Streets and Fleet Manager
THROUGH: Shira A. McWaters, Public Works Director *SAM*
SUBJECT: SURPLUS PROPERTY (Asphalt Roller) – TRANSFER TO ANDERSON COUNTY WATER AUTHORITY

Introduction

An items for City Council's consideration is a resolution authorizing the transfer of surplus property, 1998 Ingersol Rand DD24 Serial #154103 Asphalt Roller #502, to Anderson County Water Authority.

Funding

The City will incur no cost in the disposal and transfer of this equipment, as the piece of equipment will be provided "AS-IS" to the Anderson County Water Authority.

Background/Consideration

The City recently purchased a CAT CB24B Roller to replace the surplus property that is 19 years old. The Anderson County Water Authority understands the age and limitations of the equipment and agrees to accept "AS-IS".

Recommendation

Approval of the attached resolution is recommended.



Mike Miller

City Manager's Comments:

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



Mark S. Watson

3-6-18

Date

RESOLUTION

A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS ASPHALT ROLLER TO THE ANDERSON COUNTY WATER AUTHORITY AT NO COST FOR THEIR USE.

WHEREAS, the City recently purchased a CAT CB24B Roller to replace a 1998 Ingersol Rand DD24 Asphalt Roller (#502) for use by the Public Works Department; and

WHEREAS, the City has declared the 1998 asphalt roller as surplus to the City's needs; and

WHEREAS, understanding the age and limitations of the equipment, the Anderson County Water Authority has requested the donation of said surplus asphalt roller; and

WHEREAS, Tennessee Code Annotated §12-3-1005 allows governmental entities to purchase, trade, or gift personal property to each other without public advertisement and competitive bidding; and

WHEREAS, the City Manager recommends the asphalt roller be donated to the Anderson County Water Authority for their use.

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

That the recommendation of the City Manager is approved and the donation of one (1) 1998 Ingersol Rand DD24 Asphalt Roller (#502) to the Anderson County Water Authority, as authorized by Tennessee Code Annotated §12-3-1005, is hereby approved.

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

This the 12th day of March 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES

COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
18-12

DATE: 2/26/18

TO: Mark Watson, City Manager

FROM: Kelly Duggan, Senior Planner 

THROUGH: Wayne Blasius, Community Development Director 

SUBJECT: Zoning Change – 615 Americus Avenue, ED-12A, Tax Map 30, Parcel 1.30, Heritage Center, from FIR Federal Industry and Research to IND-2 IMDO Industrial Manhattan District Overlay

Introduction

The petitioned site is bounded by Heritage Center Boulevard, 6th Street, 8th Street, and Americus Avenue. It is currently vacant land, and was most recently used for equipment and truck staging by UCOR. The applicant proposes a zoning change in order to operate a contractor's office/storage facility at the site. The current zoning of FIR Federal Industry and Research has no permitted uses, therefore a zoning change is required.

Funding

No funding is necessary to approve this request.

Analysis

The following criteria were used to evaluate the rezoning request:

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

Yes. The Land Use Plan designates the site as Industrial and the proposed zoning is consistent with that designation. Several policies within the Plan also support the formation of affinity industries and the consolidation of industrial uses in areas that do not adversely impact adjacent residential uses.

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

Yes. The area is a developing industrial park. As noted previously, the site is also a few blocks from the K-25 Historic Heritage Site, which will feature a museum that pays homage to the efforts at the former plant. While the Heritage Center had historically been dominated by uses that exclusively served the mission of DOE, it is slowly changing to a mixture of industrial and educational uses that make the area more accessible to the public.

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

The requested IND-2 IMDO designation is in character with the area. The property is within an industrial area without close proximity to residential uses. The site is easily accessed by Oak Ridge Turnpike, and State Route 95 is approximately two (2) miles to the east. Access to I-40 is five (5) miles away and I-75 fifteen (15) miles.

Uses permitted in the IND-2 district include:

1. Manufacturing (selected industries)
2. Warehousing and wholesaling facilities, including truck and rail service terminals and related facilities.
3. Offices, administrative, technical, and professional services.
4. Public utility facilities, with or without storage yards.
5. Broadcasting, Publishing, Recording and Telecommunications.
6. Storage facilities for coal, coke, building material, sand, gravel, stone, lumber, open storage of construction contractors' equipment and supplies and junk yards, provided such use is entirely enclosed within an eight (8) foot obscuring fence or wall, or otherwise so located as not to be obnoxious to the orderly appearance of the district.
7. Medical Isotope Manufacturing that the staff has determined to be in conformance with the narrative description of this district.
8. Kennel

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

No. There is an IND-2 IMDO District that abuts the south and west boundaries of the subject site. Therefore, the zoning change is merely an extension of that adjacent district. ED-12A is the seventh (7) area within the Heritage Center to be rezoned from FIR as the change from ownership by the federal government to private entities progresses. ED-10 was rezoned to IND-2 IMDO in 2012. ED-5 was rezoned to IND-2 in September 2009. ED-8 was rezoned to IND-2/IMDO in March 2011. ED-9A and B were rezoned to IND-2/IMDO in November 2011. ED-4B was rezoned to IND-2 in December 2011 and the K-792 Area was also rezoned in December 2011 to IND-2/IMDO.

Additional rezonings from FIR will occur as the redevelopment and privatizing of the Heritage Center continues.

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

Road access and utility services are currently provided by DOE, Heritage Center, LLC and the City of Oak Ridge. During the site review process, City staff will coordinate with the applicant to ensure that utilities are adequate and that an easement providing access from Americus Avenue is established.

6) **Would the requested rezoning have environmental impacts?**

The Heritage Center is already an industrial site. Changing the zoning from FIR to IND-2/IMDO will not change the environmental impacts.

Recommendation:

Staff recommends approval of the IND-2 IMDO Industrial Manhattan District Overlay as requested, finding the proposed zoning consistent with existing uses and the character of development within the area and in compliance with the Comprehensive Plan.

The request was considered by the Municipal Planning Commission at its February 22, 2018, meeting and was unanimously approved.

Attachments: Aerial map
Zoning map

City Manager's Comments:

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



Mark S. Watson



Date

615 Americus Avenue Zoning Change - Aerial

2/22/18



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 1.30, TAX MAP 30, (APPROXIMATELY 5.88 ACRES) FROM FIR, FEDERAL INDUSTRY AND RESEARCH DISTRICT, TO IND-2, IMDO INDUSTRIAL MANHATTAN DISTRICT OVERLAY, SAID PARCEL BEING LOCATED AT 615 AMERICUS AVENUE.

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:

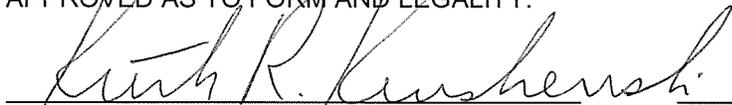
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

| <u>Property Description</u> | <u>Location</u> | <u>Present Zoning District</u> | <u>New Zoning District</u> |
|--|---------------------|---------------------------------------|--|
| Parcel 1.30 Map 30, (± 5.88 Acres) | 615 Americus Avenue | FIR, Federal Industry and Research | IND-2 IMDO, Industrial Manhattan District Overlay |

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

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

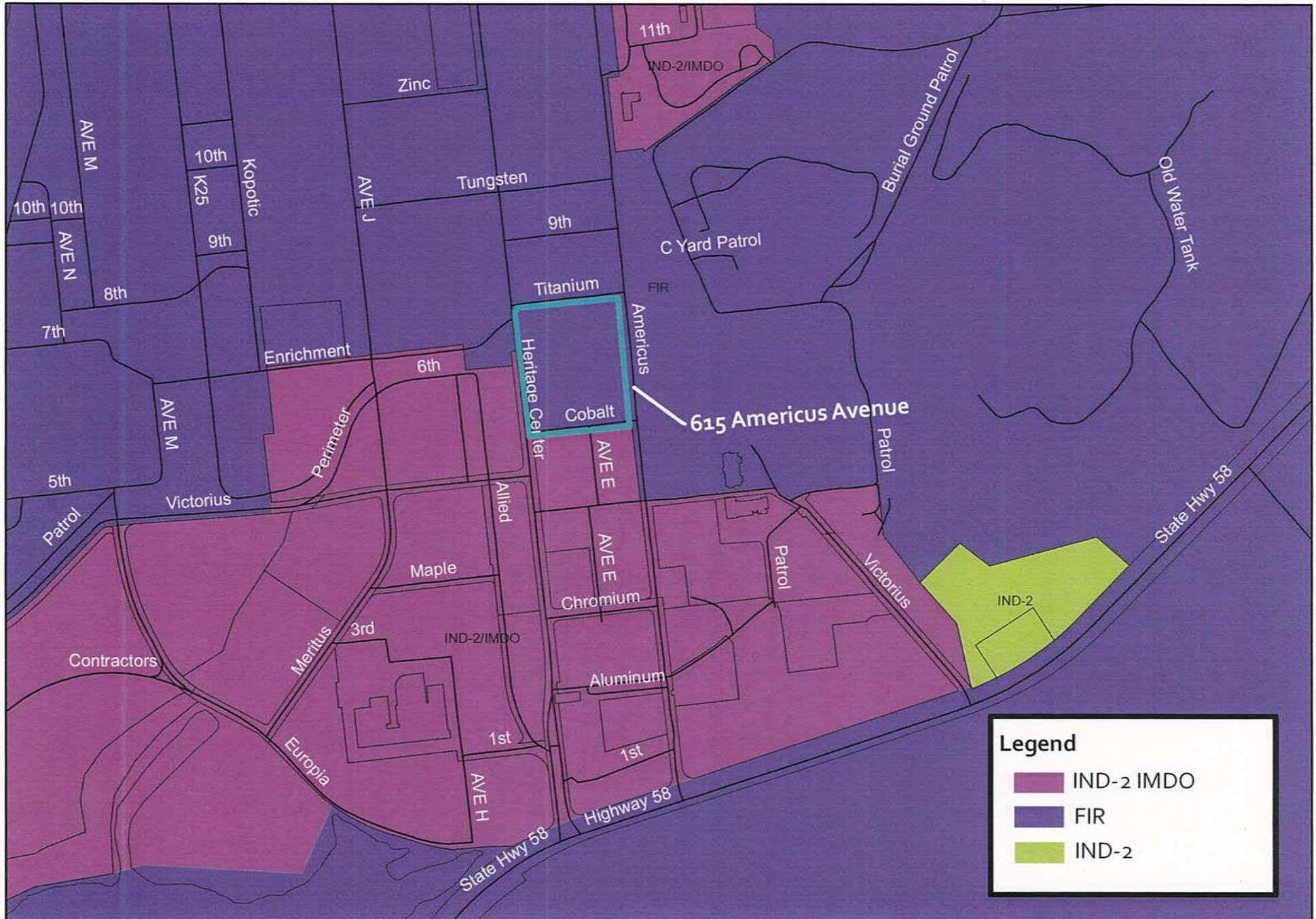
Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

615 Americus Avenue Zoning Change - Surrounding Zoning

2/22/18



**POLICE DEPARTMENT MEMORANDUM
18-04**

DATE: February 9, 2018
TO: Mark S. Watson, City Manager
FROM: James T. Akagi, Police Chief
SUBJECT: CITY CODE AMENDMENT – IMPROPER CARE OF ANIMALS

Introduction

An item for the agenda is an ordinance to amend the City Code to update the provision pertaining to improper care of animals. The proposed ordinance adds language regarding the materials for doghouse construction.

Background

Currently, Sec.10-118 titled **Improper care of animals prohibited**, does not address specifications for doghouses or similar shelters to protect animals from the elements. The proposed amendment to Sec. 10-118 specifies the necessary materials for doghouses or similar shelters to provide insulation and protection against cold and dampness for animals that are housed outside. Staff discussed the possibility of incorporating animal cruelty into the City Code to address further issues with improper care of animals. However, animal cruelty is higher than a Class C misdemeanor and, therefore, cannot be incorporated into a city ordinance. Any matters that fall under animal cruelty will continue to be brought into state court for the violation.

Recommendation

Approval of the attached ordinance is recommended.

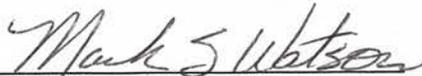


James T. Akagi

Attachments: Bold-Strikethrough of Proposed Amendment Ordinance

City Manager's Comments:

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



Mark S. Watson

3-6-18
Date

BOLD-STRIKETHROUGH OF PROPOSED CHANGES

Sec. 10-118. Improper Care of Animals Prohibited.

No person owning or keeping an animal shall fail to provide it with the minimum care, nor shall such person keep an animal under unsanitary conditions or in an enclosure that is overcrowded, unclean, or unhealthy.

- (4)——Except for emergencies or circumstances beyond the owner's control, an animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed, and type of animal. Minimum care includes, but is not limited to, the following requirements:
- (a) Food of sufficient quantity, quality, and nutrition to allow for normal growth or maintenance of body weight.
 - (b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.
 - (c) Access to a barn, doghouse, or other shelter sufficient to protect the animal from the elements. **Doghouses and similar shelters shall be made of durable materials with a solid, moisture-proof floor, and must contain clean bedding material consisting of hay, straw, cedar shavings, or the equivalent to provide insulation and protection against cold and dampness.**
 - (d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.
- (5)——An enclosure is overcrowded unless its area is at least the square of the length of the animal in inches (from tip of nose to base of tail) plus six (6) inches for each animal confined therein, and the height must allow for each animal to fully stand upright.
- (6)——An enclosure is unclean when it contains an excessive amount of animal waste.
- (7)——An enclosure is unhealthy when its condition is likely to cause illness or injury to the animal.

Note: This section had mis-numbered subsections in the City Code book, which appear to have been a typographical error of continuing the subsection numbering sequence from the previous code section. This error occurred during the codification process and was not noticed prior to publication. In addition to the language added above, the proposed ordinance amendment corrects this typographical error.

