

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

March 11, 2019 - 7:00 p.m.

AGENDA

- I. INVOCATION
Pastor Bobby McCoy, Oak Ridge Baptist Church
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS
Public Recognitions
 - a. Recognition of Road Superintendent Gary Long and the Anderson County Highway Department for assisting with the Blankenship Field projectProclamations
 - a. A proclamation designating March 19, 2019 as American Museum of Science and Energy and the Opening of the Gates 70th Anniversary Day
 - b. A proclamation designating March 23, 2019 as Oak Ridge History Museum Day
- V. SPECIAL REPORTS
 - a. Capital Improvements Program Transmittal – Steve Whitson, Chair, Oak Ridge Municipal Planning Commission
- VI. CONSENT AGENDA
 - a. Approval of February 11, 2019 City Council regular meeting minutes
 - b. A RESOLUTION AUTHORIZING AN AMENDMENT TO THE MEMORANDUM OF AGREEMENT AMONG THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER, THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE, PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK, ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE.
 - c. A RESOLUTION GRANTING RENEWAL PERMITS TO PERSONS ENGAGED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY FOR ONE YEAR.
 - d. A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ISSUE CERTIFICATES OF COMPLIANCE FOR PERSONS GRANTED PERMITS TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR TWO YEARS.

- e. A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS DUMP TRUCK (#379) TO ROCKY TOP, TENNESSEE, AT NO COST.
- f. A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS BACKHOE TO THE OAK RIDGE SCHOOLS AT NO COST.

VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

- a. AN ORDINANCE TO AMEND TITLE 8, TITLED "ALCOHOLIC BEVERAGES," CHAPTER 8, TITLED "BEER AND OTHER LIGHT BEVERAGES – PROHIBITIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO DELETE SECTION 8-806, TITLED "CURB SERVICE PROHIBITED." **(No public hearing is required.)**
- b. AN ORDINANCE TO AMEND TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO AMEND SECTION 11-201, TITLED "CUSTOMER'S ABILITY TO BRING ALCOHOLIC BEVERAGES INTO A PLACE OF BUSINESS FOR PERSONAL CONSUMPTION," TO LESSEN THE RESTRICTIONS FOR SUCH ACTIVITY. **(No public hearing is required.)**

VIII. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND SUBAREA F OF THE MASTER PLAN FOR THE PRESERVE AT CLINCH RIVER (FORMERLY RARITY RIDGE); SAID AMENDMENTS DO NOT CHANGE THE ZONING DESIGNATION OF THE DEVELOPMENT WHICH REMAINS TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT. **(Public Hearing is required.)**
- b. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 2, TITLED "BUILDING CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-201, TITLED "BUILDING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-201, TITLED "BUILDING CODE ADOPTED," TO ADOPT THE 2018 EDITION INTERNATIONAL BUILDING CODE; AND TO AMEND SECTION 12-202, TITLED "AMENDMENTS," SUBSECTION (12), TITLED "SECTION 903, AUTOMATIC SPRINKLER SYSTEMS," TO CHANGE THE SQUARE FOOTAGE REQUIREMENTS.
- c. AN ORDINANCE TO AMEND TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 7-101, TITLED "INTERNATIONAL FIRE CODE ADOPTED," AND SUBSTITUTING THEREFOR A NEW SECTION 7-101, TITLED "INTERNATIONAL FIRE CODE ADOPTED," TO ADOPT THE INTERNATIONAL FIRE CODE, 2018 EDITION, AND TO AMEND THE FOLLOWING SECTIONS TO PROVIDE FOR THE NECESSARY AMENDMENTS: SECTION 7-104, TITLED "REVISIONS"; SECTION 7-105, TITLED "REPLACEMENTS"; SECTION 7-107, TITLED "GEOGRAPHIC LIMITS," SUBSECTION (1); SECTION 7-109, TITLED "FIREWORKS – DISCHARGE PROHIBITED WITHOUT PERMIT"; AND SECTION 7-110, TITLED "VIOLATIONS."
- d. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "ELECTRICAL CODE ADOPTED; AMENDMENTS," IN ORDER TO ADOPT THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE AND ANY NECESSARY AMENDMENTS THERETO.

- e. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 13, TITLED "MECHANICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-1301, TITLED "MECHANICAL CODE ADOPTED," AND SUBSTITUTING THEREFOR A NEW SECTION 12-1301, TITLED "MECHANICAL CODE ADOPTED," TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE.
- f. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 7, TITLED "PLUMBING CODE - GENERALLY," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED "PLUMBING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED "PLUMBING CODE ADOPTED," IN ORDER TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE.
- g. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 11, TITLED "RESIDENTIAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-1101, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-1101, TITLED "RESIDENTIAL CODE," TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; AND TO AMEND SECTION 12-1102, TITLED "AMENDMENTS," TO UPDATE THE NECESSARY AMENDMENTS THERETO BY DELETING THE SUBSECTIONS ON TOWNHOUSES AND ILLUMINATION, AND BY CORRECTED THE SECTION REFERENCE PERTAINING TO SEWER DEPTH.

IX. RESOLUTIONS

- a. A RESOLUTION CONSENTING TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE NEGOTIATING AND ACCEPTING PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A CERTAIN PROJECT IN THE CITY OF OAK RIDGE, TENNESSEE AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 7-53-305.
- b. A RESOLUTION AUTHORIZING AN AMENDMENT IN THE AMOUNT OF \$50,000 TO THE PROFESSIONAL SERVICES AGREEMENT (FY2019-078) WITH BURR & FORMAN, LLP, FOR LEGAL SERVICES RELATED TO THE TENNESSEE RIVERKEEPER LAWSUIT.
- c. A RESOLUTION APPROVING AN AGREEMENT WITH THE OAK RIDGE HOUSING AUTHORITY DEVELOPMENT CORPORATION TO ADMINISTER THE CITY'S TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) HOME GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED \$30,000.00.
- d. A RESOLUTION APPROVING A CONTRACT (FY2019-116) WITH CLEAN AIR CONCEPTS, CINCINNATI, OHIO, FOR A DIRECT CAPTURE VEHICLE EXHAUST REMOVAL SYSTEM FOR THE FIRE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$130,000.00.
- e. A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$407,948.24 FROM THE EQUIPMENT REPLACEMENT FUND AND WATERWORKS FUND FOR THE PURCHASE OF SEVEN (7) VEHICLES FOR THE PUBLIC WORKS DEPARTMENT UTILIZING STATE CONTRACT PRICING.

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
AND
PUBLIC RECOGNITIONS

CITY CLERK MEMORANDUM
19-04

DATE: February 21, 2019
TO: Honorable Mayor and Members of City Council
FROM: Mary Beth Hickman, City Clerk
SUBJECT: PROCLAMATIONS FOR THE MARCH 11, 2019 CITY COUNCIL MEETING AGENDA

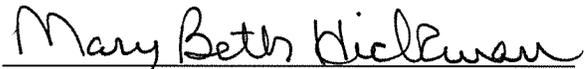
The following proclamations are presented for the March 11, 2019 City Council meeting for the City Council's consideration:

A proclamation designating March 19, 2019 as American Museum of Science and Energy and the Opening of the Gates 70th Anniversary Day

This request was made by Pat Fitchpatrick, Chair of the American Museum of Science and Energy (AMSE) 70th Anniversary Event Committee, to designate March 19, 2019 as American Museum of Science and Energy and the Opening of the Gates 70th Anniversary Day to celebrate the opening of AMSE and the main gates of Oak Ridge. The Committee has requested that a representative from City Council read the proclamation at the Flag and Statue Dedication on Saturday, March 23, 2019 at 10:00 a.m.

A proclamation designating March 23, 2019 as Oak Ridge History Museum Day

This request was made by Katy Jett, Director of Explore Oak Ridge, to designate March 23, 2019 as Oak Ridge History Museum Day to celebrate its Grand Opening on March 23, 2019. It has also been requested that a representative from City Council present the proclamation during the Ribbon Cutting on Saturday, March 23, 2019 at 11:00 a.m.


Mary Beth Hickman

Attachment:

Proclamation designating March 19, 2019 as American Museum of Science and Energy and the Opening of the Gates 70th Anniversary Day
Proclamation designating March 23, 2019 as Oak Ridge History Museum Day

PROCLAMATION

WHEREAS, the American Museum of Atomic Energy, now known as the American Museum of Science and Energy (AMSE), had its beginning on March 19, 1949; and

WHEREAS, the gates on the main roads into the city of Oak Ridge were also opened on March 19, 1949; and

WHEREAS, for seven years, Oak Ridge was a secret city, with the public being allowed to enter the city for the first time on March 19, 1949; and

WHEREAS, checking stations were activated to isolate the three government sites, and remain today as reminders to all of the tremendous achievements of the Manhattan Project; and

WHEREAS, Oak Ridge was at one time the fifth largest city in Tennessee and was not on any map; and

WHEREAS, for seventy years the museum has served faithfully as a singular attraction for Science and Heritage Tourism; and

WHEREAS, its current location is the third building to house this unique museum of authentic artifacts and displays; and

WHEREAS, the American Museum of Science and Energy stands alongside the Secret City Commemorative Walk, the International Friendship Bell, the Children's Museum of Oak Ridge, the Oak Ridge History Museum, the Oak Ridge Room in the Oak Ridge Public Library, the Birth of a City monuments, the Y-12 History Center, the Graphite Reactor, as well as the soon-to-be-completed K-25 History Center, and works in conjunction with the Manhattan Project National Historical Park.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that March 19, 2019 be proclaimed

AMERICAN MUSEUM OF SCIENCE AND ENERGY AND THE OPENING OF THE GATES 70TH ANNIVERSARY DAY

in the city of Oak Ridge, Tennessee, and that all residents be encouraged to honor the proud and rich history of the American Museum of Science and Energy and its contribution to Oak Ridge's tourism potential, as well as the museum staff for their diligence and professionalism.

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 11th day of March in the year 2019.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, the Oak Ridge History Museum, a volunteer operated museum of the Oak Ridge Heritage and Preservation Association, has its Grand Opening on March 23, 2019; and

WHEREAS, the primary purpose of the museum is to focus on the "human side" of the Manhattan Project, telling the story of the history of Oak Ridge and the people's day-to-day lives during World War II; and

WHEREAS, for seven years, Oak Ridge was a Secret City behind guarded gates and thus little known and not well understood, and the Oak Ridge History Museum seeks to educate the public about Oak Ridge; and

WHEREAS, the public was allowed to enter the city for the first time on March 19, 1949, and now regularly seeks to learn about our history through motor coach tours and travelers visiting our museums, taking the Department of Energy Public Bus Tours, and viewing historic structures, such as the Midtown Community Center and the Alexander Guest House, as well as historical displays, monuments, and the Manhattan Project Historical Park; and

WHEREAS, many of the Oak Ridge History Museum exhibits feature historic photographs made by Ed Westcott, famous Manhattan Project photographer in Oak Ridge; and

WHEREAS, the Midtown Community Center is an authentic Manhattan Project-era structure which is well-maintained, fully utilized and houses the historic Wildcat Den; and

WHEREAS, the Oak Ridge History Museum represents a wonderful opportunity for tourists to explore and learn about the rich heritage of Oak Ridge and its many contributions to the field of science; and

WHEREAS, the Oak Ridge History Museum stands alongside the Secret City Commemorative Walk, the International Friendship Bell, the Children's Museum of Oak Ridge, the American Museum of Science and Energy, the Oak Ridge History Museum, the Oak Ridge Room in the Oak Ridge Public Library, the Birth of a City monuments, the Y-12 History Center, the Graphite Reactor, as well as the soon-to-be-completed K-25 History Center, and works in conjunction with the Manhattan Project National Historical Park.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that March 23, 2019 be proclaimed

OAK RIDGE HISTORY MUSEUM DAY

in the city of Oak Ridge, Tennessee, and that all residents be encouraged to honor the proud and rich history of Oak Ridge that is displayed there.

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 11th day of March in the year 2019.

WARREN L. GOOCH, MAYOR

SPECIAL REPORTS

CITY OF OAK RIDGE



OAK RIDGE MUNICIPAL PLANNING COMMISSION

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

February 21, 2019

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

Attention: Mark Watson, City Manager

Dear Members of City Council:

The Oak Ridge Municipal Planning Commission voted on February 21, 2019 to approve and transmit to City Council a Capital Improvements Program (CIP) in accordance with the City Charter. The CIP is submitted for City Council's use in providing guidance to the City Manager in his preparation of the annual budget.