TITLE

AN ORDINANCE TO AMEND TITLE 10, TITLED "ANIMAL CONTROL," CHAPTER 1, TITLED "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 10-118, TITLED "IMPROPER CARE OF ANIMALS PROHIBITED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 10-118, TITLED "IMPROPER CARE OF ANIMALS PROHIBITED," TO SET FORTH SPECIFICATIONS FOR DOGHOUSES AND SIMILAR SHELTERS TO PROVIDE INSULATION AND PROTECTION FROM THE ELEMENTS.

WHEREAS, City Code §10-118 addresses the improper care of animals, however, it does not address any specifications for doghouses and similar shelters to protect animals from the elements; and

WHEREAS, the City desires to amend City Code §10-118 to set forth necessary materials to be used for doghouses and similar shelters to provide insulation and protection against cold and dampness for animals that are housed outside; and

WHEREAS, in conjunction with this amendment, the City desires to correct the typographical numbering errors contained in City Code §10-118 during the codification process that were not noticed prior to publication.

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

Section 1. Title 10, titled "Animal Control," Chapter 1, titled "General Provisions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 10-118, titled "Improper Care of Animals Prohibited," in its entirety and substituting therefor a new Section 10-118, titled "Improper Care of Animals Prohibited," which new section shall read as follows:

Sec. 10-118. Improper Care of Animals Prohibited.

No person owning or keeping an animal shall fail to provide it with the minimum care, nor shall such person keep an animal under unsanitary conditions or in an enclosure that is overcrowded, unclean, or unhealthy.

Except for emergencies or circumstances beyond the owner's control, an animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed, and type of animal. Minimum care includes, but is not limited to, the following requirements:

- (a) Food of sufficient quantity, quality, and nutrition to allow for normal growth or maintenance of body weight.
- (b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.
- (c) Access to a barn, doghouse, or other shelter sufficient to protect the animal from the elements. Doghouses and similar shelters shall be made of durable materials with a solid, moisture-proof floor, and must contain clean bedding material consisting of hay, straw, cedar shavings, or the equivalent to provide insulation and protection against cold and dampness.
- (d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.

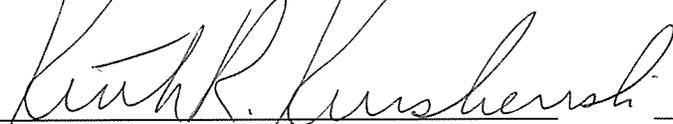
An enclosure is overcrowded unless its area is at least the square of the length of the animal in inches (from tip of nose to base of tail) plus six (6) inches for each animal confined therein, and the height must allow for each animal to fully stand upright.

An enclosure is unclean when it contains an excessive amount of animal waste.

An enclosure is unhealthy when its condition is likely to cause illness or injury to the animal.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

LEGAL DEPARTMENT MEMORANDUM
18-02

DATE: February 21, 2018
TO: Honorable Mayor and Members of City Council
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: CITY CODE AMENDMENT – WAIVING RESIDENCY REQUIREMENT FOR THE TRADE LICENSING BOARD SUBJECT TO CERTAIN CONDITIONS

Introduction

An item for the agenda is an ordinance to amend City Code §2-101 relative to residency requirements for boards and commissions to provide an exception for the Trade Licensing Board subject to certain conditions.

Background

City Code §2-101 requires all members of City-created boards and commissions to be Oak Ridge residents, with the exception of the three designated hotel/motel establishments' memberships on the Oak Ridge Convention and Visitors Bureau. The proposed ordinance amends this provision to waive the residency requirement for the Trade Licensing Board on certain conditions.

Included in the agenda is City Council's consideration of a resolution to amend the Rules and Procedures of the City's Trade Licensing Board to permit a non-resident of the City to be a board member if there are no qualified residents of the City who have applied for a vacancy. The non-resident must maintain an office in the City, possess a City Business License, and meet all other requirements for membership on the Board. (See Legal Department Memorandum 18-03 for further detail)

In order to accomplish this objective, an amendment to the City Code is required to provide for a residency exception to the Trade Licensing Board.

Recommendation

Approval of the attached ordinance is recommended.


Kenneth R. Krushenski

Attachment: Ordinance

City Manager's Comments:

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

 3-6-18
Mark S. Watson Date

TITLE

AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS, ETC.," CHAPTER 1, TITLED "MISCELLANEOUS," SECTION 2-101, TITLED "MEMBERSHIP TO BOARDS AND COMMISSIONS; RESIDENCY REQUIRED," TO WAIVE THE RESIDENCY REQUIREMENT FOR THE TRADE LICENSING BOARD UPON CERTAIN CONDITIONS.

WHEREAS, City Code §2-101 requires all members to City boards and commissions to be Oak Ridge residents, with the exception of three designated local hotel/motel establishments' membership positions on the Oak Ridge Convention and Visitors Bureau; and

WHEREAS, the Trade Licensing Board has requested a waiver of the residency requirement for their members in the event no qualified resident applies for the vacancy and the non-resident applicant maintains an Oak Ridge office, possesses a current Oak Ridge business license, and meets all other membership requirements for the board.

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

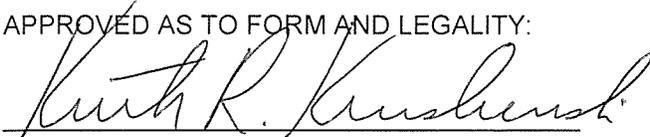
Section 1. Title 2, titled "Boards and Commissions, Etc.," Chapter 1, titled "Miscellaneous," Section 2-101, titled "Membership to boards and commissions; residency required," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new sentence to the end of this section, which new sentence shall read as follows:

Sec. 2-101. Membership to boards and commissions; residency required.

- (1) To be eligible for membership to all boards and commissions of the city, the individual shall be a resident of the city.
- (2) The residency requirement is hereby waived for the following:
 - (a) The three (3) designated local hotel/motel establishments' membership positions on the Oak Ridge Convention and Visitors Bureau Board of Directors, who shall not be entitled to an officer position on the Board of Directors unless such member is also an Oak Ridge resident.
 - (b) In the event no qualified resident applies for a vacancy on the Trade Licensing Board, the vacancy may be filled by a non-resident applicant provided such applicant maintains an office in Oak Ridge and possesses a current Oak Ridge business license. The non-resident applicant must meet all other requirements for membership on the board.

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

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION**

18-13

DATE: 2/26/18

TO: Mark Watson, City Manager

FROM: Kelly Duggan, Senior Planner 

THROUGH: Wayne Blasius, Community Development Director 

SUBJECT: Right-of-Way Abandonment – W Madison Lane – Azalea Place Planned Unit Development

Introduction

The City Council approved the preliminary master PUD plan for Azalea Place in March of 2017, which included the abandonment of a portion of W Madison Ln. The developer has subsequently submitted a site plan for approval of the assisted living facility as part of that plan. In an effort to reduce the substantial amount of grading that will be required at the site, the applicant is proposing to shift the assisted living building east, which necessitates the abandonment of an additional 9,794 sq ft of the W Madison Lane right-of-way.

Funding

No funding is necessary to approve this request.

Analysis

If abandoned, the entirety of the area would revert to the adjoining properties, all owned by Oak Ridge Senior Living LLC. A plat subdividing the property has been submitted and is currently being reviewed by the Department of Public Works to ensure that an adequate public turnaround be retained. The cost of the plat and updated deeds as well as the public turnaround will be borne by the owner.

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

- The current road is a dead-end which terminates at property now under common ownership.

- Given the existing development of adjacent property to the east of the proposed abandonment, a future connection of E Newkirk Ln (to the west of the development) and W Madison Ln is infeasible.

Recommendation:

Staff recommends approval of the request to abandon 9,794 square feet of W Madison Lane to be executed upon adequate completion of a public turnaround as proposed on the PUD Master Plan.

The request was considered by the Municipal Planning Commission at its February 22, 2018 meeting, and was unanimously approved.

Attachments: Aerial map
Zoning map
ROW Abandonment exhibit

City Manager's Comments:

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



Mark S. Watson



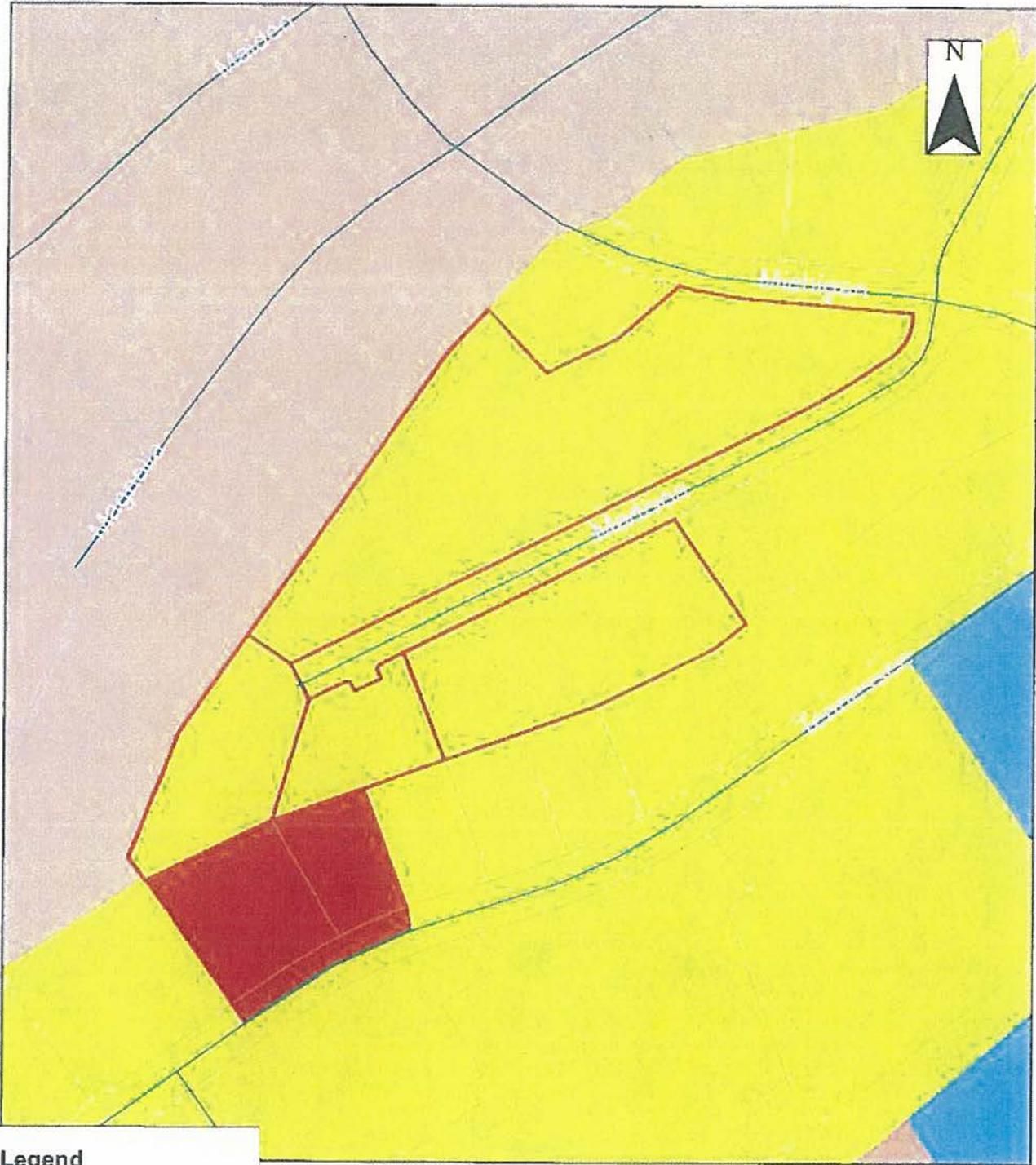
Date

Azalea Place PUD - ROW Abandonment

2/22/18



Azalea Place Planned Unit Development - Current Zoning



Legend

 Azalea Place Properties

Zoning

 B-1

 B-2

 O-2

 R-1-C

 R-3

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

0 75 150 300 Feet


TITLE

AN ORDINANCE ABANDONING A PORTION OF WEST MADISON LANE RIGHT-OF-WAY UPON CERTAIN CONDITIONS BEING MET BY THE ADJACENT PROPERTY OWNER.

WHEREAS, by Ordinance 6-2017, City Council approved the abandonment of a portion of West Madison Lane right-of-way upon certain conditions being met by Oak Ridge Senior Living, LLC, the adjacent property owner, as part of their proposed development to be known as Azalea Place; and

WHEREAS, the conditions associated with the approval were (1) submission of a subdivision plat for the adjacent properties and (2) adequate completion of a public turnaround as proposed on the PUD Master Plan for Azalea Place; and

WHEREAS, Oak Ridge Senior Living, LLC, has submitted a site plan for approval of Azalea Place and said plan shifts the building east to substantially reduce the amount of grading required at the site; and

WHEREAS, the change in location for the building will necessitate that abandonment of an additional 9,794 square feet of right-of-way on West Madison Lane; and

WHEREAS, City Staff has recommended abandonment of this portion of right-of-way upon adequate completion of a public turnaround as proposed on the PUD Master Plan for Azalea Place; and

WHEREAS, on February 22, 2018, the Oak Ridge Municipal Planning Commission reviewed the request and unanimously recommended City Council approval; and

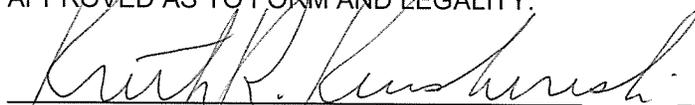
WHEREAS, the City Manager recommends abandonment of a portion of right-of-way on West Madison Lane.

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

Section 1. An approximate 9,794 square feet of additional right-of-way of West Madison Lane is hereby abandoned upon adequate completion of a public turnaround as proposed on the PUD Master Plan for Azalea Place. The adjacent property owner is Oak Ridge Senior Living, LLC, who will receive the entire right-of-way once abandoned, and shall bear the costs of recording the recording deeds and revised subdivision plat creating the new lot lines. The City will retain any easements for city-owned utilities that cross the property.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION

18-11

DATE: 2/26/18

TO: Mark Watson, City Manager

FROM: Kelly Duggan, Senior Planner 

THROUGH: Wayne Blasius, Community Development Director 

SUBJECT: Zoning Ordinance Text Amendment – Signs for Community Business Districts

Introduction

Currently, there is a discrepancy between two provisions of the sign regulations for Community Business Districts contained within the Zoning Ordinance. One provision states that buildings with frontages on more than one street are allowed one additional sign per street frontage, and that this additional signage should not count against the maximum area allowed. Within the same section, another provision states that additional signs should be counted against the maximum overall signage allowed.

Funding

No funding is necessary to approve this request.

Analysis

Pursuant to **Article 14, Section 14.12, Signs for Community Business Districts:**

Either one (1) pole sign or one (1) ground sign shall be allowed per principal building. In addition, one (1) wall or window sign per front face shall be allowed. Roof signs shall only be permitted on lots with building grades fifty percent (50%) or more below grade of the adjacent street with Board of Zoning Appeals approval. The total combined area of all signs for single story facilities shall not exceed two (2) square feet per linear foot of the front face of the principal building. The total combined area of all signs for two (2) story facilities shall not exceed 2.5 square feet per linear foot of the front face of the principal building. When a principal building has frontage on more than one (1) public/private street, one (1) additional ground, pole or wall sign shall be allowed for each additional public/private street to which the principal building has frontage. (Additional frontages which are functional elements of loading,

storage, and dumpsters are not entitled to additional signs.) In the event additional signs are allowed, such signs shall be located at the midpoints of the principal building. Additional signs shall not count against the maximum signage allowed.

Pursuant to **Article 14, Section 14.12(c)(1), Wall Signs:**

One (1) illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of the wall to which it is attached as per Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities. In the event the tenant is located on the corner lot of two (2) public/private streets, one (1) additional wall sign shall be allowed provided that the overall signage does not exceed two (2) square feet per linear foot of the leasable front face wall.

Pursuant to **Article 1, Section 1.02, Conflict:**

If any portion of this ordinance is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City code, the provision which establishes the higher standard shall prevail.

The staff believes that the intent of this provision is to allow for one additional sign per street frontage that is similar in size and character to the sign associated with the primary building frontage. This means that additional signs *would not* count against the maximum signage allowed. The contradiction is most likely due to an oversight in omitting the conflicting provision in Section 14.12(c)(1) when Section 14.12 was amended to allow for additional signs.

Further, it is typical for zoning ordinances to calculate allowable signage based on street frontages, i.e. each street frontage creates its own allowable sign area. The staff also recognizes the need for tenants in Community Business Districts to clearly identify their businesses from each street frontage for the purposes of wayfinding for vehicular traffic.

Recommendation:

Staff recommends amending the Zoning Ordinance to clarify the area requirements for additional signs allowed on lots with multiple street frontages. As noted above, the staff believes that the intent of the provision is to allow for one additional sign per street frontage that is similar in size and character to the sign associated with the primary building frontage. This is common practice for other municipalities in the regulation of additional signs. The staff also recognizes the wayfinding function of signage at each street frontage.

The request was considered by the Municipal Planning Commission at its February 22, 2018, meeting and was unanimously approved.

The proposed amendment to the sign regulations is shown below.

New Language is highlighted, old language is stricken:

Section 14.12, Signs for Community Business Districts

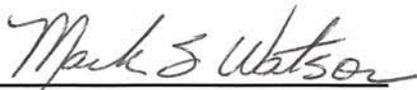
c. Wall Signs

- 1) One (1) illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of the wall to which it is attached as per Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities. In the event the tenant has street frontage on ~~is located on the corner lot of two (2) or more~~ public/private streets, one (1) additional wall sign shall be allowed per street frontage provided that each additional sign ~~the overall signage~~ does not exceed two (2) square feet per linear foot of the leasable front face wall of the primary building frontage. Additional signs shall not count against the maximum overall area of signage allowed.

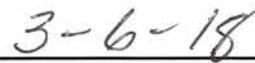
Attachments: Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities

City Manager's Comments:

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



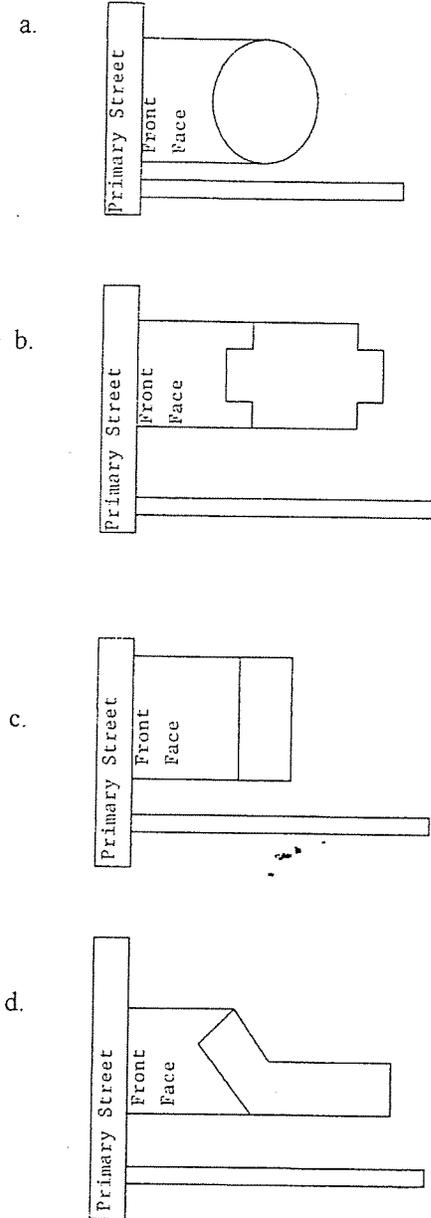
Mark S. Watson



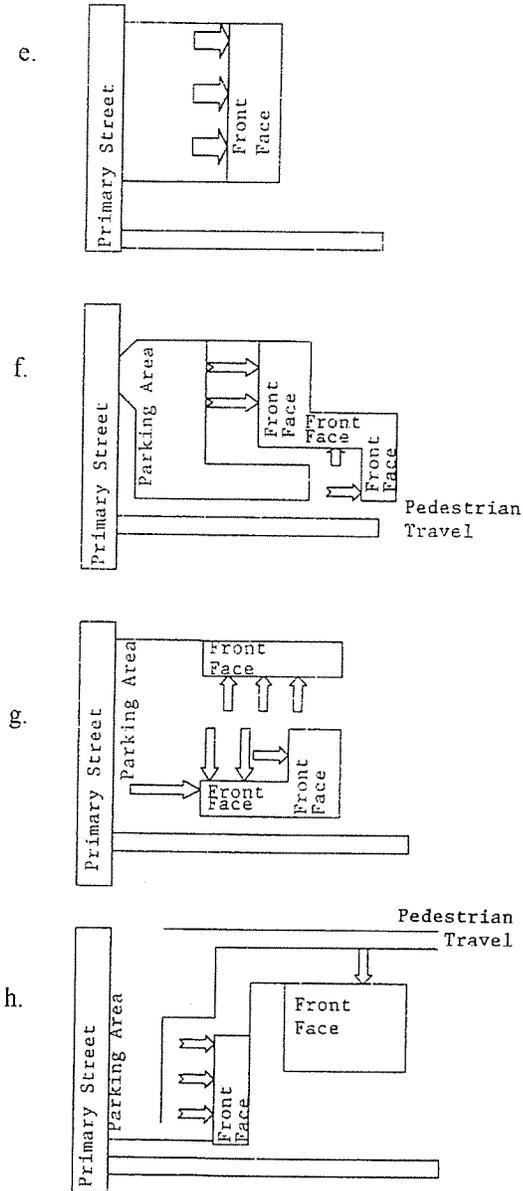
Date

Display 1. Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities.

Single Occupancy Facilities



Multi-Occupancy Buildings and Facilities



TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY DELETING SUBSECTION 1.C.(1) OF SECTION 14.12, TITLED "SIGNS FOR COMMUNITY BUSINESS DISTRICTS," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 1.C.(1) TO CORRECT A CONFLICT REGARDING WALL SIGNS IN COMMUNITY BUSINESS DISTRICTS FOR BUILDINGS WITH STREET FRONTAGE ON MORE THAN ONE STREET.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to update provisions and make it more understandable to the general public; and

WHEREAS, the following amendment will correct a discrepancy in the Zoning Ordinance regarding signage for businesses in the Community Business District with street frontage on more than one street; and

WHEREAS, the discrepancy pertains to whether additional wall signs will count toward the maximum sign area allowed; and

WHEREAS, staff has reviewed and recommended that additional wall signs not be counted toward the maximum sign area allowed, which is consistent with how staff has previously interpreted the conflicting provisions; and

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. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 14.12, titled "Signs for Community Business Districts," is hereby amended by deleting Subsection 1.c.(1), and it replacing it with a new Subsection 1.c.(1), which new subsection shall read as follows:

Section 14.12. Signs for Community Business Districts.

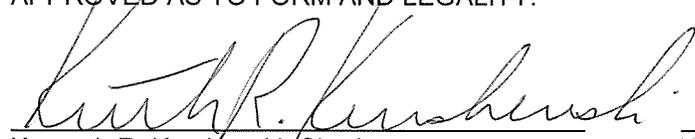
1. Types, Size and Location of Signs Allowed:

c. Wall Signs

- (1) One (1) illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of the wall to which it is attached as per Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities. In the event the tenant has street frontage on two (2) or more public/private streets, one (1) additional wall sign shall be allowed per street frontage provided that each additional sign does not exceed two (2) square feet per linear foot of the leasable front face wall of the primary building frontage. Additional signs shall not count against the maximum overall area of signage allowed.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

FINAL ADOPTION
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

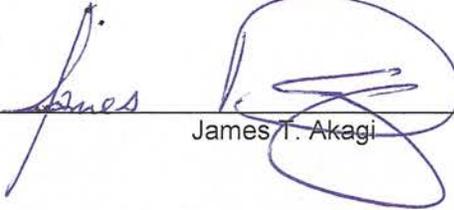
The attached ordinance is a result of continued efforts to keep the City Code current with state law provisions that went into effect January 1, 2018. The City is authorized by Tennessee Code Annotated §16-18-302 to enforce in City Court any ordinance that mirrors or substantially duplicates the language 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

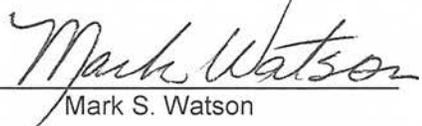
Approval of the attached ordinance is recommended in order to keep the motor vehicle provisions of the City Code in compliance with State law.


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.

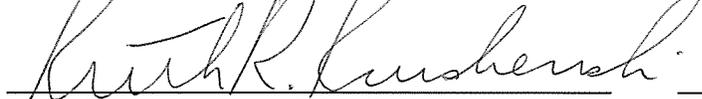
Section 6. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 3, titled "Operation of Vehicles Generally," Section 15-349, titled "Texting while driving prohibited," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended adding a new subpart under subsection (5), which 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: 02/12/2018
 Publication Date: 02/15/2018
 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

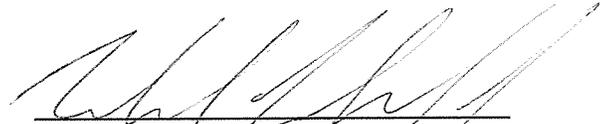
6.9 Temporary Assignment/Acting Pay

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 (10 5%) less than the existing salary or to the lowest pay rate of the pay grade if a ten five percent (10 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 (10 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:

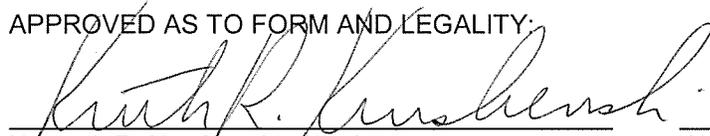
6.9 TEMPORARY ASSIGNMENT/ACTING PAY

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: 02/12/2018
Publication Date: 02/15/2018
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**

*MB
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.

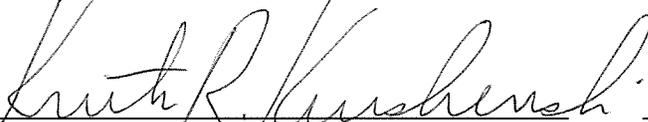
In the row for Climate Zone 4 except Marine, change the following: Ceiling U-Factor from "0.026" to "0.030"; Frame Wall U-Factor from "0.060" to "0.082"; and Mass Wall U-Factor from "0.098" to "0.141."

- (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

First Reading: 02/12/2018
Publication Date: 02/15/2018
Second Reading: _____
Publication Date: _____
Effective Date: _____

Mary Beth Hickman, City Clerk

RESOLUTIONS

PUBLIC WORKS DEPARTMENT MEMORANDUM
18-05

DATE: February 21, 2018
TO: Mark S. Watson, City Manager
FROM: Shira A. McWaters, P.E., Public Works Director
SUBJECT: ANNUAL MAINTENANCE – ASSET MANAGEMENT SOFTWARE

Introduction

An item for City Council's consideration is the recommendation for the expenditure of funds for the provision of computer software maintenance for the asset management system, to Infor (US), Inc., for FY2019, FY2020 and FY2021, in the total estimated amount of \$86,987.73.