The Commission has carefully considered the capital improvements and maintenance projects of the CIP that were drafted by the staff, with emphasis on the FY 2020 proposals. As has been the case for the past several years, the capital projects recommended have been reviewed and prioritized with an emphasis on fiscal restraint. To some extent this year and to a much greater extent in the future, the Planning Commission will also rely on the City Blueprint plan to shape the CIP and help guide all recommendations.

The Commission acknowledges and appreciates the assistance and cooperation of the staff in the preparation and review of these proposals. The staff has made a conscientious effort to include only the most needed projects, while still proposing key capital investments that move our City forward. The Commission noted the following items for special attention by City Council:

Section III/VII – Board of Education

Replacement of the existing Preschool has been a high priority for years. The Planning Commission has confirmed its importance now that it is underway. Additionally, the Commission has recognized the roof and HVAC replacement schedule as a priority.

Section IV – Electric Department

The Commission has given a high priority to those projects that will help the city maintain a high level of electric service to both new and future customers. The Commission continues to be interested in the possibilities of fiber optic and/or wireless distribution capabilities in the future. This connectivity would enhance the image of Oak Ridge as a progressive technology center which would attract technology savvy residents.

Section V – Fire Department

The Commission continues to endorse funding for direct capture vehicle exhaust systems as a high priority for 2020-2025. These systems address a significant health issue for our firefighters by removing exhaust emissions resulting from truck operation inside the bays.

Section VI – Library

This is the first year the Library has been included in the CIP as its own department. Continued renovation and expansion of the City's library facilities represents an important service for residents.

Section VII – Public Works

A new water treatment facility received the highest ranking from the Commission. Any failure or interruption of water service could have catastrophic results for our residents, federal agencies and the private business community, and has therefore been identified as a high priority.

Section VIII – Recreation and Parks

Two projects that received a high priority ranking for Recreation and Parks are the continued implementation of a city greenway system and improvements to city rowing facilities. As identified throughout the development of the City Blueprint, greenways, trails, and other recreation opportunities are a vital resource for attracting individuals and families to move to Oak Ridge. The Senior Enrichment Center, which is already underway, was also given a high priority.

Respectfully submitted,



H. Stephen Whitson, Chair
Oak Ridge Municipal Planning Commission

CONSENT AGENDA

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

February 11, 2019

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on February 11, 2019 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The invocation was given by Pastor Tim Kimsey with Woodland Park Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by members of Boy Scout Troop 328.

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 Derrick Hammond; Councilmember Charles J. Hope, Jr.; and Councilmember Ellen Smith.

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

Proclamations

A proclamation designating March 1, 2019 as Arbor Day.

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

SPECIAL REPORTS

FY2018 Audit Report – Conor O'Donoghue and Julie Hayes, Coulter & Justus

Councilmember Smith moved to receive the report for the record, and Mayor Pro Tem Chinn seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Presentation and public meeting to provide information concerning the City of Oak Ridge's application for a Drinking Water State Revolving Loan Fund loan to plan and design a new Water Treatment Plant – Ben Simerl, Jacobs Engineering.

Ben Simerl from Jacobs Engineering made a presentation and answered questions from Council. Per state requirements, the presentation was received for the record.

CONSENT AGENDA

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

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, 2019, 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 AMENDING THE CITY'S MULTIMODAL ACCESS GRANT (SIDEWALK IMPROVEMENTS PROJECT) FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION TO REALLOCATE GRANT FUNDS.

Mayor Pro Tem Chinn moved for approval of the Consent Agenda as amended, and Councilmember Smith seconded.

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

Approval of the February 11, 2019 City Council regular meeting minutes

Resolution No. 2-6-2019

A RESOLUTION AMENDING THE BYLAWS FOR THE OAK RIDGE CONVENTION AND VISITORS BUREAU TO CHANGE THE REQUIREMENTS FOR HOTEL/MOTEL MEMBERS.

Resolution No. 12-99-2018

A RESOLUTION TO AUTHORIZE THE CITY TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH ANDERSON COUNTY FOR CONSTRUCTION EQUIPMENT, TRUCKS, AND PERSONNEL TO ASSIST THE CITY WITH REMOVAL OF TOPSOIL AND FILL AS PART OF THE BLANKENSHIP FIELD REVITALIZATION PROJECT.

ITEMS REMOVED FROM CONSENT AGENDA

Resolution No. 2-7-2019

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, 2019, AND TO AUTHORIZE DISTRIBUTION OF THE ELECTRIC FUNDS BETWEEN THE CITY OF OAK RIDGE AND ANDERSON AND ROANE COUNTIES IN ACCORDANCE WITH STATE LAW.

Councilmember Dodson moved for approval of the resolution, and Councilmember Callison seconded. Finance Director Janice McGinnis answered questions from Council.

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

Resolution No. 2-8-2019

A RESOLUTION AMENDING THE CITY'S MULTIMODAL ACCESS GRANT (SIDEWALK IMPROVEMENTS PROJECT) FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION TO REALLOCATE GRANT FUNDS.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Callison seconded. City Engineer Roger Flynn answered questions from Council.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

AN ORDINANCE TO AMEND SUBAREA F OF THE MASTER PLAN FOR THE PRESERVE AT CLINCH RIVER (FORMERLY RARITY RIDGE); SAID AMENDMENTS DO NOT CHANGE THE ZONING DESIGNATION OF THE DEVELOPMENT WHICH REMAINS TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT.

Councilmember Callison moved for approval of the ordinance, and Councilmember Hammond seconded. Community Development Director Wayne Blasius provided an overview of the ordinance and answered questions from Council. Developer Jesse Smith also answered questions from Council regarding the proposed ordinance.

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

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 2, TITLED "BUILDING CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-201, TITLED "BUILDING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-201, TITLED "BUILDING CODE ADOPTED," TO ADOPT THE 2018 EDITION INTERNATIONAL BUILDING CODE; AND TO AMEND SECTION 12-202, TITLED "AMENDMENTS," SUBSECTION (12), TITLED "SECTION 903, AUTOMATIC SPRINKLER SYSTEMS," TO CHANGE THE SQUARE FOOTAGE REQUIREMENTS.

Councilmember Dodson moved for approval of the ordinance, and Councilmember Hammond seconded. Community Development Director Wayne Blasius and Codes Enforcement Manager Arnold Blackwell provided an overview of the ordinance and answered questions from Council.

The ordinance was approved by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch voting "Aye," and Mayor Pro Tem Chinn voting "No."

AN ORDINANCE TO AMEND TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 7-101, TITLED "INTERNATIONAL FIRE CODE ADOPTED," AND SUBSTITUTING THEREFOR A NEW SECTION 7-101, TITLED "INTERNATIONAL FIRE CODE ADOPTED," TO ADOPT THE INTERNATIONAL FIRE CODE, 2018 EDITION, AND TO AMEND THE FOLLOWING SECTIONS TO PROVIDE FOR THE NECESSARY AMENDMENTS: SECTION 7-104, TITLED "REVISIONS"; SECTION 7-105, TITLED "REPLACEMENTS"; SECTION 7-107, TITLED "GEOGRAPHIC LIMITS," SUBSECTION (1); SECTION 7-109, TITLED "FIREWORKS – DISCHARGE PROHIBITED WITHOUT PERMIT"; AND SECTION 7-110, TITLED "VIOLATIONS."

Councilmember Callison moved for approval of the ordinance, and Councilmember Hammond seconded.

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

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "ELECTRICAL CODE ADOPTED; AMENDMENTS," IN ORDER TO ADOPT THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE AND ANY NECESSARY AMENDMENTS THERETO.

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

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

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 13, TITLED "MECHANICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-1301, TITLED "MECHANICAL CODE ADOPTED," AND SUBSTITUTING THEREFOR A NEW SECTION 12-1301, TITLED "MECHANICAL CODE ADOPTED," TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE.

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

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

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 7, TITLED "PLUMBING CODE - GENERALLY," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED "PLUMBING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED "PLUMBING CODE ADOPTED," IN ORDER TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE.

Councilmember Dodson moved for approval of the ordinance, and Councilmember Smith seconded.

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

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 11, TITLED "RESIDENTIAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-1101, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-1101, TITLED "RESIDENTIAL CODE," TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; AND TO AMEND SECTION 12-1102, TITLED "AMENDMENTS," TO UPDATE THE NECESSARY AMENDMENTS THERETO BY DELETING THE SUBSECTIONS ON TOWNHOUSES AND ILLUMINATION, AND BY CORRECTED THE SECTION REFERENCE PERTAINING TO SEWER DEPTH.

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

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

FINAL ADOPTION OF ORDINANCES

Ordinance No. 4-2019

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 AN APPROXIMATE 1.14 ACRE PORTION OF PARCEL 002.00, ANDERSON COUNTY TAX MAP 099N, GROUP B, FROM 0-2, OFFICE DISTRICT, TO UB-2, UNIFIED GENERAL BUSINESS DISTRICT, AND AN APPROXIMATE 10.00 ACRE PORTION OF PARCEL 002.00, ANDERSON COUNTY TAX MAP 099N, GROUP B, FROM 0-2, OFFICE DISTRICT, TO UB-2/PUD, UNIFIED GENERAL BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND APPROVING THE ASSOCIATED PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN; SAID PARCEL BEING LOCATED AT 300 SOUTH TULANE AVENUE AND ALSO REFERRED TO AS LOT 482.

Councilmember Dodson moved for adoption of the ordinance, and Councilmember Callison seconded. City Manager Mark Watson presented an updated map from the developer that addressed a number of concerns previously raised. Developer Daniel Smith also answered questions from Council.

Mayor Pro Tem Chinn announced he would be abstaining from any vote on this ordinance.

Councilmember Smith moved to amend the ordinance to incorporate Alternative #1 as presented by the developer. Councilmember Dodson seconded, and the motion was approved with Councilmembers Callison, Dodson, Hammond, Hope, Smith, and Mayor Gooch voting "Aye," and Mayor Pro Tem Chinn abstaining.

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

Ordinance No. 5-2019

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 A PORTION OF PARCEL 018.00, ANDERSON COUNTY TAX MAP 100J, GROUP A, APPROXIMATELY 0.4 ACRES, FROM RG-1, RESIDENTIAL, OPEN SPACE, AND RESERVED DISTRICT, TO R-1-C, SINGLE FAMILY RESIDENTIAL DISTRICT; SAID PARCEL BEING LOCATED AT 110 HOLLBROOK LANE.

Councilmember Hammond moved for adoption of the ordinance, and Councilmember Smith seconded.

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

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

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

Ordinance No. 6-2019

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 025.00, ANDERSON COUNTY TAX MAP 099P, GROUP C, APPROXIMATELY 44 ACRES, FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, TO R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT; SAID PARCEL BEING LOCATED AT 320 ROBERTSVILLE ROAD.

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

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

RESOLUTIONS

Resolution No. 2-9-2019

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN MAP FOR PARCEL 025.00, ANDERSON COUNTY TAX MAP 099P, GROUP C, LOCATED AT 320 ROBERTSVILLE ROAD, FROM L, LOW DENSITY RESIDENTIAL, TO M, MEDIUM DENSITY RESIDENTIAL.

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

Councilmember Dodson moved to open the required public hearing, and Councilmember Callison seconded. The motion was approved unanimously by voice vote. Seeing no citizen who wished to address Council, Councilmember Smith moved to close the public hearing, and Mayor Pro Tem Chinn seconded. The motion was approved unanimously by voice vote.

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

Resolution No. 2-10-2019

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ROOFCONNECT®, SHERIDAN, ARKANSAS, FOR SERVICES RELATED TO THE ROBERTSVILLE MIDDLE SCHOOL ROOF REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$60,945.00 AND AUTHORIZING THE CITY MANAGER TO SIGN CHANGE ORDERS UP TO \$10,000.00 FOR ADDITIONAL SERVICES, IF NEEDED, WHICH ARISE DURING THE CONSTRUCTION PROJECT.

Councilmember Dodson moved for approval of the resolution, and Councilmember Smith seconded. Public Works Director Shira McWaters answered questions from Council regarding the resolution.

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

Resolution No. 12-11-2019

A RESOLUTION TO AMEND THE CONTRACT (FY2018-016) WITH FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR CONSTRUCTION OF THE STRUCTURE TO SUPPORT THE INTERNATIONAL FRIENDSHIP BELL AND ASSOCIATED SITE WORK; SAID AMENDMENT IN THE AMOUNT OF \$47,621.00.

Councilmember Hammond moved for approval of the resolution, and Councilmember Smith seconded. Recreation and Parks Director Jon Hetrick answered questions from Council regarding the resolution.

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

Resolution No. 2-12-2019

A RESOLUTION TO AUTHORIZE THE CITY TO ENTER INTO A LOCAL AGENCY PROJECT AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$500,000.00 FOR THE OAK RIDGE GATEWAY PROJECT.

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

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

Resolution No. 2-13-2019

A RESOLUTION APPROVING THE RECOMMENDATION OF THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE (IDB) FOR MAINSTREET CAPITAL PARTNERS, LLC, APARTMENT PROJECT AND DELEGATING TO THE IDB AUTHORITY TO ENTER INTO A PAYMENT IN LIEU OF TAX (PILOT) ABATEMENT FOR THE PROJECT.

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

Mayor Pro Tem Chinn announced he would be abstaining on the vote for this resolution.

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

APPEARANCE OF CITIZENS

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Announcements

Councilmember Smith reported on the efforts of the Senior Advisory Board to find a replacement for the taxi coupon program that is losing funding. She stated that the Senior Advisory Board is preparing a grant application for submission to fund a Senior Volunteer Transportation Program, and that the name of My Ridge Oak Ridge has been suggested for the program. City Manager Mark Watson stated the item will be placed on the Budget and Finance Committee agenda for February.

Councilmember Hope announced that the Energy Communities Alliance will be holding a meeting in Oak Ridge the first week of August.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

City Manager Mark Watson stated that there will be a jobs fair coming up in the Scarboro community for the contractor who is working on the Preschool project. Administrative Services Director Bruce Applegate and Matt Reedy with the Recreation and Parks Department will be organizing the event.

The City Manager also reported that Dr. Amy Fitzgerald will be attending the TVA hearings on Bull Run coming up later this week.

CITY ATTORNEY'S REPORT

ADJOURNMENT: 8:45 p.m.

INFORMATION SERVICES MEMORANDUM
19-01

DATE: March 1, 2019

TO: Mark S. Watson
City Manager

FROM: Amy Fitzgerald, Ph.D.
Government Affairs and Information Services Director

SUBJECT: **A RESOLUTION AUTHORIZING AN AMENDMENT TO THE *MEMORANDUM OF AGREEMENT AMONG THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER, THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE, PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK, ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE***

Introduction

An item for the March 11th City Council meeting is the adoption of the attached resolution authorizing an amendment to the subject Memorandum of Agreement (MOA). In addition, the resolution authorizes the Mayor to sign the MOA amendment on behalf of the City as an "Invited Signatory." A copy of the existing MOA, along with the proposed amendment, is attached for your review.

Funding

No funding is associated with this item.

Background

In 1998, the U.S. Department of Energy (DOE) formally designated the K-25 building as one of its Manhattan Project "Signature Facilities," meaning that the facility is significant in interpreting the scale and importance of the Manhattan Project.

The subject MOA formalizes DOE's commitment to commemorate the history of the K-25 complex, and is needed for DOE to comply with Section 106 of the National Historic Preservation Act as the agency proceeds with decontamination, decommissioning, and demolition of the remaining structures at the East Tennessee Technology Park (ETTP). The MOA represents almost two decades of consultation and cooperation among the DOE, the Advisory Council on Historic Preservation, the SHPO, the City of Oak Ridge, and a number of additional stakeholders.

In May 2012, the City Council adopted Resolution 5-36-2012 to support and authorize the Mayor sign the MOA as an "Invited Signatory." The MOA was executed in August 2012. The DOE Oak Ridge Office of Environmental Management (OREM) is responsible for implementation of the MOA.

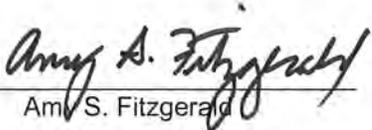
The OREM is requesting an amendment to the MOA to extend the term for an additional five years. While many of the stipulations in the MOA have been completed, additional time is needed to complete major commitments including the construction of the K-25 History Center located on the second floor of Oak Ridge Fire Station #4, the Equipment Building and the Viewing Tower. The Amendment also reflects

Information Services Memorandum 19-01
March 1, 2019
Page Two

the establishment of the Manhattan Project National Historical Park in November 2015, and the resulting partnership with the National Park Service. By supporting the MOA amendment, the City is making the commitment to continue its engagement with the parties in order to help preserve and interpret the history of the Manhattan Project.

Recommendation

Staff recommends adoption of the attached resolution.



Amy S. Fitzgerald

Attachments

City Manager's Comments:

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



Mark S. Watson 3/4/19
Date

RESOLUTION

A RESOLUTION AUTHORIZING TRANSMITTAL OF COMMENTS TO THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE AND AUTHORIZATION TO SIGN THE MEMORANDUM OF AGREEMENT AMONG THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE, THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE NATIONAL PARK SERVICE, THE CITY OF OAK RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE PURSUANT TO 36 CFR PART 800.6(b)(2) REGARDING SITE INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK, ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

WHEREAS, the U.S. Department of Energy, Oak Ridge Office (DOE ORO) is in the process of decontaminating, decommissioning, and demolishing the K-25 Building located at the East Tennessee Technology Park (ETTP), formally known as the K-25 site, located in the City of Oak Ridge; and

WHEREAS, the building and associated appurtenances are eligible for inclusion in the National Register of Historic Places; and

WHEREAS, pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (U.S.C. Part 470f) DOE ORO, the Advisory Council on Historic Preservation (ACHP), and the Tennessee State Historic Preservation Office (SHPO), (hereinafter collectively referred to as "the Signatories") have determined that the demolition of the buildings/structures at the ETTP will have an adverse effect on the historical character of the buildings/structures, as well as on the K-25 Site Main Plant Historic District and the Powerhouse Historic Districts; and

WHEREAS, the City of Oak Ridge supports the preservation of key historical artifacts from the ETTP site, and the interpretation of the significance of these facilities and the gaseous diffusion process at the K-25 site, including the Oak Ridge Fire Station #4, and in the hub of the City Center at locations such as the Oak Ridge Public Library and the American Museum of Science and Energy site, and other locations within the City limits; and

WHEREAS, the City of Oak Ridge also supports the accelerated cleanup of the ETTP in order to reduce risk and to promote reindustrialization of the site for economic diversification; and

WHEREAS, the Tennessee State Historic Preservation Office (SHPO) has developed a questionnaire on the ETTP interpretation and is requesting responses; and

WHEREAS, the DOE ORO has developed a final memorandum of agreement (MOA) among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the National Park Service, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee; and

WHEREAS, the City of Oak Ridge, desires to transmit responses to the SHPO questionnaire; and

WHEREAS, the City desires to participate in the MOA as an "Invited Signatory;" and

WHEREAS, the City Manager recommends that the City (1) transmit the attached document entitled City Of Oak Ridge Responses to the Tennessee State Historic Preservation Office Questionnaire on the DOE-ORO Consultation Concerning the Resolution of Adverse Effects to K-25 to the Tennessee State Historic Preservation Office as the official comments of the City of Oak Ridge; and (2) agree to sign the final Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the National Park Service, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36

the Tennessee State Historic Preservation Office as the official comments of the City of Oak Ridge; and (2) agree to sign the final Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the National Park Service, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee as an Invited Signatory.

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

That the first recommendation of the City Manager is approved and the City shall transmit the attached document entitled *City Of Oak Ridge Responses to the Tennessee State Historic Preservation Office Questionnaire on the DOE-ORO Consultation Concerning the Resolution of Adverse Effects to K-25* to the Tennessee State Historic Preservation Office as the official comments of the City of Oak Ridge

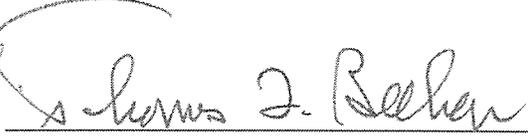
BE IT FURTHER RESOLVED that the second recommendation of the City Manager is approved and the City shall sign the final Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the National Park Service, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee as an Invited Signatory.

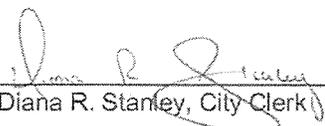
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the appropriate legal documents to accomplish the same.

This the 29th day of May 2012.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


Thomas L. Beehan, Mayor


Diana R. Stanley, City Clerk

**MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE**

WHEREAS the purpose of this Memorandum of Agreement (MOA) is to enable the Department of Energy Oak Ridge Office of Environmental Management (DOE-OREM) to continue and complete its undertaking involving historic properties located at the East Tennessee Technology Park (ETTP), formerly known as the Oak Ridge K-25 Site, in compliance with the National Historic Preservation Act (NHPA), (Pub. L. 89-665, as amended; 16 U.S.C. § 470 *et seq.*), and

WHEREAS, the undertaking consists of decontamination, decommissioning and demolition (hereafter referred to as “D&D” or “Undertaking”) of historic properties in furtherance of DOE-OREM’s overall responsibilities to complete the environmental restoration of the ETTP, and

WHEREAS, Senator Bingaman and Representative Hastings have introduced bills in the U.S. Congress (S.3300; H.R. 5987) with bipartisan, bicameral support to create a new “Manhattan Project National Historical Park” that would specifically include the K-25 site at the ETTP, and

WHEREAS, the proposed Manhattan Project National Historical Park Act contains provisions calling for the Secretary of the Interior to enter into a formal agreement with the Secretary of Energy governing their agency’s respective roles in administering the facilities, land, or interests in land under the administrative jurisdiction of the U.S. Department of Energy (DOE) that is to be included in the Historical Park, including provisions for public access, management, interpretation, and historic preservation, and

WHEREAS the Consulting Parties to this MOA pursuant to 36 CFR § 800.6(c)(3) are DOE-OREM; Department of Energy Federal Preservation Officer (DOE-FPO); Tennessee State Historic Preservation Officer (Tennessee SHPO); Advisory Council on Historic Preservation (ACHP); City of Oak Ridge (COR); East Tennessee Preservation Alliance (ETPA); Atomic Heritage Foundation (AHF); National Trust for Historic Preservation (NTHP); Oak Ridge Heritage and Preservation Association (ORHPA); Oak Ridge Site Specific Advisory Board (ORSSAB); Community Reuse Organization of East Tennessee (CROET); and Department of the Interior, National Park Service (NPS) (each is a “Consulting Party,” collectively “Consulting Parties”), and

WHEREAS, because the DOE-FPO coordinates historic preservation activities for the DOE, and has fully participated in consultations involving ETTP, and has signed both the 2005 MOA and the 2010 Bridge MOA, the DOE-FPO shall sign this MOA as a Signatory, and

WHEREAS the Signatories to this MOA pursuant to 36 CFR § 800.6(c)(1) are the DOE-OREM, DOE-FPO, Tennessee SHPO, and the ACHP (collectively "Signatories"), and

WHEREAS the other Invited Signatories to this MOA pursuant to 36 CFR § 800.6(c)(2) are the COR and the ETPA (collectively "Invited Signatories"), and

WHEREAS, AHF; NTHP; ORHPA; ORSSAB; CROET and NPS have been invited to concur in this MOA (collectively "Concurring Parties"), and

WHEREAS, previously DOE-OREM has executed MOAs for undertakings at ETTP that have mitigated adverse effects to historic properties (both terms as defined in 36 CFR § 800.16) that include the following: 1998 MOA for the K-29, K-31 and K-33 Buildings; 2003 MOA on the K-25 and K-27 Buildings; 2004 MOA on 108 Buildings at the ETTP; 2005 MOA on ETTP Site Interpretation; and the 2010 "Bridge" MOA on ETTP Site Interpretation, and