Funding

Funding for this expense will be budgeted in the Waterworks Fund each fiscal year.

Background

The Infor software was originally approved to be purchased by Resolution 5-36-11, dated May 9, 2011, to comply with the U.S. Environmental Protection Agency (EPA) Administrative Order No. CWA-04-2010-4772, dated September 28, 2010.

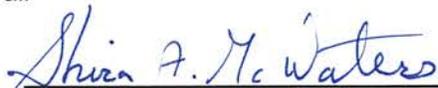
Infor software is used for documenting and tracking all service calls within the Public Works Department. It provides detailed data of work activities conducted, management data to adequately evaluate operations, as well as maintenance, customer service and system rehabilitation activities. The asset management software is currently used for tracking sewer assets, with water assets anticipated to be added during FY2019, followed by facilities and stormwater assets in subsequent years.

Infor (US), Inc. is the sole provider of software maintenance for their product. The City's original purchase agreement for the software allows for an annual increase of up to 6% for software maintenance. Infor (US), Inc. has offered the City a three (3) year renewal agreement with an annual increase of 4% per year, saving the City 2% each fiscal year. Below are the software maintenance costs for the three (3) year renewal period.

- FY2019 \$27,866.39
- FY2020 \$28,981.05
- FY2021 \$30,140.29

Recommendation

Staff recommends approval of the attached resolution as submitted. As this recommendation is a waiver of soliciting competitive bids due to Infor (US), Inc. being the sole provider of software maintenance for their product, Council is reminded that a unanimous vote is required for approval.



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

3-6-18

Date

McWaters, Shira

From: Fiscor, Adam
Sent: Wednesday, January 10, 2018 10:56 AM
To: Will, Cindy; McWaters, Shira
Cc: Fitzgerald, Amy
Subject: Infor Xtreme Support Quote
Attachments: City of Oak Ridge 2018 Support Quote 01082018.pdf; SUSSPC2S117121915040.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Shira, and Cindy,

I have received the support notice for Infor which was paid last year as part a 3-year agreement which is up to renewal. Attached is the quote and a Sole Source notice for Infor. I am willing review the Council request and attend City Council with Public Works on this request.

Please advise what question you have or what this will cover. At this point, till the City's software project is underway and address asset management it is recommend we keep support for 3 yrs and talk about when and if we would like to upgrade to the current version of Infor. Last upgrade was in 2013 to version 10. Susan and I had talk about having an outside company do the upgrade next time to get more value added ideas and fixes, rather than doing it in house. Or we can keep using Infor the way it is for now.

ADAM FISCOR

Information Systems Manager

City of Oak Ridge, Tn

865.425.3598 (w)

AFiscor@OakRidgeTN.gov

www.OakRidgeTN.gov

HelpDesk@OakRidgeTN.gov

From: Wanda Huszar [mailto:Wanda.Huszar@infor.com]
Sent: Monday, January 8, 2018 11:43 AM
To: Fiscor, Adam <AFiscor@oakridgetn.gov>
Subject: Infor Xtreme Support Quote

Happy New Year Adam,
Attached is a one and three year support quote.
Please let me know if you have any questions.
Kindest Regards,
Wadna Huszar



641 Avenue of the Americas
 New York, NY 10011
 800-260-2640
 infor.com

February 12, 2018

Mr. Adam Fiscor
 City of Oak Ridge, TN
 100 Woodbury Lane
 Oak Ridge, TN 37830

Dear Mr. Fiscor:

Thank you for your continued interest in Infor Xtreme Support for City of Oak Ridge, TN under Infor siteid 612273.

This support quote is for the following products:

| Item | Description | Users | License Option |
|----------------|---|-------|----------------|
| COG-DS7I-REPAU | Infor EAM Enterprise Edition Advanced Reporting Author | 5 | NU |
| COG-DS7I-REPCS | Infor EAM Enterprise Edition Advanced Reporting Consumer | 55000 | POP |
| EEN-DS7I-ALM | Infor EAM Alert Management | 1 | DA |
| EEN-DS7I-CSR | Infor EAM Enterprise Edition Customer Service Request | 55000 | POP |
| EEN-DS7I-DATA | Infor EAM Enterprise Edition Databridge and Remote Agent | 55000 | POP |
| EEN-DS7I-FLT | Infor EAM Enterprise Edition Fleet Module (VMRS) | 55000 | POP |
| EEN-DS7I-GISMD | Infor EAM Enterprise Edition GIS Module | 55000 | POP |
| EEN-DS7I-SQL | Infor EAM Enterprise Edition - SQL | 55000 | POP |
| EEN-DS7I-SUST | Infor EAM Asset Sustainability | 1 | DA |
| EEN-DS7I-WEBCL | Infor EAM Enterprise Edition Web Services Connector License | 55000 | POP |
| EEN-DS7I-WEBTK | Infor EAM Enterprise Edition Web Services Toolkit | 55000 | POP |
| ESE-INF-ASE-PC | Enterprise - Infor EAM for Government | 55000 | POP |

Infor is offering City of Oak Ridge, TN 4% uplifts for a committed period of 3 years payable annually:

| | | |
|--------------------------------------|-------------|--------------------------------|
| For the period 5/19/2018 - 5/18/2019 | \$27,866.39 | payable on or before 4/18/2018 |
| For the period 5/19/2019 - 5/18/2020 | \$28,981.05 | payable on or before 4/18/2019 |

For the period 5/19/2020 - 5/18/2021 \$30,140.29 payable on or before 4/17/2020

Should City of Oak Ridge, TN want to renew for one year, support will be available for \$28,402.29 payable on or before April 18, 2018.

The 3 year agreement will require a support addendum. Please let me know if you would like an addendum for review.

This quote is valid through April 18, 2018. Please keep in mind that we would need everything finalized by then.

If you have any questions, you can reach me at 1-219-365-1498 or wanda.huszar@infor.com

Sincerely yours,

Wanda Huszar

Wanda Huszar

Sr. Subscription Services Manager



ADDENDUM

MULTIYEAR SUPPORT COMMITMENT

As it relates to the Component Systems specified herein, this Addendum is subject to the terms of the Software License Agreement between Infor (US), Inc. ("Infor") and City of Oak Ridge, Tennessee ("Licensee") with an effective date of May 19, 2011 (the "License Agreement"). As it relates to Support for the Component Systems, this Addendum is subject to the applicable terms of the License Agreement (to the extent it concerns Support) or, if Support is subject to a separate Support Agreement related to the License Agreement, the terms of such Support Agreement (the "Support Agreement"). The License Agreement and related Support Agreement (if any) are referred to herein as the "Agreement". All terms of the Agreement are incorporated herein by reference. Capitalized terms not defined in this Addendum are defined in the Agreement. In the event of a conflict, the terms of this Addendum control over the terms of the Agreement.

In the event the capitalized terms in this Addendum differ from the terminology used in the Agreement, references herein to: "Component Systems" means the software products that are being licensed (and may be referred to in the Agreement as Products, Software Products, Software, Programs or Licensed Programs); "Support" means Infor's current standard maintenance and Support services (and may be referred to in an Agreement as Maintenance and Support, Annual Support, Support Services, On-Going Support or One Point Support); "Order Form" means a mutually agreed upon ordering document (and may be referred to in an Agreement as Schedule, Supplement or Supplemental Schedule); "Annual Escalation Percentage Cap" means the maximum percentage increase in an annual Support Fee on an annual basis. In addition, based on the applicable Agreement, listed Component Systems herein owned by a third party may also be referred to in the Agreement as "Additional Software" or "Third Party Software".

Effective date of the Addendum: the date of counter-signature by Infor.

I. Component Systems: Previously licensed Component Systems for which Licensee is purchasing Support. No delivery necessary.

| | SKU | Component System | License Restriction | | Support Level* |
|----|----------------|---|---------------------|------|----------------|
| | | | Quantity | Type | |
| 1 | COG-DS7I-REPAU | Infor EAM Enterprise Edition Advanced Reporting Author | 5 | NU | XT |
| 2 | COG-DS7I-REPCS | Infor EAM Enterprise Edition Advanced Reporting Consumer | 55000 | POP | XT |
| 3 | EEN-DS7I-ALM | Infor EAM Alert Management | 1 | DA | XT |
| 4 | EEN-DS7I-CSR | Infor EAM Enterprise Edition Customer Service Request | 55000 | POP | XT |
| 5 | EEN-DS7I-DATA | Infor EAM Enterprise Edition Databridge and Remote Agent | 55000 | POP | XT |
| 6 | EEN-DS7I-FLT | Infor EAM Enterprise Edition Fleet Module (VMRS) | 55000 | POP | XT |
| 7 | EEN-DS7I-GISMD | Infor EAM Enterprise Edition GIS Module | 55000 | POP | XT |
| 8 | EEN-DS7I-SQL | Infor EAM Enterprise Edition - SQL | 55000 | POP | XT |
| 9 | EEN-DS7I-SUST | Infor EAM Asset Sustainability | 1 | DA | XT |
| 10 | EEN-DS7I-WEBCL | Infor EAM Enterprise Edition Web Services Connector License | 55000 | POP | XT |
| 11 | EEN-DS7I-WEBTK | Infor EAM Enterprise Edition Web Services Toolkit | 55000 | POP | XT |
| 12 | ESE-INF-ASE-PC | Enterprise - Infor EAM for Government | 55000 | POP | XT |
| 13 | | | | | |
| 14 | | | | | |
| 15 | | | | | |

*Support Level: Infor Xtreme ("XT") Support unless otherwise indicated. At all times Support shall be provided according to Infor's then-current Support policies and procedures. Descriptions of the Support levels can be found at <http://www.infor.com/support/support-plan-features/>.

If Applicable: "XTP" = Infor Xtreme Premium (24 x 7) and "XTE" = Infor Xtreme Elite (24 x 7) Plus.

Infor Support Assistant: If not already installed, Licensee agrees to promptly download and install Infor Support Assistant ("ISA"), a data collecting application that gathers relevant system and software information for use by Infor Support in its continuing effort to improve Support response and resolution times and to assist Infor with the provision of proactive Support. For purposes of clarification, ISA does not collect personal data, business transaction data, production data or authentication information, including passwords.

II. Support Services

Total Support Fee:** \$86,987.74

** The Total Support Fee specified above has been calculated to align the Support End Dates of all Component Systems listed.

Annual Escalation Percentage Cap: For this Support Term, the Annual Escalation Percentage increase of 4 % is included in the annual payment amounts set forth below. Following this Support Term, the Annual Escalation Percentage cap shall be 6% or the then-current year-over-year increase in the Consumer Price Index (CPI) whichever is the greater.

Support Term: May 19, 2018 ("Start date") to May 18, 2021

Support Commitment:

The Support Term specified herein is a binding term, and neither party may exercise any rights of non-renewal or cancellation for convenience so as to terminate Support prior to the end of such Support Term. If Licensee fails to pay Infor any portion of the Total Support Fee when due, then, in addition to other remedies Infor may exercise, Licensee shall immediately be invoiced for, and shall be obligated to pay to Infor, as liquidated damages, the Total Support Fee, as increased by the Annual Escalation Percentage Cap, less any portion of the Total Support Fee previously paid (the "Damages"). If such amount is not paid within fifteen (15) days of invoice, Infor shall have no further obligation to provide Support, and the Licensee shall remain fully obligated to pay the Damages.

On the last day of the Support Term, Support will automatically renew for successive twelve-month periods (the "Renewal Period") unless either party provides written notice to the other party of non-renewal at least ninety (90) days prior to the commencement of the Renewal Period.

Other fees:

Total Amount Due (before applicable taxes): \$86,987.74

Currency: USD

This Addendum is subject to the Infor General Lifecycle Policy. As described therein, additional fees may apply if Mainstream Maintenance is no longer available for a Component System during the Support Term.

Payment Schedule:

\$27,866.39 (plus applicable taxes) is due no later than April 18, 2018

\$28,981.05 (plus applicable taxes) is due no later than April 18, 2019

\$30,140.29 (plus applicable taxes) is due no later than April 17, 2020

Invoice Address: 100 Woodbury Lane

Oak Ridge, TN 37830

Contact name: Adam Fiscor

Contact Title: I.S. Manager

Contact Email: afiscor@OakRidgeTN.gov

Contact Tel:865-425-3598

Account ID: 612273

THE PARTIES have executed this Addendum through the signatures of their respective authorised representatives.

Infor (US), Inc.
Signature

City of Oak Ridge, Tennessee
Signature

Name:

Title:

Date:

Name:

Title:

Date:

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO INFOR (US), INC., FOR A THREE-YEAR RENEWAL OF SOFTWARE MAINTENANCE OF THE ASSET MANAGEMENT SYSTEM IN THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEARS 2019-2021 IN THE ESTIMATED AMOUNT OF \$86,987.73.

WHEREAS, the City's Public Works Department has been utilizing an asset management software system provided by Infor (US), Inc., since 2011; and

WHEREAS, Infor (US), Inc., is the sole provider for maintenance of their product; and

WHEREAS, the current software maintenance agreement will expire at the end of FY2018; and

WHEREAS, Infor (US), Inc., has offered the City a discount over the current annual price adjustment if the City agrees to a three-year renewal agreement (4% price increase per year during a three-year renewal versus a 6% price increase during an annual renewal); and

WHEREAS, the City desires to utilize the cost savings of the offered discount; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Infor (US), Inc.

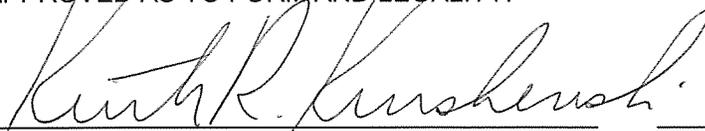
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager that competitive bids be waived is approved and award is hereby made to Infor (US), Inc., as the sole supplier of software maintenance for the asset management system software for the next three fiscal years (FY2019-FY2021), in the estimated amount of \$86,987.73.