WHEREAS in 2005 the DOE-OREM, DOE-FPO, the Tennessee SHPO, and the ACHP executed a MOA (hereinafter "2005 MOA") regarding Site Interpretation of the ETTP, and pursuant to the 2005 MOA completed the following mitigative measures: collected and stored over 700 artifacts from throughout ETTP; sponsored a study to evaluate the feasibility of retaining the low chimneys of the S-50 Plant; sponsored over 70 oral history interviews with former K-25 workers and completed transcriptions for over 85 hours of interviews; sponsored two professional documentary videos utilizing the oral history interview and historic photographs; sponsored 12 Oak Ridge history videos designed to be used by public school teachers; sponsored the thorough documentation of the K-25 and K-27 Buildings through the completion of 360° interior IpiX photographs; compiled and stored a complete set of all unclassified architectural and engineering plans and specifications of the K-25 and K-27 Buildings, and

WHEREAS, Stipulations 1, 3, and 6, respectively, of the 2005 MOA called for DOE-OREM to preserve the North End Tower of the K-25 Building, retain the upper 10 feet of the interior walls in the legs of the "U," and salvage and preserve portions of the Roosevelt Cell, and

WHEREAS, by DOE-OREM's letter of June 9, 2009, DOE-OREM notified the Signatory and Consulting Parties (Tennessee SHPO, DOE-FPO, ACHP, COR and ORHPA) to the 2005 MOA of its conclusion that stipulations 1, 3, and 6 of the 2005 MOA could not be achieved due to the significantly deteriorated condition of the K-25 Building and resulting worker safety issues, and the Tennessee SHPO acknowledged this notification by letter of October 26, 2009, and

WHEREAS, in consequence, in 2010, the DOE-OREM, DOE-FPO, the Tennessee SHPO, and the ACHP executed the Bridge MOA regarding Site Interpretation of ETTP, and

WHEREAS, pursuant to the Bridge MOA, DOE-OREM commissioned two feasibility studies to assist in evaluating mitigation alternatives for interpreting the significant historic roles played by the K-25 Building and took the results of and the recommendations made in those studies into account, and

WHEREAS, the results of the studies were presented in two reports entitled *K-25 Historical Preservation Alternatives: Draft Structural Evaluation* by Degenkolb Engineers and *Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee* by Informal Learning Experiences, Inc., and

WHEREAS, DOE-OREM provided the draft feasibility studies to all Consulting Parties to the Bridge MOA for 30 days to review and comment; took Consulting Party comments into account; prepared a Preferred Mitigation Plan; held a meeting of the Consulting Parties on November 17, 2011; took all comments derived from that meeting into account during the preparation of a proposed Final Memorandum of Agreement and proposed Final Mitigation Plan (including attachments consisting of an Execution Plan, cost estimates and proposed implementation schedules), which were released for review and comment on February 1, 2012, and

WHEREAS, the ACHP subsequently requested that the NPS, acting on behalf of the Secretary of the Interior, prepare a report pursuant to Section 213 of the NHPA (Pub. L. 89-665, as amended; 16 U.S.C. §470u.), and

WHEREAS, DOE-OREM obtained the completed Section 213 Report from the NPS on March 31, 2012 and has taken the recommendations of the report into account, and

WHEREAS, after receipt of the Section 213 report from the NPS, DOE-OREM received further comments from the ACHP recommending that DOE-OREM hold an additional consultation meeting to discuss the NPS Section 213 Report, and

WHEREAS, DOE-OREM accepted the recommendation of the ACHP and held a meeting of the Consulting Parties on May 17, 2012; invited the NPS to participate as a Consulting Party; took all comments made at the meeting into account, modified its proposed mitigation measures in response to those comments, and included the revised measures as Stipulations in this MOA, and

WHEREAS, DOE-OREM has not yet finalized the Final Mitigation Plan, which will implement the stipulations in this MOA, but will do so within three months of execution of this MOA, and

WHEREAS, the DOE-OREM enters into this MOA under the authority of Section 646 of the Department of Energy Organization Act (Pub. L. 95-91, as amended; 42 U.S.C. § 7256), and the National Historic Preservation Act (Pub. L. 89-665, as amended; 16 U.S.C. § 470 *et seq.*), and

WHEREAS, this MOA is subject to, and shall be carried out in compliance with, all applicable laws, regulations and other legal requirements.

NOW THEREFORE, in order to satisfy DOE-OREM's responsibilities under Sections 106 and 110 of the NHPA, DOE-OREM, DOE-FPO, Tennessee SHPO, ACHP, COR and ETPA agree

that the Undertaking shall be implemented in accordance with the following stipulations to take into account and mitigate the effect of the Undertaking on historical properties.

STIPULATIONS

DOE-OREM shall ensure that the following stipulations are implemented and shall undertake the following to interpret the significant role of the K-25 site in the Manhattan Project:

1. If, in the future, the K-25 site becomes part of a unit of the National Park System, DOE-OREM shall offer the opportunity to NPS to sign this MOA as an Invited Signatory to ensure that NPS has adequate opportunity to provide input on the implementation of this MOA. Whether or not NPS elects to become an Invited Signatory, DOE-OREM shall consult with the NPS and the Signatories to determine whether any of the stipulations of this MOA should be modified to reflect the inclusion of the K-25 site as part of a unit of the National Park System. If the Signatories agree on modifications, they shall undertake the necessary amendments pursuant to Stipulation 23.
2. No later than three (3) months after execution of this MOA, DOE-OREM shall appoint a K-25 Historic Preservation Coordinator and notify the Signatories of the appointment. The K-25 Historic Preservation Coordinator will be responsible for implementing the Stipulations in this MOA and will have access to the Secretary of the Interior qualified personnel, to the DOE-FPO, and to senior DOE-OREM personnel with decision-making and commitment authority in carrying out the responsibilities of the position. In furtherance of the stipulations of this MOA, within three (3) months after execution of this MOA, the K-25 Historic Preservation Coordinator will produce and attach to the MOA a Mitigation Plan and Execution Plan. The K-25 Historic Preservation Coordinator shall also be responsible for tracking compliance with deadlines related to mitigation stipulations.
3. DOE-OREM shall formally dedicate all of the area located inside the road that currently surrounds the K-25 Building, hereafter referred to as the "K-25 Preservation Footprint," for commemoration and interpretation activities, exclusive of DOE-OREM mission essential facilities and land (e.g., K-1600). DOE-OREM shall make this formal dedication of the K-25 Preservation Footprint coincident with the public opening of the Equipment Building (Stipulation 7), Viewing Tower (Stipulation 8), or the History Center (Stipulation 11), whichever occurs first. Unless related to the historic preservation activities contemplated herein, no future development of the K-25 Preservation Footprint will take place. Easements necessary or appropriate to allow adjacent site reuse will be allowed so long as there is no resulting interference with the K-25 Preservation Footprint viewshed from the Viewing Tower. Any future deed of transfer executed by DOE-OREM for land that includes any and all parts of the K-25 Preservation Footprint will include deed restrictions, running with the land in perpetuity. These restrictions will restrict the K-25 Preservation Footprint's uses to commemoration and interpretation activities. While the road

surrounding the K-25 Preservation Footprint may be used for commemoration and interpretation activities, it may also be used for other purposes as well. As DOE proceeds with transfer decisions for lands adjacent to the K-25 Preservation Footprint, consideration will be given to potential impacts to the K-25 Preservation Footprint viewshed.

4. In consultation with the Tennessee SHPO, ORSSAB, DOE-FPO and ORHPA, DOE-OREM shall evaluate retention of the concrete slab under the K-25 Building as follows: DOE-OREM will retain the slab during D&D of the K-25 building, and, no later than three (3) months after completion of D&D of the K-25 Building including transportation of all building debris and waste from the construction site, DOE-OREM will initiate an investigation to determine the contamination levels on and beneath the slab as well as the short- and long-term costs associated with leaving, covering, or removing the slab. If these investigations, estimated to take one (1) year from initiation, conclude that the slab can be safely and cost effectively left in place and exposed for public access, the slab will be integrated into the comprehensive design solution for the interpretation of the K-25 Preservation Footprint. Regardless of whether or not the slab is left in place for public access, the area occupied by the slab will be delineated by DOE-OREM to illustrate the original dimensions of the K-25 Building.

5. DOE-OREM shall obtain the services of a Professional Site Design Team, with experience interpreting historic sites, to prepare a design solution for the K-25 Preservation Footprint. Procurement of the Professional Site Design Team will be initiated no later than three (3) months after execution of this MOA. Prior to a solicitation to select a Professional Site Design Team, DOE-OREM shall seek input from the Consulting Parties on necessary components of a.-d. below to successfully commemorate and interpret the K-25 site. The input of the Consulting Parties will be shared with the selected Professional Site Design Team. The selected Professional Site Design Team shall, within one (1) year from procurement:
 - a. Recommend an approach for delineating the unique “U” shape of the K-25 gaseous diffusion process building, where practicable using materials salvaged from ETTP that conveys the size, height and magnitude of the former building;
 - b. Design and site a facility (“Equipment Building”) for the display of authentic process gas equipment (Stipulation 7);
 - c. Design and site a viewing tower (“Viewing Tower”) for site observation of the K-25 building footprint (Stipulation 8);
 - d. Design and recommend the placement of the low-profile NPS standard-type Wayside Exhibits (Stipulation 13);
 - e. Work with the COR on preliminary design for the K-25 History Center (Stipulation 11); and

- f. Prepare appropriate Design Documents that reflect these designs and recommendations.

Within one (1) year from procurement, the Professional Site Design Team shall provide to DOE-OREM the information developed from a.-f., which will be shared with the Consulting Parties.

6. DOE-OREM shall carry out the following design review process for review of the Design Documents:
 - a. Design Documents will be developed in accordance with DOE Order 413B, which calls for review by the signatories at the conceptual, preliminary, and final design phases. DOE-OREM will share Design Documents with Consulting Parties after the selected Professional Site Design Team provides those Design Documents to DOE-OREM.
 - b. The Consulting Parties shall provide any written comments to DOE-OREM within ten (10) calendar days of receipt of each Design Document. Each Signatory Party's comments will state whether that Signatory Party believes that the Design Document is in conformance with this MOA and the final Mitigation Plan, and, if not, what steps are necessary to be in conformance. DOE-OREM shall respond to comments in writing within thirty (30) days.
 - c. Failure to Comment. If a Consulting Party does not provide written comments on a Design Document within ten (10) calendar days of receipt, DOE-OREM may assume that the Consulting Party does not have any comments regarding the Design Document, and DOE-OREM may continue the work associated with that Design Document.
 - d. Project Document Review and Comment by the ACHP and SHPO. The ACHP and SHPO may request, at their discretion, any or all Project Documents from DOE-OREM for review and comment purposes. The review and comment would then proceed within a 10 day time frame.
7. DOE-OREM shall construct an Equipment Building ("Equipment Building") at the southern end of the "U" in reasonable proximity to the firehouse located at ETTP. The Equipment Building shall follow the Design Documents and be a representation of a portion of the K-25 building and shall be built to achieve the height of the K-25 Building, with three stories and a basement and recreate a scale representation (representative cross section) of the gaseous diffusion technology contained within the K-25 Building, making the maximum use of available authentic equipment. The location of the Equipment Building will be determined by DOE-OREM in consultation with the NPS, DOE-FPO and Tennessee SHPO. The objective is to display and configure authentic equipment in a manner that is most representative of operational conditions. The Equipment Building will display authentic equipment consisting of two (2) Size 2 cells across a truck aisle

(withdrawal alley), valves, and representative operating floor equipment, fixtures and accessories consistent with Concept B of the Department of Interior Section 213 Report. The Equipment Building will also include space to display and interpret Cold War-era equipment consisting of a 0, 00, and 000 converter and axial compressors with motors, and one 40-ft centrifuge casing, which, to the extent possible, will be declassified and decontaminated to enable display. The Equipment Building will be enclosed and will be of a size sufficient to provide space for ingress, egress, miscellaneous storage, viewing and interpretation of the equipment and its informational materials, and will take into consideration the potential for expansion and the relationship of the structure to the Fire Station, where additional authentic artifacts, oral histories, and other displays will be featured. DOE-OREM shall open the Equipment Building to the public no later than four (4) years after execution of this MOA. If for any reason, DOE-OREM anticipates the schedule for this activity to exceed the duration identified above, DOE-OREM will notify the Signatories of anticipated delays and enter into consultation on revisions to the schedule as set forth by this MOA.