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

This the 12th day of March 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
18-11

DATE: February 22, 2018
TO: Mark S. Watson, City Manager
FROM: Shira A. McWaters, P.E., Public Works Director
SUBJECT: PURCHASE OF CHLORINATION TABLETS FOR PACKAGED CHLORINATION SYSTEM FOR WTP

Introduction

An item for City Council's consideration is the recommendation to expend funds for the purchase of calcium hypochlorite tablets for use through the end of FY18 in the new pre-packaged MC4-1500 Constant Chlor chlorine disinfection units, previously approved by City Council on January 8, 2018, Resolution 1-2-2018, from Specialized Operations Services, Cleveland, TN, in the estimated amount of \$67,500. Specialized Operations Service, Inc., a chemical supplier the City currently uses, has provided a three-year chemical pricing protection contract.

Funding

Funding in the not to exceed amount of \$41,000 will be by the Department of Energy, Contract Modification 0089. The remaining balance will be through a 50/50 cost sharing in accordance with the water contract.

Background

The City of Oak Ridge has used chlorine gas to safely disinfect water at the City's Water Treatment Plant (WTP) since 2000. Due to increased safety concerns associated with a release of gas from one or more of the one-ton cylinders at the WTP, the Department of Energy proposed replacing the existing system with a new disinfection system. The original intent was to install a new sodium hypochlorite system at an estimated construction cost of approximately \$1.3 million dollars. The design and bid of the sodium hypochlorite system was before the City completed the evaluation of the existing plant that resulted in the recommendation to pursue the design and construction of a new water plant at the raw water intake. If the sodium hypochlorite system was constructed, a significant investment would be lost in approximately four (4) to five (5) years after the new plant is in operation; therefore, a new system using calcium hypochlorite to provide disinfection was recommended. Calcium hypochlorite tablets will replace the purchase of chlorine gas for treatment of potable water at the water treatment plant. The selected tablets are specific for use in the disinfection units approved for purchase.

Specialized Operations Services, Inc. (SOS) is a local vendor located in Cleveland, TN that the City currently uses to purchase chemicals and supplies. SOS provided a quote to provide and install the new pre-packaged disinfection system, as well as a fixed three (3) year cost for the purchase of the calcium hypochlorite at \$1.875/lb (\$93.75/50lbs).

Recommendation

Staff recommends approval of the attached resolution as submitted for the purchase of calcium hypochlorite tablets through the remainder of FY18. Selection was based on vendor location and service, in addition to the chemical being specific for use with the new disinfection system pending installation at the WTP. As the recommendation is a waiver of soliciting sealed bids due to the chemical provided through a single vendor, City Council is reminded that a unanimous vote is required for approval.



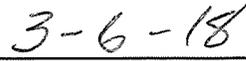
Shira A. McWaters, P.E.

City Manager's Comments:

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



Mark S. Watson



Date



4095 Hidden Valley Road
Cleveland, TN 37312
423.479.3811 & 423.476.3378
Fax 423.559.9611
Nashville 615.399.8377

3-Year Chemical Pricing Protection Contract

February 6, 2018

Attn: Ernie Henley

Oak Ridge Water Treatment Plant
P.O. Box 1
Oak Ridge Tn 37831-0001

RE: Constant Chlor Chemical Supply Agreement

Ernie,

Specialized Operations Services, Inc. will provide Oak Ridge with the Constant Chlor product at 93.73 per 50 lb pail until Dec 2021 as long as the following conditions are met. This special low pricing is based on the purchase of at least 11,500 lbs of Constant Chlor Chlorine per month, this amount is actually less than we calculate Oak Ridge will use monthly. All shipments will be provided as full pallets, each pallet will contain 24-50 lb pails.

This special pricing was documented in the quote from SOS Inc, provided on Dec 18th 2017.

Delivery of chemical can be expected in 7-10 days from order.

Payment terms are Net 30 days, should payment not be received by SOS Inc, within 35 days from chemical delivery for 2 consecutive months, SOS may at its discretion, modify the price charged for the chemical in subsequent months, SOS will be required to provide Oak Ridge a 60 day notice before any pricing change can take effect.

This contract shall be in effect until Dec. 31st 2021, at that time SOS will notify the owner of any price change requirement, again at that time based on usage, SOS may extend special pricing to Oak Ridge!

Representative Of SOS;

Amanda Benfield

Title: Vice President

Date: Feb 21, 2018

Representative of Oak Ridge;

Mark S Watson

Title: City Manager

Date: Feb 13, 2018

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO SPECIALIZED OPERATIONS SERVICES, CLEVELAND, TENNESSEE, FOR THE FURNISHING OF CERTAIN CHEMICALS FOR THE WATER TREATMENT PLANT FOR THE REMAINDER OF FISCAL YEAR 2018 IN THE ESTIMATED AMOUNT OF \$67,500.00.

WHEREAS, by Resolution 1-2-2018, City Council authorized 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; and

WHEREAS, the new disinfection system requires the use of calcium hypochlorite tablets for the treatment of potable water at the plant; and

WHEREAS, Specialized Operations Services is a current vendor for the City for chemicals and supplies for the plant, and has provided the City with a three-year pricing guarantee on the calcium hypochlorite tablets; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Specialized Operations Services.

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

That the recommendation of the City Manager that competitive bids be waived is approved and award is hereby made to Specialized Operations Services, 4095 Hidden Valley Road, Cleveland, Tennessee 37312, for the purchase of calcium hypochlorite tablets for the Water Treatment Plant; said award in the estimated amount of \$67,500.00 for the remainder of FY2018.

This the 12th day of March 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
18-12

DATE: February 22, 2018
TO: Mark S. Watson, City Manager
FROM: Shira A. McWaters, P.E., Public Works Director
SUBJECT: AMENDMENT TO ENERGY SYSTEMS GROUP AGREEMENT FOR ENERGY SAVINGS UPGRADES

Introduction

An item for City Council's consideration is a recommendation to amend the Energy System Group (ESG) contract, Resolution 8-92-2017, for upgrades to two (2) chillers at the Recreation (Rec) Center and Jefferson Middle School (JMS), respectively, from Trane Air-Cooled Series units to Air-Cooled Stealth and Ultimate Series units, and the replacement of two (2) new HVAC units at the JMS Little Theater, increasing the contract in the total amount of \$295,365.

Funding

Funding is available in the Capital Projects Fund. The City of Oak Ridge manages a Capital Projects Fund that has provided monies for repairing City and School facilities. Annually, during the budget process, the school is advised of a set-aside amount for repair items that are required during the year. The school is reimbursed for the expense upon provision of receipts. The Capital Projects Fund will pay for the requested projects, with annual Board of Education energy savings to pay back over 15 years, which shall be added to the current Energy Systems Group program.

Background

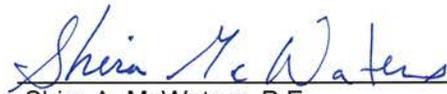
Concerns were submitted regarding the output of sound from the Air-Cooled Series chillers at the Recreation (Rec) Center and Jefferson Middle School (JMS), respectively. The existing chiller units at the Rec Center are located on the west end of the building. The new chillers will be located in the same spot, which will face the proposed Senior Center. This area is located near walking trails in the park and where the Secret City Festival festivities take place; therefore, concerns were discussed regarding the noise impacts to these important features and events. Similarly, the existing chiller at JMS is located on top of the school's roof. Oak Ridge Schools reports that they have received calls regarding sound emanating from the existing unit into the nearby residential neighborhoods. Based on these concerns, Energy Systems Group (ESG) has suggested an upgrade in the chillers to different models that are quieter and have the added benefit of having higher energy efficient savings, which will increase the projected energy savings to the City and Schools by approximately **\$17,300** annually, as shown in the attached documentation.

A new 150-ton chiller at the Rec Center and a new 300-ton chiller at Jefferson Middle School (JMS) is proposed to replace the existing units that are less efficient and at the end of their useful life. The upgraded chillers have a higher energy efficiency rating and ESG has reported that the Stealth and Ultimate Series chillers are quieter than the existing units, which will reduce nuisance noise associated with the existing units. The increased combined costs associated with the chiller upgrades is \$162,281.

In addition, it was recommended to add two (2) new HVAC rooftop units to ESG's contract for the replacement of existing units located in the JMS Little Theater. As noted in the attached memo from Mr. Allen Thacker, Supervisor of Maintenance and Operations for the Oak Ridge School System, one (1) of the two (2) 50 year old HVAC units has failed. Due to its location above the stage, the full extent of the damage to the blower wheel shaft is presently unknown. These units were originally listed in the initial ESCO project phase, but were cut out to reduce costs. Due to the work involved, location of existing units and their age, it is recommended that both units be replaced with new rooftop HVAC units. The increase cost associated with this addition to the contract is \$133,084.

Recommendation

Staff recommends approval of the attached Resolution as submitted for the amendment to the Energy Systems Group's contract in the amount of \$295,365 for the upgrade of the chillers at the Recreation Center and Jefferson Middle School (JMS) and the installation of two (2) new rooftop HVAC units at the JMS Little Theater.



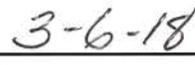
Shira A. McWaters, P.E.

City Manager's Comments:

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



Mark S. Watson



Date

ESG Proposed Chiller Revisions

| | Project Cost | Annual Utiltiy Savings | Annual O&M Savigns | Equipment Replacement Savings | Simple Payback Period (Years) | Annual Total Project Savings |
|------------------------------------|--------------|------------------------|--------------------|-------------------------------|-------------------------------|------------------------------|
| Jefferson MS (300 Ton) | | | | | | |
| Original Trane Chiller | \$ 286,309 | \$ 5,180 | \$ 5,000 | \$ 19,087 | 9.78 | \$ 29,267 |
| Ultimate Trane Chiller | \$ 377,876 | \$ 16,180 | \$ 5,000 | \$ 19,087 | 9.25 | \$ 39,167 |
| | \$ 91,567 | \$ 11,000 | | | | |
| | | | | | | |
| | | | | | | |
| Recreation Center (150 Ton) | | | | | | |
| Original Trane Chiller | \$ 217,375 | \$ 7,065 | \$ 21,034 | \$ 14,492 | 5.1 | \$ 42,591 |
| Stealth Trane Chiller | \$ 288,089 | \$ 13,365 | \$ 21,034 | \$ 14,492 | 5.89 | \$ 48,891 |
| | \$ 70,714 | \$ 6,300 | | | | |

Total Project Cost Increase \$ 162,281

Total Increase in Annual Utiltiy Savings \$ 17,300

ROI (Years) 9

Estimate Savings Realized (20 Year Life Cycle) \$ 173,000



OFFICE OF MAINTENANCE AND OPERATIONS

DATE: February 21, 2018

TO: Bruce Lay, Executive Director of School Leadership

FROM: Allen Thacker, Supervisor of Maintenance and Operations

SUBJECT: JMS Chiller Upgrade

Mr. Lay,

I am recommending that the Oak Ridge Schools Board of Education approve an upgrade from the specified Trane Sintesis chiller in the ESG contract with the City of Oak Ridge for Jefferson Middle School to the Trane Stealth chiller. The original chiller specified for the project will meet the immediate operational need of the school however, there is a concern about the noise level generated by this particular model of equipment. In addition, the planned location for the unit would enhance the impact on the learning environment (see attachment). The upgraded option is designed for premium efficiency and ultra-quiet operation.

The cost increase to the project would be \$91,567.00 and would produce an added energy savings of \$11,000.00 per year. This modification would require the schools to agree to amend their annual contribution to the City for repayment of this change request by approximately \$6,104.00 per year + finance and interest expense (total amount to be determined by City Finance Department). The cost of the added expense would be covered by the increased energy savings.

Thank you for your consideration,

Allen Thacker

Supervisor of Maintenance and Operations

February 20, 2018

RE: Chiller Upgrade Option – Jefferson Middle School

At the request of the Schools, ESG has developed an option for a premium efficiency / ultra-quiet air cooled chiller as an upgrade to the currently planned machine set to be installed at Jefferson Middle School. The primary consideration is the greatly reduced sound level that the upgraded machines offer. A side benefit of the reduced sound level is a significant enhancement to energy efficiency.

The following are the key considerations of the upgrade option:

1. Cost/ Savings
 - a. Cost \$91,567
 - b. Energy savings ~ 11,000 per year
 - c. Simple payback 8.3 years

Over the 15 year project term, this upgrade will equal \$6,104 per year of additional cost (assuming no interest expense)

2. Sound Reduction
 - a. The Trane “Stealth” machine proposed is the quietest air cooled chiller on the market and provides a variety of advanced sound reduction technologies that reduce sound levels substantially.
 - b. The reduction in sound levels will be a benefit to the teachers and students located near the planned equipment location as well as homeowners.



3. Proven Technology

The Trane Stealth Chiller has been in existence since 2012 and has proven to be a reliable machine. Strong local support exists for any required maintenance supplies, parts and service expertise beyond the capability of in-house staff.

4. Maintenance Cost

It is expected that the upgrades machine will be very similar in maintenance expense to the originally planned machine.

5. Order Time

The order time for this chiller is the same as the planned chiller.

We greatly appreciate the opportunity to be of service to Oak Ridge Schools. Please let us know your direction on this decision so that we can get an order placed as soon as possible.