8. DOE-OREM shall design and construct a dedicated Viewing Tower (“Viewing Tower”). The Viewing Tower shall follow the Design Documents and be located in reasonably close proximity to the Equipment Building and History Center. In accordance with Stipulation 5 and Stipulation 6, the Professional Site Design Team shall recommend the best location and orientation of the tower, and recommend a height adequate to provide a view of the size, scale, and proportions of the K-25 Building. DOE-OREM shall open the Viewing Tower to the public within four (4) years of execution of this MOA. If for any reason, DOE-OREM anticipates the schedule for this activity to exceed the duration identified above, DOE-OREM will notify the Signatories of anticipated delays and enter into consultation on revisions to the schedule as set forth in the MOA. DOE-OREM shall obtain the services of a Museum Professional to design and layout all the interior spaces to be used to interpret the Manhattan Project and Cold War history of the K-25 Site.

9. DOE-OREM shall initiate procurement of the Museum Professional within one (1) year of execution of this MOA. The Museum Professional will meet the professional qualifications standards contained in the *National Standards and Best Practices for U.S. Museums*, published by the American Association of Museums. The Museum Professional shall have specific professional qualifications and experience in the interpretation of technological history and artifacts and shall, in consultation with the NPS, DOE-FPO, Tennessee SHPO, and ORHPA:
 - a. Design the exhibits and displays for the Equipment Building (Stipulation 7);
 - b. Design the exhibits and displays for the K-25 History Center (Stipulation 11);

- c. Develop the content of the 12 NPS standard-type Wayside Exhibits (Stipulation 13); and
 - d. Develop the historic information content of the self-guided tour brochure (Stipulation 14).
10. DOE-OREM shall perform an inventory and review of all equipment identified for preservation in prior MOAs for the ETPP site, including the equipment and materials collected to date and those not yet collected. The inventory and review will be conducted by a team that includes a Museum Professional, a historian who meets the *Secretary of the Interior's Historic Preservation Professional Standards*, a photographer, subject matter experts with information about the history and use of particular artifacts, DOE-FPO, an ORHPA representative, and a DOE-OREM representative. Based on the inventory and review, DOE-OREM shall determine the most appropriate and feasible equipment and artifacts to display in the Equipment Building (Stipulation 7) and in the K-25 History Center (Stipulation 11) and possibly elsewhere. DOE-OREM shall provide the completed inventory listing, which will identify the items to be retained, to the Tennessee SHPO, ACHP and COR. Equipment and materials selected for retention by DOE-OREM will be set aside and prepared for display, if needed, according to a schedule that will enable their timely relocation to either the Equipment Building or History Center once the facility is available to receive the items. DOE-OREM may offer equipment and artifacts not selected for retention and/or display to third parties, both Federal and non-Federal, such as the NPS, the Smithsonian, or others for use in their museum collections, consistent with 41 CFR § 109 *et seq.* The American Museum of Science and Energy and the COR are considered third parties for purposes of the excess equipment and artifacts.
11. Within three (3) months following the execution of the MOA, DOE-OREM shall initiate discussions with the COR regarding the K-25 History Center to be located on the second level of the Fire Station at ETPP. Discussions would include, but not be limited to, the lease arrangements, timing on availability of the space, additional space that may be available for expansion, and the coordination of History Center operations with Fire Station activities and responsibilities. The History Center will provide space to exhibit authentic equipment, artifacts, and other media to facilitate access to oral histories, film and video, and access to the K-25 Virtual Museum (Stipulation 12).
12. DOE-OREM shall fund the development and maintenance of a web-based K-25 Virtual Museum. DOE-OREM will initiate procurement for the K-25 Virtual Museum development services no later than six (6) months after execution of this MOA. DOE-OREM shall prepare and distribute to the Signatories, Invited Signatories, and NPS an outline of proposed Virtual Museum features no later than three (3) months after procurement. Signatories and Invited Signatories shall review and comment no later than

one (1) month of receipt, and DOE-OREM shall take those comments into account as it implements the Virtual Museum. DOE-OREM shall provide updates on the progress of the K-25 Virtual Museum development, including details on the hosting and maintenance of the Virtual Museum, in the semi-annual status reports (Stipulation 19) to be prepared by the K-25 Historic Preservation Coordinator (Stipulation 2). DOE-OREM shall offer a preview of the K-25 Virtual Museum to the Consulting Parties for review and comment no later than eighteen (18) months after procurement, and DOE-OREM shall launch the K-25 Virtual Museum no later than six (6) months after the preview, so long as, for both preview and launch, any necessary security, classification and/or cyber-security reviews of the K-25 Virtual Museum materials have been completed. If the K-25 Virtual Museum becomes part of a National Historical Park at some point in the future, DOE-OREM and DOE-FPO shall consult with the NPS as appropriate about the contents of the K-25 Virtual Museum. At a minimum, the K-25 Virtual Museum shall include multi-media opportunities for viewing, learning, and researching aspects of the K-25 site and its Manhattan Project and Cold War history. The K-25 Virtual Museum shall use an interactive map of the site where a viewer can click on a building or area that will open up to a menu of information types. Menu types may include, but not be limited to, photographs (archival and recent), oral histories, drawings and plans, videos, and descriptive materials of the buildings' purposes and functions. Additionally, users will be able to make their own contributions to the archive through a Digital Memory Box (DMB) that will use electronic multimedia to collect, preserve, and present the stories and digital records of former workers and their families. DOE-OREM shall retain the Virtual Museum on the Internet for a period of no less than ten (10) years from the date of execution of this MOA. The DMB shall contribute to the ongoing effort by DOE-OREM to preserve K-25's history by collecting first-hand accounts, on-scene images, and blog postings. Information from the Center for Oak Ridge Oral History (COROH) shall also be available to the Virtual Museum, whose DMB feature shall enable oral history collection efforts to continue after the funding for the COROH has been expended.

13. After consulting with NPS, COR and ORHPA, DOE-OREM shall fund the preparation, design, installation, and maintenance of 12 low-profile NPS standard-type Wayside Exhibits located within both the "K-25 Preservation Footprint" and elsewhere. DOE-OREM will use the Wayside Exhibits in coordination with a self-guided tour brochure (Stipulation 14). Wayside exhibits will be consistent with NPS' *Wayside Exhibit Guide*, October 2009. The K-25 Historic Preservation Coordinator will work with the Museum Professional (Stipulation 9) and DOE-FPO on the written and pictorial content of the exhibits and will coordinate the installation of the Wayside Exhibits with the implementation of the design for the dedicated K-25 Preservation Footprint. DOE-OREM shall complete the installation of all of the Wayside Exhibits no later than one (1) year after the opening of the History Center. As part of the design process for the wayside exhibits, DOE-OREM shall decide whether the bricks from the S-50 Boiler House Chimneys may also be used to facilitate historic interpretation in displays, markers, or for other applications, where appropriate. DOE-OREM shall fund the maintenance of the Wayside Exhibits for a period of no less than ten (10) years from the date of execution of this MOA.

14. DOE-OREM shall, no later than one (1) year after the opening of the History Center, prepare and publish 1000 copies of a self-guided tour brochure for ETTP and its immediate surroundings. DOE-OREM shall develop the brochure, which will supplement the Wayside Exhibits described in Stipulation 13, in consultation with the Consulting Parties and will include a map of the site area, photographs of the site over time, a map of the wayside exhibit locations, and other points of interest, such as the site of the K-25 Preservation Footprint, History Center, Viewing Tower, and the Equipment Building.

15. DOE-OREM intends to provide a grant upon execution of this MOA to ETPA or its fiscal agent, Knox Heritage, Inc., for purchase and stabilization of the Alexander Inn (also known as the Guest House), as partial mitigation for the adverse effects of the D&D of the K-25 Building at the ETTP site. The purpose of the grant is to support the preservation of the Alexander Inn and to transition the Alexander Inn to a private developer for economic benefit to the community, and to offset the loss of historic properties at ETTP by preserving similarly situated historic properties in Oak Ridge. The DOE-OREM intends to provide \$350,000 for purchase of the property, and an additional \$150,000 for building stabilization activity. The terms of the grant shall include, among other things, that within 180 days of receipt of the grant, ETPA will finalize the purchase or other acquisition of the Alexander Inn by ETPA, Knox Heritage or by a private owner. The grant funds may be used to acquire the Alexander Inn, including payment of any closing costs related thereto, or for acquisition and foreclosure of the first mortgage on the property.

16. ETPA shall ensure that The Secretary of the *Interior Standards for Rehabilitation of Historic Buildings* will be followed for the rehabilitation. ETPA shall submit all rehabilitation plans to the Tennessee SHPO and NPS, and Tennessee SHPO and NPS shall have thirty (30) days to review and comment to ensure the Secretary's Standards are met. The COR agrees to work with ETPA and the private owner in developing an acceptable schedule, not to exceed one (1) year from date of purchase, for bringing the Alexander Inn into compliance with all city ordinances. In the event the ETPA is unable to finalize the purchase and sale of the Alexander Inn in the agreed upon amount of time or any extended period approved by DOE-OREM, DOE-OREM shall terminate the grant and all monies refunded in full to DOE-OREM (less any funds paid for allowable costs incurred under the grant). The sale of the Alexander inn to private ownership or end user shall include or require a historic preservation easement for the external facade of the building to protect the historic and cultural values of the building. The historic preservation easement shall run with the land in perpetuity.

17. DOE-OREM shall work with the NPS to prepare Level I Historic American Engineering Record (HAER) Documentation including a written description and history, large-format photographs, historical photographs and measured drawings developed to meet the requirements of the *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation* for the entire K-25 Building (including what has already been demolished), the K-1037 Building and K-1028-54 (Portal 4). For parts of the K-25 Building that have already been demolished, large-format photographs of foundations and other archaeological remains, and copies of construction drawings and other existing documents, in addition to a historical report, may be substituted as Level II documentation, with the agreement of the HAER representative. Coordination with the NPS on the documentation for the K-25 Building will begin and fieldwork for the documentation of K-25 will be completed prior to any additional demolition of the North Tower. Coordination on the K-1037 and K-1028-54 (Portal 4) will begin no later than eighteen (18) months after execution of this MOA but prior to the demolition of the buildings. Alternate methods of information gathering, such as compilation of existing construction and maintenance drawings, historical documents including technical specifications and engineering studies, and historic photos, may be employed in consideration of physical, radiological and/or biological hazards, or classification concerns that may exist within the remaining portions of the K-25 and K-1037 buildings.
18. DOE-OREM shall furnish a reference list of its available unclassified documents on the K-25 Building activities post-World War II to the Consulting Parties and shall research its inventory of classified documents for potential future declassification. However, DOE-OREM does not guarantee to Consulting Parties or anyone else that it will declassify any documents. DOE-OREM shall provide the reference list no later than one (1) year after execution of the MOA. After consultation with representatives of HAER on the reference list of unclassified post-World War II K-25 documents, DOE-OREM shall provide electronic copies of mutually agreed-upon, unclassified documents to HAER.
19. Monitoring Progress: Twice each year, beginning six (6) months after execution of this MOA and every six (6) months thereafter until all stipulations have been completed, the K-25 Historic Preservation Coordinator shall prepare a progress report for the Consulting Parties. DOE-OREM shall make copies of the progress report available to the public. The progress report will summarize all work accomplished during the reporting period and identify concerns with future efforts. At the completion of all stipulations, the K-25 Historic Preservation Coordinator shall submit a final report to all Signatories and Invited Signatories.
20. Consultation with experts: DOE-OREM shall obtain the assistance of the ORHPA, COR and the COR Historian, to help ensure that implementation of the MOA is technically and

historically accurate. ORHPA and the COR Historian have unique and demonstrated knowledge of K-25 Site. Upon request by DOE-OREM, ORHPA shall provide support during the design/build process on activities such as:

- a. Reviewing and commenting on the design, equipment layout, exhibits, and interpretation proposed for the Equipment Building and the K-25 History Center;
 - b. Providing information to the K-25 History Center Museum Professional on the selection, display, and interpretation of diffusion equipment, artifacts, timelines, models, photos and other items for presentation.
 - c. Collaborating in developing wayside markers the self-guided tour brochure and similar interpretive measures; and
 - d. Providing other support as requested by DOE-OREM.
21. Funding: The K-25 Historic Preservation Coordinator shall develop scopes of work and estimated costs for the mitigation stipulations set out in this MOA. The K-25 Historic Preservation Coordinator shall share information on budget development activity consistent with DOE policy for involvement of the public in budget development. After Presidential Budgets are submitted to Congress, information in these budgets relevant to implementation of this MOA shall be provided to the Signatories. DOE-OREM shall recognize the stipulations identified in the MOA as measures necessary to comply with the National Historic Preservation Act.
22. Anti-Deficiency Act: The DOE-OREM's responsibilities under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. The DOE-OREM will make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the DOE-OREM's ability to implement the stipulations of this MOA, the DOE-OREM will consult in accordance with the amendment and terminations procedures found in this MOA.
23. Periodic Inspection: DOE-OREM shall permit periodic inspections of the progress of the interpretation of K-25 by representatives of the Signatories and Invited Signatories. Those representatives who desire to participate in these inspections shall request them through the K-25 Historic Preservation Coordinator and allow sufficient time for the Coordinator to make appropriate arrangements, which shall be complete no later than one (1) month after receiving the request. Failure of these representatives to provide any necessary security documentation requested by the K-25 Historic Preservation Coordinator will have the effect of negating the inspection request.

24. Amendments: Any Signatory to this MOA may propose to the other Signatories that it be amended, whereupon the Signatories will consult in accordance with 36 *CFR* Part 800.6(c)(7) to consider such amendments. This MOA may be modified by mutually acceptable written amendment, duly executed by authorized officials.

25. Dispute Resolution: Should any Signatory or Invited Signatory to this MOA object to any action carried out or proposed by DOE-OREM with respect to its implementation, that Signatory shall communicate their objection to the DOE-OREM K-25 Historic Preservation Coordinator, and DOE-OREM shall consult with the Signatory party to resolve the objection. If, after such consultation DOE-OREM determines that the objection cannot be resolved, DOE-OREM shall forward documentation relevant to the objection to the ACHP, including the DOE-OREM proposed response to the objection. Within forty-five (45) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
 - a. Advise DOE-OREM that the ACHP concurs in DOE-OREM's proposed final decision, whereupon DOE-OREM shall respond accordingly;
 - b. Provide DOE-OREM with recommendations, which DOE-OREM shall take into account in reaching a final decision regarding its response to the objection; or
 - c. Notify DOE-OREM that the objection will be referred to the ACHP's membership for formal comment and proceed to refer the objection and comment within forty-five (45) days. The resulting comment shall be taken into account by DOE-OREM in accordance with 36 *CFR* § 800.7(c)(4).

Should the ACHP not exercise one of the above options no later than forty-five (45) days after receipt of all pertinent documentation, DOE-OREM may assume the ACHP's concurrence in its proposed response to the objections. DOE-OREM shall take into account any ACHP recommendation or comment provided in accordance with this Stipulation with reference only to the subject of the objection; DOE-OREM shall continue to carry out all actions under this MOA that are not the subject of the objections. To the extent that this MOA contains a schedule commitment(s) that is the subject of the objection(s), the commitment(s) will be delayed by the period of time taken to resolve the dispute under this clause.

26. Termination of this MOA:
 - a. If DOE-OREM determines that it cannot implement the terms of this MOA, or any of the other Signatory Parties determines the MOA is not being properly

implemented, DOE-OREM or the objecting party may propose to the other parties to this MOA that it be terminated.

- b. The party proposing to terminate this MOA shall notify all Consulting Parties to this MOA explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination.
- c. Should such consultation fail and the MOA be terminated, DOE-OREM shall either consult in accordance with 36 CFR § 800.6(a) to develop a new MOA or request the comments of the ACHP pursuant to 36 CFR § 800.7(c).

27. Termination by date: If for any reason and at any time, DOE-OREM anticipates the schedule for completing the Stipulations set forth in this MOA will exceed the duration of five (5) years, DOE-OREM will notify the Signatories and Invited Signatories in writing, at that time the MOA may be amended with agreement from the Signatories and Invited Signatories.

If DOE-OREM has not successfully concluded all Stipulations of this MOA and no amendments have been agreed upon by the Signatory Parties no later than seven (7) years after execution of the MOA, the MOA shall be terminated. DOE-OREM shall then comply with procedures in 36 CFR §§ 800.3 - 800.7 with regard to mitigation of the effects of the Undertaking.

Execution of this MOA and implementation of its terms demonstrate that DOE-OREM has taken into account the effects of the Undertaking at the K-25 Site, and afforded the Consulting Parties a reasonable opportunity to comment on the measures proposed to address the adverse effects resulting from the Undertaking at ETTP. The stipulations in this MOA identify the full extent of the mitigative measures DOE-OREM will take to interpret the ETTP. This MOA constitutes the entire agreement between the Signatories, Invited Signatories and Concurring Parties and supersedes previous MOAs and/or other understandings relative to this matter. This MOA is effective once all of the Signatories and Invited Signatories have signed the MOA. This MOA is limited to the instant Undertaking and is entered into solely for that purpose. This MOA in no way restricts any Consulting Party from participating in any activity with other public or private agencies, organizations, or individuals. This final MOA does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not a party to this final MOA against the Signatory Parties, their officers, or employees or any person not a Signatory or Party to this final MOA. This final MOA shall not be interpreted as limited, superseding, or otherwise affecting DOE-OREM's normal operations or decisions in carrying out its statutory or regulatory duties.

MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

SIGNATORY:

DEPARTMENT OF ENERGY, OAK RIDGE OFFICE OF ENVIRONMENTAL
MANAGEMENT

By: *A. M. Curry* Date: August 6, 2012
Agency Official for Purposes of Section 106
Deputy Manager, Oak Ridge Office of Environmental Management

MEMORANDUM OF AGREEMENT
AMONG
THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE OF ENVIRONMENTAL
MANAGEMENT, DEPARTMENT OF ENERGY, FEDERAL PRESERVATION
OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
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TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

DEPARTMENT OF ENERGY, FEDERAL PRESERVATION OFFICER

By: James R. Felt Date: 7/24/12
Federal Preservation Officer

U.S. DEPARTMENT OF ENERGY

TENNESSEE

Date

MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
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THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

SIGNATORY:

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

By: E. Patrick McIntyre, Jr. Date: August 7, 2012
State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
AMONG
THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE OF ENVIRONMENTAL
MANAGEMENT, DEPARTMENT OF ENERGY, FEDERAL PRESERVATION
OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF THE EAST
TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fudge
Executive Director

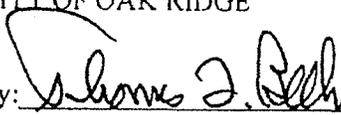
Date:

8/3/12

MEMORANDUM OF AGREEMENT AMONG
THE U.S. DEPARTMENT OF ENERGY,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE
PURSUANT TO 36 *CFR* PART 800.6(b)(2) REGARDING SITE INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

INVITED SIGNATORY:

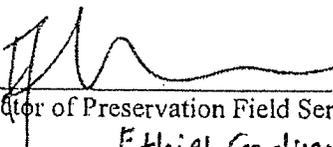
CITY OF OAK RIDGE

By:  Date: 6/22/12
Mayor

MEMORANDUM OF AGREEMENT AMONG
THE U.S. DEPARTMENT OF ENERGY,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE
PURSUANT TO 36 CFR PART 800.6(b)(2) REGARDING SITE INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

INVITED SIGNATORY:

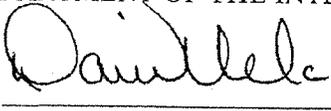
EAST TENNESSEE PRESERVATION ALLIANCE

By:  Date: June 22, 2012
Director of Preservation Field Services
Ethiel Garlington

MEMORANDUM OF AGREEMENT
AMONG
THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE OF ENVIRONMENTAL
MANAGEMENT, DEPARTMENT OF ENERGY, FEDERAL PRESERVATION
OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF THE EAST
TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

CONCURRING PARTY:

DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE

By:  Date: August 1, 2012

MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
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THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

CONCURRING PARTY:

ATOMIC HERITAGE FOUNDATION

By: *Agnostic Kelly* Date: *Aug 8, 2012*

MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
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THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

CONCURRING PARTY:

NATIONAL TRUST FOR HISTORIC PRESERVATION

By: *David J. Brown* Date: *10/1/10*

David J. Brown

Executive Vice President and Chief Preservation Officer

MEMORANDUM OF AGREEMENT AMONG
THE U.S. DEPARTMENT OF ENERGY,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE
PURSUANT TO 36 CFR PART 800.6(b)(2) REGARDING SITE INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

CONCURRING PARTY:

OAK RIDGE HERITAGE AND PRESERVATION ASSOCIATION

By: David R. Bradshaw Date: July 10, 2012
President

MEMORANDUM OF AGREEMENT AMONG
THE U.S. DEPARTMENT OF ENERGY,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE
PURSUANT TO 36 CFR PART 800.6(b)(2) REGARDING SITE INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

CONCURRING PARTY:

OAK RIDGE SITE-SPECIFIC ADVISORY BOARD

By: Maggie Owen Date: 7-11-12

MEMORANDUM OF AGREEMENT AMONG
THE U.S. DEPARTMENT OF ENERGY,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE
PURSUANT TO 36 CFR PART 800.6(b)(2) REGARDING SITE INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

CONCURRING PARTY:

COMMUNITY REUSE ORGANIZATION OF EAST TENNESSEE

By:



Date:

04/13/2012

RESOLUTION

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE MEMORANDUM OF AGREEMENT AMONG THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER, THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE, PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK, ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE.

WHEREAS, the U.S. Department of Energy's (DOE) Oak Ridge Office of Environmental Management (OREM) is in the process of completing the decontamination, decommissioning, and demolition of remaining historic structures located at the East Tennessee Technology Park (ETTP), formally known as the K-25 site, located in the City of Oak Ridge; and

WHEREAS, pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (U.S.C. Part 470f) DOE OREM, the Advisory Council on Historic Preservation (ACHP), and the Tennessee State Historic Preservation Office (SHPO), (hereinafter collectively referred to as "the Signatories") have determined that the demolition of the buildings/structures at the ETTP will have an adverse effect on the historical character of the buildings/structures, as well as on the K-25 Site Main Plant Historic District and the Powerhouse Historic Districts; and

WHEREAS, the City of Oak Ridge supports the preservation of key historical artifacts from the ETTP site, and the interpretation of the significance of these facilities and the gaseous diffusion process at the a K-25 History Center to be located at Oak Ridge Fire Station #4, and in the hub of the City Center at locations including the Oak Ridge Public Library, the American Museum of Science and Energy, the Children's Museum of Oak Ridge, and other locations within the City limits; and

WHEREAS, the City of Oak Ridge also supports the accelerated cleanup of the ETTP in order to reduce risk and to promote reindustrialization of the site for economic diversification; and

WHEREAS, the DOE ORO executed a memorandum of agreement (MOA) in August 2012 entitled *Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office of Environmental Management, the Department of Energy Federal Preservation Officer, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) For Decommissioning and Demolition of the K-25 Site and Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee*; and

WHEREAS, the MOA describes the measures DOE has, and will continue to undertake, in order to mitigate the adverse impacts associated with the demolition of buildings and other structures at ETTP; and

WHEREAS, City Council Resolution Number 5-36-2012 authorized the City to participate in the MOA as an "Invited Signatory;" and

WHEREAS, the DOE OREM is requesting an amendment to the MOA in order to (1) extend the term by five years; (2) reflect the establishment of the Manhattan Project National Historical Park in November 2015; and (3) to make and other minor modifications; and

WHEREAS, the City Manager recommends the City sign the amendment to the MOA as an "Invited Signatory."

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 shall sign the attached document entitled *Amendment to Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Office of Environmental Management, the Department of Energy Federal Preservation Officer, the Tennessee State Historic Preservation Office, the Advisory Council on Historic Preservation, the City of Oak Ridge, Tennessee, and the East Tennessee Preservation Alliance Pursuant to 36 CFR Part 800.6(b)(2) For Decommissioning and Demolition of the K-25 Site and Interpretation of the East Tennessee Technology Park, on the Oak Ridge Reservation, Roane County, Tennessee* as an Invited Signatory.