Sincerely,

Russ Nelson

Russ Nelson
Sr. Business Development Manager



OFFICE OF MAINTENANCE AND OPERATIONS

DATE: February 21, 2018

TO: Bruce Lay, Executive Director of School Leadership

FROM: Allen Thacker, Supervisor of Maintenance and Operations

SUBJECT: JMS Little Theater HVAC Equipment

Mr. Lay,

I am recommending that the Oak Ridge Schools Board of Education request for the City to include the JMS Little Theater HVAC replacement in the ESCO project due to an unforeseen and unfortunate equipment failure. One of the two Fifty (50) year old Worthington air handling units located on platforms fifteen (15) feet above the stage left and stage right in the Little Theater had the back bearing seize and damage the blower wheel shaft. Worthington Inc. was purchased by Fedders in 1970, and Fedders left the unitary market around 1980, making the 1968 replacement parts difficult if not impossible to find. To change the shaft and bearing, we will have to remove the unit to reach the back bearing, and if we cannot find a replacement blower shaft, have one fabricated. To remove the unit, the stage will have to be removed in order to place a lift at the access doors to reach the equipment, the equipment will be brought to ground level, new parts installed, replace the equipment on the platform, and then rebuild the stage. Due to the tight constraints of the HVAC platform, we could not fully assess the extent of the damage to the equipment. Once on the ground, we may discover that the equipment may require more extensive repairs at greater costs than first anticipated. Considering the age, availability of the parts, and the reliability of the equipment, I am recommending that the equipment is replaced with two rooftop package units at a cost of \$133,084.00 by ESG as part of the energy services project and be financed by the City through a change order in the project.

As part of the ESCO project, the school district would be required to assume responsibility for an increase in our annual commitment to the repayment of the project in the amount of \$8,872.27 + applicable finance charges and interest expense (total to be determined by City Finance Department).

Thank you for your consideration,

Allen Thacker

Supervisor of Maintenance and Operations

February 20, 2018

RE: Auditorium HVAC Replacement - Jefferson Middle School

At the request of the Schools, ESG has developed an option to replace the HVAC units that service the auditorium at Jefferson Middle School. The existing units are 50 years old and parts are no longer available. One of the two units has failed completely and the other unit is limping along. These units were originally included in the larger scope of work proposed but were removed to reduce the project size.

The current units are up a ladder in a space that makes them very difficult to work on. There is a unit on each side of the stage. To improve access to the units and ESG is proposing to install new units on the roof. This will reduce sound levels and make ongoing maintenance and repair much easier. It will also take old piping out of service and allow the Auditorium to operate on a separate system that will allow enhanced energy scheduling.

The new units will be high efficiency gas heat and DX cooling. New gas lines will be installed as well as new electrical service. All sheet metal, concrete saw cutting and roof structural considerations are included in ESG's design. The new units will have ALC controls and be tied to the fire alarm systems per code requirements.



The turnkey cost for the project is \$133,084. This includes engineering services and final project commissioning. Given your approval of this additional work, ESG will work as quickly as possible to make use of the summer vacation period.

Sincerely,

Russ Nelson

Russ Nelson
Sr. Business Development Manager

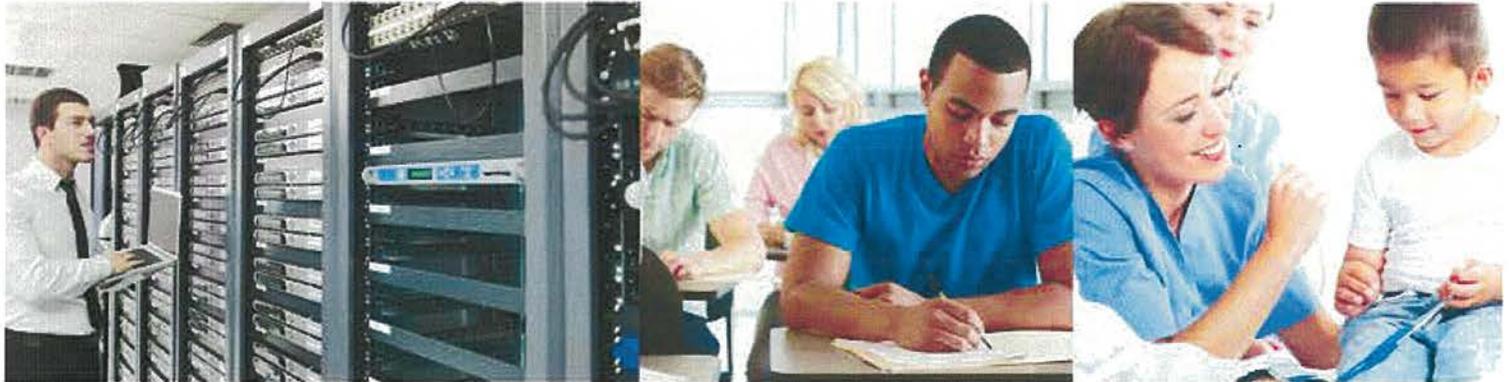


Trane® Stealth™ Air-cooled Chillers

150 – 300 tons



An unbeatable combination of high energy efficiency and quiet performance.



An environment offering quiet, dependable cooling can provide many benefits. Inside the building, students can enjoy improved concentration and test scores. Employees can experience higher levels of morale and productivity. And critical applications can function reliably. Outside, quietly operating cooling can help your building to be a good neighbor.

Trane® Stealth™ air-cooled chillers deliver an industry-leading combination of part-load and full-load efficiencies, while offering multiple sound reduction options for noise-sensitive installations. No other air-cooled chiller delivers this kind of efficiency or acoustic performance ... making the Stealth chiller the perfect solution for your building.



The science behind the performance: AdaptiSpeed™ technology

AdaptiSpeed technology delivers highly efficient, reliable performance through the integration of:

- An all-new, direct-drive, specific-speed screw compressor
- Variable-speed, permanent magnet motors, powering the compressor and condenser fans
- The third-generation Adaptive Frequency™ drive, AFD3

No other air-cooled chiller can bring you the unique efficiency and reliability benefits of a Stealth chiller.

Industry-leading efficiency with no need to compromise

Other air-cooled chillers can deliver good part-load efficiency—but often at the cost of full-load efficiency. Stealth chillers use advanced technologies to deliver an unbeatable combination of efficiency under all operating conditions to lower utility bills and save money.

- **Highest part-load efficiency**—Up to 20 IPLV rating, driving lower overall electrical consumption charges (kWh).
- **Highest full-load efficiency**—Up to 12.1 EER, minimizing the electrical infrastructure required as well as the impact of demand-based utility costs during periods of peak operation.



The increased efficiency and reduced refrigerant charge of a Stealth chiller can help earn multiple LEED® points for your building and qualify for energy rebates and incentives offered by many utility companies across the country.



Innovation at work: Advanced technology driving lower energy consumption

Building on over 40 years of experience designing air-cooled chillers, Trane engineers brought innovation and knowledge to every component used in the next-generation Stealth chiller. The result: reduced energy consumption, improved system flexibility and performance, and the lowest sound levels—all while delivering improved reliability and lower maintenance requirements.

- The Trane third-generation Adaptive Frequency™ drive, AFD3, offers a **part-load efficiency improvement of more than 40 percent** when compared to previous constant-speed chiller designs. Designed to last the life of the chiller, the AFD3 is glycol-cooled and contains durable film capacitors.
- **New specific-speed screw compressor technology** delivers peak efficiency under all operating conditions. Compared to the previous compressor, this updated design—which is optimized for variable-speed operation—yields up to a **10 percent improvement in compressor efficiency**.
- The compressor's permanent magnet motor design is up to **4 percent more efficient** than conventional induction motors.
- Permanent magnet, variable-speed motors are also used in the Stealth chiller's condenser fans. These motors offer an additional **efficiency improvement of 2 percent or more at full-load operation and 5 percent or more at part-load operation**.
- New Compact, High-performance, Integrated, Low-charge (CHIL) evaporator technology design optimizes refrigerant flow for improved efficiency and better cooling performance, while using up to 40 percent less refrigerant than traditional flooded designs.

Sound solutions for quiet cooling

HVAC system noise levels can vary widely, and excessive noise can impact the performance, productivity and overall satisfaction of building occupants—as well as occupants of neighboring structures. That is why quiet operation is designed into every Trane® Stealth™ air-cooled chiller, and different levels of InvisiSound™ acoustic reduction treatments are available to give you the flexibility to meet specific application needs.



Variable-speed condenser coil fans help reduce sound output.

The key to every Stealth chiller's low sound levels is the combination of variable-speed compressors, variable-speed condenser fans and an integrated compressor muffler. Because variable-speed compressors and condenser fans only operate as fast as demand levels require, their overall sound levels are considerably less during off-peak hours than those of constant-speed units. The integrated compressor muffler reduces sound even more—up to 10 dB when compared to the previous compressor designs.

InvisiSound Superior package

For additional sound reduction, our InvisiSound Superior package adds acoustical treatments to key sound-generating components, including the compressor's suction and discharge lines. This insulating material limits sounds normally emitted from the lines, reducing total sound output levels even further.

InvisiSound technology benefits



Tiers of acoustic reduction treatment options give you the freedom to choose the unit sound level that meets the requirements of your particular application.

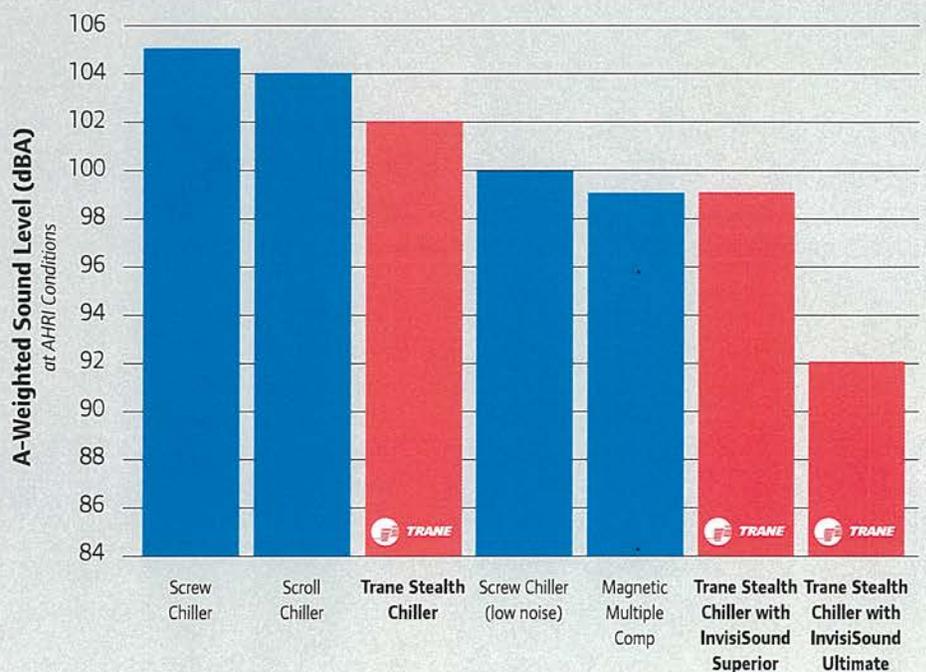


Acoustic reduction treatments applied at the factory offer predictable, consistent performance, often saving money when compared to on-site applications.



Noise reduction mode allows you to actively manage unit sound levels to comply with nighttime and weekend noise restrictions.

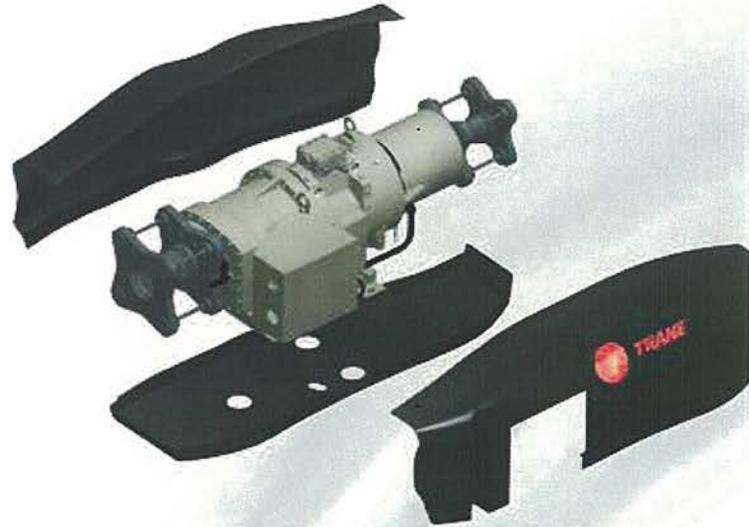
Sound comparison of 300-ton air-cooled chillers at full load



InvisiSound Ultimate package

For installations that require even lower sound levels, the InvisiSound Ultimate package incorporates a patented compressor enclosure and metallic bellows at compressor suction and discharge connection points to absorb vibrations from normal compressor operation. Together, these treatments help produce the lowest published air-cooled chiller sound levels in the industry!

The InvisiSound Ultimate package also includes a user-selectable noise-reduction mode that can be activated to limit the maximum condenser fan speed, achieving even lower sound levels. This feature allows you to actively manage the unit's operation to comply with nighttime and weekend noise restrictions.



Patented compressor enclosure and metallic bellows absorb vibrations from normal compressor operation.

Ultimate control under all conditions

Trane controls offer performance and efficiency advantages that other controls simply can't match. The Tracer™ UC800 provides the intelligence behind the Stealth chiller and features Adaptive Control™ algorithms: proprietary control strategies that respond to a variety of conditions to maintain efficient chiller plant operation.



- **Easy-to-read 7-inch color touch-screen display**—Shows vital, at-a-glance information about current chiller performance, as well as graphical trending information about chiller performance over time.
- **Industry-leading control algorithms**—Efficiently and effectively direct the chiller's operation, maximizing both performance and reliability by optimizing variable-speed compressors and condenser fans, even in variable primary-flow applications.
- **Adaptive Control**—Keeps the chiller working efficiently in extreme conditions and even under a building automation system failure—so you can count on reliable operation when you need it the most.
- **Trane Intelligent Services enabled**—Offers 24/7 system monitoring and response capabilities.
- **Open-protocol design**—Allows the AdaptiView™ controller to work with any building automation system without the need for gateways, such as BACnet®, Modbus or LonTalk®.