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

This the 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

WHEREAS, the above identified Memorandum of Agreement (Agreement) was executed in August 2012;

WHEREAS, many of the stipulations in the Agreement have been completed, including stipulations 2, 5, 6, 9, 12, 15, 16 and 18, as documented in the semiannual progress reports issued to the Consulting Parties pursuant to stipulation 19;

WHEREAS, delays with the Export Controlled Information (ECI) review process, additional time afforded for Consulting Party reviews, and funding uncertainties, as documented in the semiannual progress reports, have extended the schedule for completing several of the stipulations set forth in the Agreement beyond the five-year duration identified in stipulation 27;

WHEREAS, stipulation 27 of the Agreement provides for termination of the Agreement if all of the stipulations have not been successfully concluded and no amendments have been agreed upon within 7 years after the execution of the Agreement;

WHEREAS, the Manhattan Project National Historical Park (Park) was established on November 10, 2015, and specifically includes a portion of the K-25 Site;

WHEREAS, the U.S. Department of Energy (DOE) and the U.S. Department of the Interior (DOI) have entered into a memorandum of agreement which defines roles and responsibilities related to the Park including the leadership role of the DOI's National Park Service (NPS) in the interpretation of the properties within the Park boundary;

WHEREAS, the purpose of this Amendment, consistent with Section 800.6(c)(7) of Part 36 of the Code of Federal Regulations, is to: 1) recognize the completed stipulations under the Agreement; 2) provide additional time (up to an additional 5 years from the execution of this Amendment) to complete the remaining stipulations in the Agreement; 3) reflect the establishment of the Park; and 4) to offer the NPS the opportunity to sign this Amendment as an Invited Signatory;

NOW, THEREFORE, in accordance with Stipulation 24 of the Agreement, the DOE Oak Ridge Office of Environmental Management (DOE-OREM), the DOE Federal Preservation Officer (DOE-FPO), the Tennessee State Historic Preservation Officer, the Advisory Council on Historic Preservation, the City of Oak Ridge (COR), the East Tennessee Preservation Alliance, and the NPS Park Superintendent agree to amend the Agreement as follows:

1. Amend Stipulation 1 so it reads as follows:

The Park, authorized by statute in December 2014 as codified in Subsection 3039 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year (FY) 2015, specifically includes a portion of the K-25 Site. DOE-OREM subsequently offered the NPS the opportunity to sign the Agreement as an Invited Signatory. In April 2015, the NPS informed DOE-OREM that it preferred to remain a Concurring Party to the Agreement. However, in July 2018, the NPS requested a change in its role from Concurring Party to Invited Signatory. Other Stipulations in this MOA have been amended to reflect NPS as an Invited Signatory and the addition of the K-25 Building Site as part of the Park.

2. Amend Stipulation 3 so it reads as follows:

DOE-OREM shall formally dedicate all of the area located inside the road that currently surrounds the K-25 Building, hereafter referred to as the "K-25 Preservation Footprint", which will include the area within the Park boundary at the K-25 site, for commemoration and interpretation activities. DOE-OREM shall make this formal dedication of the K-25 Preservation Footprint coincident with the completion of all DOE mission-essential activities within and/or below the K-25 Preservation Footprint. Unless related to the historic preservation activities contemplated herein, no future development of the K-25 Preservation Footprint will take place. Easements necessary or appropriate to allow adjacent site reuse will be allowed so long as there is no resulting interference with the K-25 Preservation Footprint viewshed from the Viewing Tower. Any future deed of transfer executed by DOE for land that includes any and all parts of the K-25 Preservation Footprint will include deed restrictions, running with the land in perpetuity, that restrict the K-25 Preservation Footprint's uses to commemoration and interpretation activities, consistent with Park requirements. While the road surrounding the K-25 Preservation Footprint may be used for commemoration and interpretation activities, it may also be used for other purposes. As DOE proceeds with transfer decisions for lands adjacent to the K-25 Preservation Footprint, consideration will be given to potential impacts to the K-25 Preservation Footprint viewshed, consistent with Park requirements.

3. Amend Stipulation 7 so it reads as follows:

DOE-OREM shall construct an Equipment Building ("Equipment Building") to be opened to the public no later than five (5) years from the execution of this Amendment. The Equipment Building shall be constructed consistent with the completed Design Documents referenced in Stipulations 5 and 6.

4. Amend Stipulation 8 so it reads as follows:

DOE-OREM shall construct a Viewing Tower ("Viewing Tower") to be opened to the public no later than five (5) years from the execution of this Amendment. The Viewing Tower shall be constructed consistent with the completed Design Documents referenced in Stipulations 5 and 6.

5. Amend Stipulation 13 so it reads as follows:

After consulting with NPS, COR and ORHPA, DOE-OREM shall fund the preparation, design, installation, and maintenance of 12 low-profile NPS standard-type Wayside Exhibits. Wayside exhibits will be consistent with NPS' Wayside Exhibit Guide, October 2009, and NPS shall have ultimate approval on interpretation of Park-related content. DOE-OREM shall complete installation of at least three Wayside Exhibits no later than the opening of the Equipment Building and Viewing Tower. DOE-OREM shall complete installation of the remaining Wayside Exhibits no later than the dedication of the K-25 Preservation Footprint. As part of the Final Design for the History Center, reviewed by the Consulting Parties pursuant to stipulation 6, several S-50 Boiler House Chimneys bricks will be used to facilitate historic interpretation of the S-50 Powerhouse area. DOE-OREM shall fund the maintenance of the Wayside Exhibits for a period of no less than ten (10) years from the date of execution of this Amendment.

6. Amend Stipulation 14 so it reads as follows:

DOE-OREM shall, no later than one (1) year after the opening of the History Center, prepare and publish 1000 copies of a self-guided tour brochure for ETTP and its surroundings. DOE-OREM shall develop the brochure, which will supplement the Wayside Exhibits described in Stipulation 13, in consultation with the Consulting Parties and will include a map of the site area, photographs of the site over time, and other points of interest available to the public at the time of publication.

7. Amend Stipulation 27 so it reads as follows:

Termination by date: If for any reason and at any time, DOE-OREM anticipates the schedule for completing the Stipulations set forth in this Agreement will exceed the duration of five (5) years from the execution of this Amendment, DOE-OREM will notify the Signatories and Invited Signatories in writing, at that time the MOA may be amended with agreement from the Signatories and Invited Signatories. The Parties agree that at least one extension of a term not to exceed five (5) years shall be presumptively considered acceptable, but that any further extension beyond five (5) years shall require consultation of the Signatory and Invited Signatory parties to confer and agree upon an extension.

If DOE-OREM has not completed all Stipulations of this MOA, and no amendments have been agreed upon by the Signatory Parties, no later than five (5) years after execution of this Amendment, the Agreement shall be terminated. DOE-OREM shall then comply with procedures in 36 CFR §§ 800.3 - 800.7 with regard to mitigation of the adverse effects of the Undertaking.

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

SIGNATORY:

DEPARTMENT OF ENERGY

Manager, Oak Ridge Office of Environmental Management
(Agency Official for the Purposes of Section 106 of the
National Historic Preservation Act)

Date

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
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THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

SIGNATORY:

DEPARTMENT OF ENERGY

Federal Preservation Officer

Date

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
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THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Executive Director

Date

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

SIGNATORY:

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

Tennessee State Historic Preservation Officer

Date

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

INVITED SIGNATORY:

CITY OF OAK RIDGE

Mayor

Date

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
DEMOLITION OF THE K-25 SITE AND INTERPRETATION OF
THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

INVITED SIGNATORY:

EAST TENNESSEE PRESERVATION ALLIANCE

Director of Preservation Field Services

Date

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT,
DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CITY OF OAK
RIDGE, TENNESSEE, AND THE EAST TENNESSEE PRESERVATION ALLIANCE,
PURSUANT TO 36 CFR PART 800.6(b)(2) FOR DECOMMISSIONING AND
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THE EAST TENNESSEE TECHNOLOGY PARK,
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

INVITED SIGNATORY:

DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE

Superintendent, Manhattan Project National Historical Park

Date

LEGAL MEMORANDUM
19-04

DATE: February 22, 2019
TO: Honorable Mayor and Members of City Council
FROM: Kenneth K. Krushenski, City Attorney
SUBJECT: RETAIL PACKAGE STORE RENEWAL APPLICATIONS

Introduction

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

Background:

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

Store Number

- | | |
|-----|---|
| 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. |

Recommendation

Approval of the attached resolutions is recommended.



Kenneth R. Krushenski

Attachments

RESOLUTION

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

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

WHEREAS, said permits will expire on March 31, 2019, 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 2019-2020, 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.

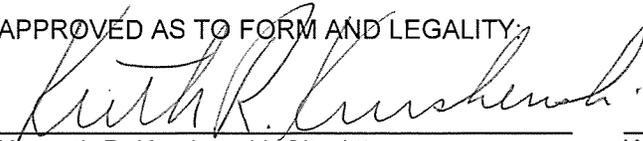
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

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 2019-2020, 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 Bhevish M. Patel	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue

This the 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

RESOLUTION

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

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

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

WHEREAS, City Council has granted the necessary permits to said applicants for the retail sale of alcoholic beverages for one year beginning April 1, 2019, thereby signifying full compliance with the ordinances of the City of Oak Ridge, and

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

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

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

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

This the 11th day of March 20019.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
19-08

DATE: February 28, 2019
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: TRANSFER OF SURPLUS DUMP TRUCK TO THE CITY OF ROCKY TOP

Introduction

An item for City Council's consideration is a resolution approving the transfer a surplus dump truck (No. 379) to the City of Rocky Top, Tennessee.

Funding

The transfer will have no costs to the City of Oak Ridge.

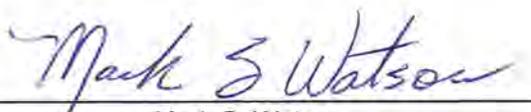
Background

The City Manager's Office has received a request from the City of Rocky Top for the use and transfer of a surplus dump truck (No. 379) scheduled for disposal by Oak Ridge. Rocky Top leaders have visited the City of Oak Ridge to look at the unit, which is a 1992 Chevrolet Kodiak, 2 ½-ton dump truck. It has 63,552 miles on it and is in poor condition.

The City of Rocky Top believes it can restore the vehicle for a few year's use until they can purchase their own unit. This will be of great assistance to them and, much like our transfer of used equipment to the volunteer fire departments, it allows the City of Oak Ridge to help meet the needs of some of our neighboring communities.

Recommendation

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments: Letter from Michael Y. Foster, Rocky Top City Manager
Resolution



CITY OF ROCKY TOP

Proud Past • Bright Future

February 26, 2019

City of Oak Ridge
200 South Tulane Ave
Oak Ridge, TN 37830

Mr. Watson:

The City of Rocky Top is requesting the transfer surplus 1992 Kodiak dump truck from the City of Oak Ridge. The dump truck would very useful to our city and we appreciate the consideration of our request. If Rocky Top can ever be of help to Oak Ridge, please do not hesitate to ask. Thank you for being a good neighbor.

Best regards,

Michael Y. Foster
Rocky Top City Manager
865-803-4813
mfoster@rockytopn.org

RESOLUTION

A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS DUMP TRUCK (#379) TO ROCKY TOP, TENNESSEE, AT NO COST.

WHEREAS, the City has a 1992 Chevrolet Kodiak 2½ ton dump truck (#379), which vehicle has 63,552 miles, is in poor condition, and is surplus to the City's needs; and

WHEREAS, Rocky Top, Tennessee, has requested and is willing to accept the dump truck in its current condition and intends to restore it for a few years of use until they can purchase another unit; and

WHEREAS, Tennessee Code Annotated §12-2-420 allows governmental entities to purchase, trade, or gift personal property to each other as the governing body may authorize without public advertisement and competitive bidding; and

WHEREAS, the City Manager recommends the transfer to Rocky Top, Tennessee.

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 a surplus dump truck (#379) to Rocky Top, Tennessee, as authorized by Tennessee Code Annotated §12-2-420, 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 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

CITY COUNCIL MEMORANDUM
19-07

DATE: February 28, 2019

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: TRANSFER OF SURPLUS BACKHOE TO THE OAK RIDGE SCHOOLS

Introduction

An item for City Council's consideration is a resolution authorizing the City to transfer a surplus backhoe to the Oak Ridge Schools.