Advanced features to serve advanced applications

Trane® Stealth™ chillers are designed for easy integration with facilities that have specialized requirements.



- **Rapid restart capability**—After a power interruption, Stealth chillers can quickly regain full operational capacity, so mission-critical applications can continue with minimal interruption.
- **Easy compatibility with uninterruptible power systems (UPS)**—The Adaptive Frequency™ drive, AFD3, offers full compatibility with uninterruptible power systems, so you can count on reliable chiller operation even during power outages.
- **Available harmonic filtration system**—A true 24-pulse design provides the harmonic solution to meet the requirements of IEEE 519, reducing harmonic distortion to less than 5 percent total demand distortion (TDD).

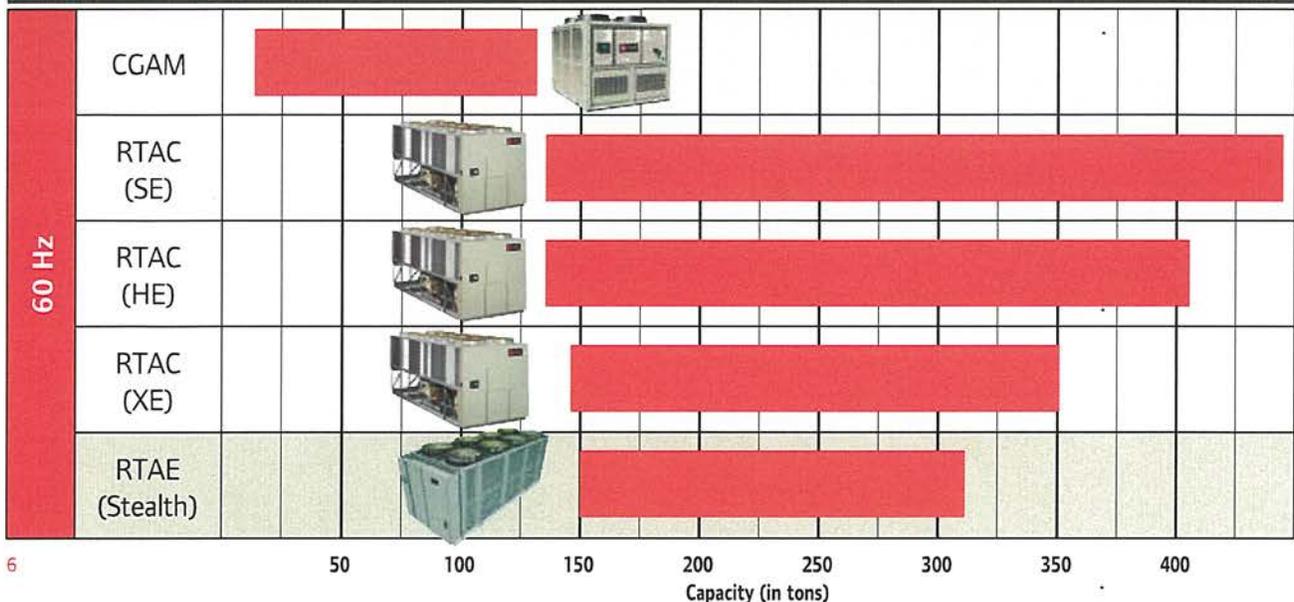
Standard and optional features

Stealth chillers include useful standard features and are available with additional factory-installed options to make system design, installation and start-up faster and easier—saving you time and money. Customize your chiller to meet your unique requirements—without compromise.

- **Standard factory-installed solutions** include a high power factor, temperature-insulating materials and a sound-reducing treatment.
- **Optional factory-installed solutions** include insulating materials with higher thermal properties, additional noise-reduction treatments, a power line harmonics package and CompleteCoat™ condenser fin coating.

A proud new member of the Trane air-cooled chiller product family, supporting your building's needs.

Air-cooled Chiller Product Family



Easier, safer, less-frequent maintenance

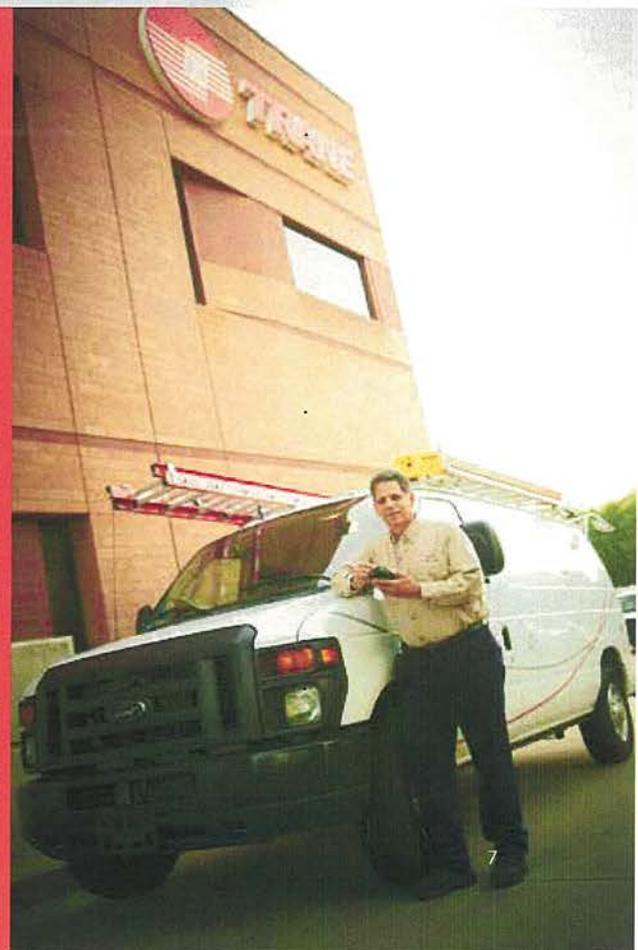
Stealth chillers have low maintenance requirements—and are designed to make those maintenance duties easier, safer and less frequent.

- **Maintenance-free, long-life motors**—Stealth chillers' compressor and condenser fans are powered by variable-speed, permanent magnet motors that require no periodic maintenance and are designed for exceptionally long operational life.
- **Transverse "open V" design condenser coils**—This design allows easier cleaning of the condenser coils from the inside out, to keep the coils and the chiller properly functioning.
- **Exclusive third-generation Adaptive Frequency drive**—The Trane® Adaptive Frequency drive, AFD3, is glycol-cooled and contains durable film capacitors that are engineered to last the life of the chiller.
- **Safety first with "shore power"**—Commissioning the chiller and servicing the AFD3 drive panel can be performed with only 110 volts of power through a standard extension cord—a design that helps protect technicians from higher line voltages.
- **Trane Intelligent Services enabled**—Stealth chillers can be remotely monitored by Trane Intelligent Services (TIS) 24 hours a day. By continuously monitoring the chiller's operating conditions, TIS can quickly react to changes in performance any time, day or night—addressing potential problems before they become more serious. TIS peace of mind can be added to your Stealth chiller during installation or at any other time during its operational lifespan.

Reliability you can count on

Stealth chillers uphold the legendary Trane reputation for chiller reliability—and can help you experience fewer repairs and less chiller downtime, which can help reduce operational costs.

- The Trane third-generation Adaptive Frequency drive, AFD3, is designed for the life of the chiller and can effectively handle electrical dips and surges to maintain reliable operation.
- An all-aluminum condenser coil reduces the risk of galvanic corrosion and uses a manifold header design that eliminates U-bends, minimizing the potential for refrigerant leaks. An optional factory-applied CompleteCoat fin protection treatment is available for added corrosion protection.
- A new industrial bearing system and improvements in oil and charge management technology increase compressor life, improve low-ambient start-up capability and increase efficiency over a broad range of operating conditions.



Scan the code or visit Trane.com/Stealth
to learn more about the all-new
Trane® Stealth™ air-cooled chiller with
AdaptiSpeed™ technology.



Ingersoll Rand (NYSE:IR) advances the quality of life by creating and sustaining safe, comfortable and efficient environments. Our people and our family of brands—including Club Car®, Ingersoll Rand®, Schlage®, Thermo King® and Trane®—work together to enhance the quality and comfort of air in homes and buildings; transport and protect food and perishables; secure homes and commercial properties; and increase industrial productivity and efficiency. We are a \$14 billion global business committed to a world of sustainable progress and enduring results.



ingersollrand.com

RESOLUTION

A RESOLUTION TO AMEND THE ENERGY SAVINGS PROJECT AGREEMENT (FY2018-045) WITH ENERGY SYSTEMS GROUP, LLC, TO ADD UPGRADES FOR TWO (2) CHILLERS AND TO ADD REPLACEMENTS FOR TWO (2) ADDITIONAL HVAC UNITS IN THE TOTAL AMOUNT OF \$295,365.00.

WHEREAS, by Resolution 8-92-2017, City Council authorized an agreement with Energy Systems Group, LLC, (ESG), for an energy savings project for various City and School facilities in the estimated amount of \$8,788,149.00; and

WHEREAS, said project includes replacement of the chiller at the Civic Center, which replacement chiller the City desires to upgrade to provide a quieter unit to lessen the noise along the A.K. Bissell Park walking trail and the future home of the Senior Center; and

WHEREAS, the upgraded chiller will cost an additional \$70,714.00, and will have the added benefit of higher annual energy savings; and

WHEREAS, said project includes replacement of the chiller at Jefferson Middle School, which replacement chiller the Schools desire to upgrade to provide a quieter unit to lessen the noise for the school and the adjacent residential neighborhood; and

WHEREAS, the upgraded chiller will cost an additional \$91,567.00, and will have the added benefit of higher energy savings; and

WHEREAS, the project does not include two HVAC replacements at Jefferson Middle School for the Little Theater, which replacements were originally requested by the Schools but were eliminated to reduce the cost of the project prior to City Council approval; and

WHEREAS, one of the two HVAC units have failed and is in need of replacement; and

WHEREAS, due to the work involved, the location of the existing units, and the age of the existing units, the Schools have requested replacement of both units with new rooftop HVAC units at a cost of \$133,084.00; and

WHEREAS, the total cost of the two upgraded chillers and two additional HVAC replacements is \$295,365.00, which will be funded through the Capital Projects Fund; and

WHEREAS, the additional project costs for Jefferson Middle School will need to be included in the Schools' annual reimbursement obligation to the City for the project, which contract was approved by Resolution 9-108-2017; and

WHEREAS, a companion resolution to amend the reimbursement contract will be simultaneously presented to City Council for approval; and

WHEREAS, the City Manager recommends an amendment to the ESG contract to include the two chiller upgrades and two additional HVAC replacements.

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

That the recommendation of the City Manager is approved and City Council hereby authorizes an amendment to the agreement between the City and Energy Systems Group, LLC, (ESG), for an approximate \$8,788,149.00 energy savings project, said amendment in the amount of \$295,365.00 as

follows:

- An upgrade to the replacement chiller at the Civic Center from a Trane Air-Cooled Series unit to an Air-Cooled Stealth and Ultimate Series unit, at an additional cost of \$70,714.00.
- An upgrade to the replacement chiller at Jefferson Middle School from a Trane Air-Cooled Series unit to an Air-Cooled Stealth and Ultimate Series unit, at an additional cost of \$91,567.00.
- The addition of two HVAC (Trane) replacements at Jefferson Middle School for the Little Theater, at a cost of \$133,084.00.

BE IT FURTHER RESOLVED that the changes associated with Jefferson Middle School are authorized to proceed when City Council and the Oak Ridge Board of Education have signed an amendment to the reimbursement contract approved by Resolution 9-108-2017 to set forth the Schools' obligations for repayment for the additional project costs.

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

This the 12th day of March 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
18-05

DATE: March 1, 2018
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: AMENDMENT TO THE CONTRACT WITH THE OAK RIDGE BOARD OF EDUCATION
PERTAINING TO THE SCHOOL'S ANNUAL REIMBURSEMENT AMOUNT FOR THEIR
SHARE OF THE ENERGY PROJECT – ADDITIONAL REIMBURSEMENT DUE TO
CHANGES/ADDITIONS FOR JEFFERSON MIDDLE SCHOOL

Introduction

An item for the agenda is a resolution amending the contract with the Oak Ridge Board of Education pertaining to the School's annual reimbursement amount for their share of the energy project with Energy Systems Group, LLC.

This item is a companion item to the immediately preceding agenda item presented by Public Works Department Memorandum 18-12. In the event the resolution associated with that memorandum is approved, the attached resolution is necessary to account for the reimbursement of those additional items for Jefferson Middle School. In the event the resolution associated with that memorandum is not approved, the attached resolution will no longer need to be considered.

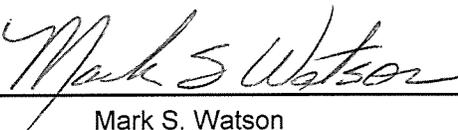
Background

By Resolution 9-108-2017, the City and the Oak Ridge Board of Education (BOE) entered into a contract setting forth the School's annual reimbursement amount for their share of the energy project with Energy Systems Group, LLC. The reimbursement is over fifteen (15) consecutive years with the first payment due on June 1, 2019 in the amount of \$272,228.00.

As outlined in Public Works Department Memorandum 18-12, there are three modifications to the energy project pertaining to Jefferson Middle School. The first is an upgrade to the chiller scheduled for replacement as part of the project, and the other two are replacements of existing HVAC systems for the Little Theater. These additions total \$224,651.00. Inclusion of these additions into the reimbursement contract will result in an additional \$14,977.00 per year, for a new annual reimbursement amount of \$287,205.00.

Recommendation

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments: Resolution 9-108-2017
Contract between the City and the BOE
Resolution

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH THE OAK RIDGE BOARD OF EDUCATION SETTING FORTH THE SCHOOLS' ANNUAL REIMBURSEMENT OBLIGATION TO THE CITY FOR THE ENERGY SAVINGS PROJECT SHOULD THE CITY MOVE FORWARD WITH THE CONTRACT WITH ENERGY SYSTEMS GROUP, LLC, AS AUTHORIZED BY RESOLUTION 8-92-2017.

WHEREAS, by Resolution 8-92-2017, City Council authorized the City Manager to move forward with an estimated \$8,788,149.00 energy savings project for the City and Schools with Energy Systems Group, LLC, (ESG) subject to certain conditions being met; and

WHEREAS, one of those conditions is an agreement between City Council and the Oak Ridge Board of Education setting forth the parties' obligations for repayment of the debt for this project; and

WHEREAS, the Board of Education passed a resolution on August 28, 2017 authorizing the Superintendent of Schools to reimburse the City for a portion of the debt subject to certain conditions; and

WHEREAS, while the City and ESG are still in negotiations about the final form of the contract, it is cost prohibitive for the City to pay for the energy savings guarantee and measurement and verification plan for the full term of the contract (15 years); therefore, it is the City's intent to only pay for the measurement and verification plan for a short duration of the contract (approximately 3 to 5 years) to establish the energy improvements' effectiveness and the resulting energy savings; and

WHEREAS, this is in line with what other cities recommended to Oak Ridge during our research of energy savings projects as it will establish the energy savings without having to continue to pay for the significant cost of the measurement and verification over the life of the contract, and ESG has agreed to allow the City to terminate the measurement and verification portion of the contract without penalty; and

WHEREAS, elimination of the measurement and verification under the contract would negate the payment obligations set forth in the Board of Education's resolution at their sole discretion, therefore, the conditions of said resolution are not agreeable to the City; and

WHEREAS, while the actual energy savings to be realized is an unknown number at this time, ESG has projected an energy savings amount for the Schools' projects using a conservative projection; and

WHEREAS, in order for the City to move forward with this project which is heavily focused on energy improvements for the Schools, the City must have a commitment from the Schools for a determined amount to be able to budget for payment of the debt; and

WHEREAS, it is the City Manager's recommendation that City Council require the Schools to reimburse the City \$272,228.00 annually for a portion of the debt to be incurred should the City move forward with the energy savings project with ESG; and

WHEREAS, this amount is calculated at the base rate in today's dollars and utilizes the savings based upon current budget dollars without adding in capital or the escalator for utilities; and

WHEREAS, this amount will allow the Schools to better budget for the reimbursement as the annual amount will not change over the life of the project.

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

That the recommendation of the City Manager is approved and, should the City move forward with the energy savings project for the City and Schools with Energy Systems Group, LLC, (ESG) the City and the Oak Ridge Board of Education will need to enter into a contract setting forth the Schools' obligation to reimburse the City in the amount of \$272,228.00 annually for fifteen (15) consecutive years.

BE IT FURTHER RESOLVED that reimbursement payments will be due annually at a set date to be determined between the parties by contract.

BE IT FURTHER RESOLVED that, during the time such measurement and verification is in place under the contract, in the event that ESG is required by the contract terms to pay the City for the difference between actual and guaranteed savings, the City will credit the Schools on the following year's reimbursement an amount equal to ESG's payment to the City associated with the energy savings amount for the Schools' projects, if any.

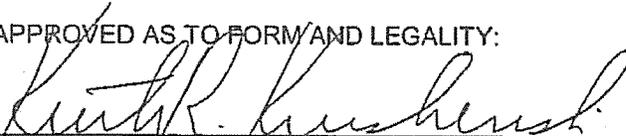
BE IT FURTHER RESOLVED that if the Schools realize maintenance savings under the project, the Schools shall utilize such savings for school related capital projects at its discretion.

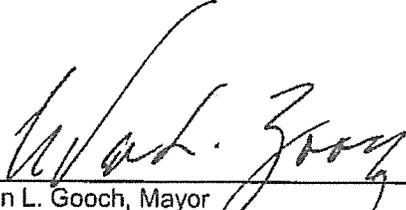
BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

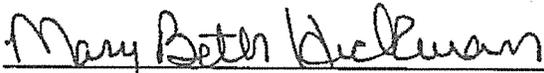
BE IT FURTHER RESOLVED that this resolution shall be forwarded to the Oak Ridge Board of Education to be executed by the Chairman of the Oak Ridge Board of Education which shall indicate the Board's consent to the terms of this resolution and shall authorize the Chairman to execute appropriate legal instruments to accomplish the same.

This the 11th day of September 2017.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


Warren L. Gooch, Mayor


Mary Beth Hickman, City Clerk


W. Keys Fillauer, Board Chairman

RESOLUTION

A RESOLUTION TO AMEND THE CONTRACT BETWEEN THE CITY AND THE OAK RIDGE BOARD OF EDUCATION PERTAINING TO THE SCHOOLS' ANNUAL REIMBURSEMENT OBLIGATION TO THE CITY FOR THE ENERGY SAVINGS PROJECT, SAID AMENDMENT TO ADDRESS THE REIMBURSEMENT FOR ADDITIONAL PROJECT COSTS REQUESTED BY THE SCHOOLS FOR JEFFERSON MIDDLE SCHOOL.

WHEREAS, by Resolution 9-108-2017, City Council authorized the City to enter into a contract with the Oak Ridge Board of Education (BOE) setting forth the Schools' annual reimbursement obligation to the City for the energy savings project should the City move forward with the contract with Energy Systems Group, LLC, (ESG); and

WHEREAS, on September 11, 2017, the City and the BOE entered into a contract which requires the BOE to reimburse the City in the amount of \$272,228.00 annually for fifteen (15) consecutive years should the City entered into an agreement with ESG, with the first payment due on or before June 1, 2019; and

WHEREAS, on October 9, 2017, the City entered into an agreement with ESG pursuant to Resolution 8-92-2017 in the estimated amount of \$8,788,149.00 for an energy savings project for various City and School facilities; and

WHEREAS, on March 12, 2018, by Resolution _____, City Council authorized an amendment to the ESG contract for one upgrade and two additional improvements to Jefferson Middle School at the request of the Schools, in the amount of \$224,651.00; and

WHEREAS, the City and the BOE desire to amend the existing contract to set forth the additional reimbursement obligation for the Jefferson Middle School additions.

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

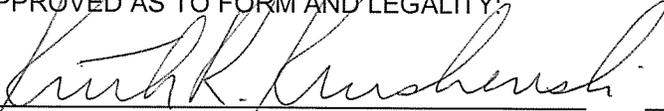
That the contract between the City and the Oak Ridge Board of Education (BOE), as approved by Resolution 9-108-2017, setting forth an annual reimbursement obligation from the BOE to the City in the amount of \$272,228.00 for fifteen (15) consecutive years beginning June 1, 2019 for the energy savings project is hereby amended to increase the annual reimbursement obligation by \$14,977.00 to cover the additional costs of the Jefferson Middle School additions to the project, thus making the annual reimbursement obligation amount to be paid by the BOE to the City \$287,205.00 for fifteen (15) consecutive years beginning June 1, 2019.

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

BE IT FURTHER RESOLVED that this resolution shall be forwarded to the Oak Ridge Board of Education to be executed by the Chairman of the Oak Ridge Board of Education which shall indicate the Board's consent to the terms of this resolution and shall authorize the Chairman to execute appropriate legal instruments to accomplish the same.

This the 12th day of March 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

W. Keys Fillauer, Board Chairman, with approval
as authorized by Resolution of the Oak Ridge
Board of Education dated _____

CITY COUNCIL MEMORANDUM
18-06

DATE: March 6, 2018
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: MEMBERSHIP IN THE NATIONAL JOINT POWERS ALLIANCE – PURCHASING
COOPERATIVE

Introduction

An item for the agenda is a resolution approving an agreement between the City and National Joint Powers Alliance allowing the City to be a participating member in the purchasing cooperative to achieve significant cost savings by leveraging the purchasing power of more than 50,000 member agencies.

Funding

There is no funding associated with this agreement. Membership in the purchasing cooperative is at no cost to participating members.

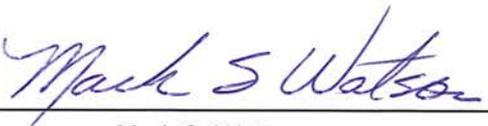
Background

By Tennessee Code Annotated §12-3-1205, local governments are authorized to enter into master agreements with purchasing cooperatives for the procurement of goods, supplies, services, and equipment, with the exception of certain motor vehicles, fuel, and construction, engineering, and architectural services. In 2014, City Council authorized the City to enter into an agreement with U.S. Communities Government Purchasing Alliance pursuant to this statute.

National Joint Powers Alliance is a purchasing cooperative for governments, schools, and non-profit agencies nationwide. Entering into an agreement with National Joint Powers Alliance will allow the City the option, but not the obligation, to purchase goods, supplies, services, and equipment. This will be used as an additional resource for purchasing as authorized by state law. In the event an item is available through the National Joint Powers Alliance and the pricing obtained is not reasonably believed to be the best price, the item will be competitively bid by the City.

Recommendation

Approval of the attached resolution is recommended.



Mark S. Watson

Attachment: Resolution
Participating Membership Agreement

RESOLUTION

A RESOLUTION TO APPROVE A MASTER AGREEMENT WITH NATIONAL JOINT POWERS ALLIANCE TO ALLOW THE CITY TO BE A PARTICIPATING MEMBER IN A PURCHASING COOPERATIVE.

WHEREAS, the National Joint Powers Alliance is a national government purchasing cooperative that achieves significant cost savings by leveraging the purchasing power of more than 50,000 member agencies; and

WHEREAS, local government entities become participating members of the National Joint Powers Alliance by entering into a participating membership agreement (master agreement) and membership is conferred without cost to the participating members; and

WHEREAS, Tennessee Code Annotated §12-3-1205(b) provides that local governments may participate in cooperative purchasing agreements by adopting a resolution accepting the terms of the master agreement; and

WHEREAS, by Resolution 9-89-2014, the City entered into a master agreement with U.S. Communities Government Purchasing Alliance; and

WHEREAS, the City desires to enter into an agreement with National Joint Powers Alliance to have an additional cooperative purchasing option; and

WHEREAS, the City Manager recommends the City enter into the master agreement with the National Joint Powers Alliance.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into the attached Participating Membership Agreement (master agreement) with the National Joint Powers Alliance allowing the City of Oak Ridge, Tennessee, to be a participating member with contract purchasing benefits, in accordance with the terms and conditions of the applicable contract.

BE IT FURTHER RESOLVED that the Mayor may execute the appropriate legal instruments to accomplish the same.

This the 12th day of March 2018.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

**NATIONAL JOINT POWERS ALLIANCE®
PARTICIPATING MEMBERSHIP AGREEMENT**

This Agreement, made effective on the date hereof, by and between National Joint Powers Alliance® (hereinafter referred to as "NJPA") and _____ (hereinafter referred to as the "Participating Member").

Agreement

1. NJPA, a public entity whose creation was authorized by Minn. Stat. § 123A.21, has followed procurement procedures for products and services offered by this Agreement in accordance with Minn. Stat. § 471.345. NJPA is permitted to engage in cooperative purchasing pursuant to Minn. Stat. § 123A.21 Subd. 7(23).
2. It is the sole responsibility of each Participating Member to follow their state and local procurement statutes and rules as it pertains to cooperative purchasing or joint power agreements with in-state or out-of-state public agencies.
3. NJPA makes their cooperative purchasing contracts available to Participating Members "as is," and is under no obligation to revise the terms, conditions, scope, price, and/or any other conditions of the contract for the benefit of the Participating Member. Participating Members are permitted to negotiate and agree to additional terms and conditions with Vendors directly.
4. Each party agrees that it is responsible for its acts and the results thereof, to the extent authorized by law, and will not be responsible for the acts of the other party and the results thereof. The Participating Member will be responsible for all aspects of its purchase, including ordering its goods and/or services, inspecting and accepting the goods and/or services, and paying the Vendor who will have directly billed the Participating Member placing the order.
5. The use of each contract by the Participating Member will adhere to the terms and conditions of the NJPA Contract.
6. Any dispute which may arise between the Participating Member and the Vendor are to be resolved between the Participating Member and the Vendor.
7. This Agreement incorporates all Agreements, covenants and understandings between NJPA and the Participating Member. No prior Agreement or understanding, verbal or otherwise, by the parties or their agents, shall be valid or enforceable unless embodied in this Agreement. This Agreement shall not be altered, changed or amended except by written amendment executed by both parties.

The Parties have executed this Agreement effective the date hereof.

Participating Member Name

National Joint Powers Alliance®

By _____
AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

Its _____
TITLE

TITLE

DATE

DATE

PARTICIPATING MEMBER INFORMATION

Indicate an address to which correspondence may be delivered.

Name* _____

Address* _____

City, State, ZIP code* _____

Employer Identification Number _____

Contact person* _____

Title* _____

E-mail* _____

Phone* _____

Website _____

ORGANIZATION TYPE*

- K-12 (Public or non-profit)
- Government or municipality (Specify: _____)
- Higher education (Public or non-profit)
- Other (Specify: _____)

REFERRED BY

- Advertisement _____
- Current NJPA member _____
- Vendor representative _____
- Trade show _____
- NJPA website _____
- Other _____

Return completed agreement to

National Joint Powers Alliance ®
202 12th Street NE
Staples, MN 56479

Duff Erholtz

Phone 218-894-5490
Fax 218-894-3045
E-mail duff.erholtz@njpacoop.org

**Denotes required information*