Funding

The City of Oak Ridge has no costs associated with this transfer, but would do so to allow the Schools use and repair of the equipment.

Background

The City Manager's Office has received a request for the transfer of a Case utility backhoe unit to the Oak Ridge Schools. A request from Bruce Lay, Executive Director of School Leadership, has identified the utility backhoe as a unit planned for disposal by the City of Oak Ridge. Mr. Lay has indicated that the intent of the school system is to use the unit for the vocational technical rehab program. Please see the attached letter of request from Mr. Lay.

The school district will pay for all repair costs and direct transfer to the Schools Maintenance and Operations Department after completion of the unit during next fall's programs. This training opportunity will enhance the vocational opportunities for city students. The unit is due for replacement and will continue to be of benefit to the school system if transferred to them.

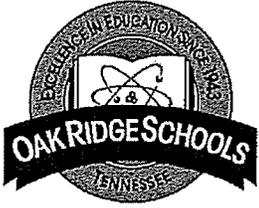
Recommendation

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments: Letter from Bruce K. Lay, Executive Director of School Leadership
Resolution



OAK RIDGE SCHOOLS
304 NEW YORK AVE.
P.O. BOX 6588
OAK RIDGE, TN 37831-6588

Telephone: 865.425.9002
Fax: 865.425.9070

Mr. Bruce Lay
Executive Director of
School Leadership
Email: blay@ortn.edu

February 18, 2019

Mr. Mark Watson,
Oak Ridge City Manager

Oak Ridge Schools are interested in taking possession of the Case Backhoe that the city has offered the school system. We understand that the engine is not functional at this time and that the school system will likely need to purchase another engine.

The Oak Ridge High School Automotive Repair program will repair the backhoe. Our instructor, Mr. Patrick Ladue, will use the backhoe as a teaching tool to provide our students practical hands-on experience. Once the backhoe is fully repaired, it will be sent to the Oak Ridge Schools Maintenance Department to be utilized as appropriate.

Respectfully,

Bruce K. Lay
Executive Director of School Leadership

RESOLUTION

A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS BACKHOE TO THE OAK RIDGE SCHOOLS AT NO COST.

WHEREAS, the City has a Case utility backhoe, which piece of equipment is scheduled for disposal by the City; and

WHEREAS, the Oak Ridge Schools have requested the transfer of the backhoe to use as part of the Oak Ridge High School's Automotive Repair Program as a teaching tool to provide students with practical hands-on experience; and

WHEREAS, it is the intent of the Schools to repair the unit and then transfer it to the School's Maintenance Department for use; and

WHEREAS, Tennessee Code Annotated §12-2-420 allows a municipality to transfer surplus personal property to other governmental entities, including political subdivisions and instrumentalities thereof, as the governing body may authorize without regard to public advertisement and competitive bidding; and

WHEREAS, the City Manager recommends the transfer to the Oak Ridge Schools.

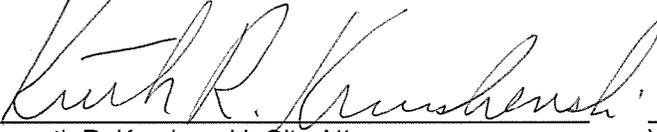
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the donation of a surplus backhoe to the Oak Ridge Schools, as authorized by Tennessee Code Annotated §12-2-420, 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 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES

LEGAL DEPARTMENT MEMORANDUM
19-06

DATE: February 22, 2019

TO: Honorable Mayor and Members of City Council

FROM: Tammy M. Dunn, Senior Staff Attorney
Kenneth R. Krushenski, City Attorney

SUBJECT: CITY CODE AMENDMENT – DELETION OF CITY CODE §8-806

Introduction

An item for the agenda is an ordinance to delete City Code §8-806 relative to curbside beer sales.

Background

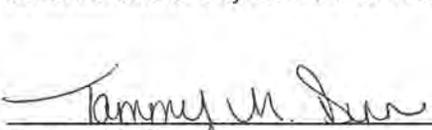
City Code §8-806 prohibits a beer permit holder from selling beer to any person while such person is occupying a motor vehicle. This provision prohibits grocery stores from selling beer through their online grocery service for parking lot pickup as those sales occur while the person is occupying a motor vehicle.

With the recent addition of wine in grocery stores, the Legal Department contacted the State of Tennessee Alcoholic Beverage Commission's Knoxville office to find out whether wine sales can occur through online grocery service for parking lot pickup. The Legal Department was informed that wine sales could occur through a grocery store's online service for parking lot pickup, but (1) the purchaser must indicate during the order that the purchaser is twenty-one years of age or older and (2) the purchaser's identification must be checked when the order is picked up.

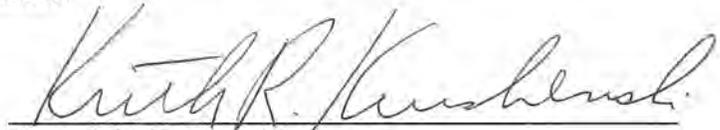
Now that wine is sold in grocery stores, it would be prudent for the City to remove the prohibition on curb service so all alcoholic beverages sold in grocery stores can be treated similarly. The removal of the prohibition does not remove the requirement of a beer permit holder to follow all applicable laws and ordinances pertaining to identification of the age of the purchaser.

Recommendation

Approval of the attached ordinance is recommended. This ordinance is scheduled for the Oak Ridge Beer Permit Board's review and recommendation on March 6, 2019. The Board's recommendation will be forwarded to City Council for information purposes.



Tammy M. Dunn



Kenneth R. Krushenski

Attachments: City Code §8-806
Proposed Ordinance

City Manager's Comments:

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



Mark S. Watson

3/4/19
Date

OAK RIDGE CITY CODE §8-806
(Proposed for Deletion)

§8-806. Curb service prohibited.

- (1) It shall be unlawful for any person holding a permit under chapters 6, 7, and 8 of this title to sell, distribute, or permit to be sold or distributed beer to any person while such person is occupying any motor vehicle. This section prohibits sales or distribution of beer where the actual transaction occurs at the vehicle and does not prohibit an employee from transporting beer to a person's vehicle when the sale occurred inside the establishment.
- (2) This section does not prohibit the sale of beer at or within a golf cart while a golf cart is being operated on a golf course when such golf course is the holder of a valid beer permit under chapters 6, 7, and 8 of this title unless the board has restricted the sale of beer on the course itself under § 8-701(4)(b).

TITLE

AN ORDINANCE TO AMEND TITLE 8, TITLED "ALCOHOLIC BEVERAGES," CHAPTER 8, TITLED "BEER AND OTHER LIGHT BEVERAGES – PROHIBITIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO DELETE SECTION 8-806, TITLED "CURB SERVICE PROHIBITED."

WHEREAS, City Code §8-806 prohibits a beer permit holder from selling beer to any person while such person is occupying a motor vehicle; and

WHEREAS, as written, City Code §8-806 disallows beer sales from occurring through online grocery orders for parking lot pickup as those sales occur while the person is occupying a motor vehicle; and

WHEREAS, the State of Tennessee, which regulates wine sales in grocery stores, does not prohibit wine from being sold through online grocery orders for parking lot pickup; and

WHEREAS, now that wine is sold in grocery stores, it would be prudent for the City to remove the prohibition on curb service so all alcoholic beverages sold in grocery stores can be treated similarly; and

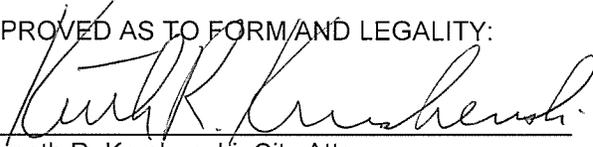
WHEREAS, the removal of the prohibition does not in any way remove the requirement of a beer permit holder to follow all applicable laws and ordinances pertaining to identification of the age of the purchaser.

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

Section 1. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-806, titled "Curb Service Prohibited," in its entirety without replacement.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

LEGAL DEPARTMENT MEMORANDUM
19-07

DATE: February 22, 2019

TO: Honorable Mayor and Members of City Council

FROM: Tammy M. Dunn, Senior Staff Attorney
Kenneth R. Krushenski, City Attorney

SUBJECT: CITY CODE AMENDMENT – BROWN-BAGGING (CITY CODE §11-201)

Introduction

An item for the agenda is an ordinance to amend City Code §11-201 relative to "brown-bagging" of alcoholic beverages into a place of business for personal consumption.

Background

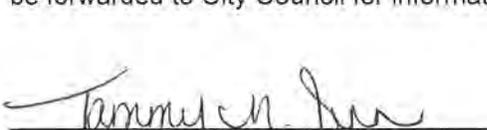
City Code §11-201 allows patrons to bring beer and/or wine for personal consumption into food service establishments with the permission of the owner provided the business either possesses a valid on-premises beer permit or the management of the business possess a valid server permit from the Tennessee Alcoholic Beverage Commission. This practice is typically referred to as brown-bagging.

As written, City Code §11-201 prohibits brown-bagging in businesses that are not "food service establishments" as that term is defined in the ordinance. This section limits certain businesses—business that were not prevalent years ago when this section was enacted—from being able to come into the City Limits and offer the same services as they do in nearby cities such as Knoxville. One example of such business would be the "paint and sip" businesses that offer art studios and allow patrons to bring wine or other alcoholic beverages on the premises to consume while they paint.

The City desires to amend City Code §11-201 to be less restrictive as to not prohibit these new types of businesses from being able to open locally. This change is also more in line with the City of Knoxville, which allow brown-bagging without restriction during the hours of 6:00 a.m. to 1:00 a.m.

Recommendation

Approval of the attached ordinance is recommended. This ordinance is scheduled for the Oak Ridge Beer Permit Board's review and recommendation on March 6, 2019. The Board's recommendation will be forwarded to City Council for information purposes.



Tammy M. Dunn



Kenneth R. Krushenski

Attachments: Bold-Strikethrough of City Code §11-201
Proposed Ordinance

City Manager's Comments:

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



Mark S. Watson 3/4/19
Date

OAK RIDGE CITY CODE §11-201
(Bold-Strikethrough of Proposed Changes)

§11-201. Customer's Ability to Bring Alcoholic Beverages into a Place of Business for Personal Consumption (**Brown-bagging**).

- (1) Customers may bring alcoholic beverages (**brown-bagging**) into a place of business for their personal consumption only as specified herein **conditioned upon the following:**

~~With the consent of the business owner, customers may bring beer or wine for consumption by themselves and their personal guests into a food service establishment that possesses a valid permanent on-premises beer permit or whose management possesses a valid server permit from the Tennessee Alcoholic Beverage Commission. This section shall not be interpreted to provide additional allowances or restrictions on establishments with a Tennessee license for liquor by the drink.~~

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

- (a) **The business owner (who must possess a valid Oak Ridge business license) has given written consent for such beverages to be brought into the business for customers' personal consumption and/or the consumption of the customer's personal guests; and**
- (b) **Such alcoholic beverages are not prohibited by state law or the Tennessee Alcoholic Beverage Commission from being brought into the premises.**
- (2) **This provision does not negate the customers' responsibilities nor the business owner's responsibilities regarding safe and responsible alcohol consumption.**
- (3) **The owner's written consent as set forth in this section shall be evidenced by a posted notice signed by the owner displayed inside the business for public view. Said notice will enable law enforcement to know whether brown-bagging is permissible within the establishment.**

Notes:

- The proposed changes keep the requirement for the owner's consent for brown-bagging.
- The proposed changes no longer specify wine and beer but rather allow any alcoholic beverage so long as the State does not prohibit the beverage from being "brown-bagged" which will allow the higher concentrations of alcoholic beverages to remain regulated by the State.
- The proposed changes remove the food service requirement and the beer permit/server permit requirement to be less restrictive on businesses and to be more in line with nearby cities like Knoxville.
- The proposed changes include a posting requirement which will assist law enforcement in knowing whether brown-bagging is permitted in an establishment.

TITLE

AN ORDINANCE TO AMEND TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO AMEND SECTION 11-201, TITLED "CUSTOMER'S ABILITY TO BRING ALCOHOLIC BEVERAGES INTO A PLACE OF BUSINESS FOR PERSONAL CONSUMPTION," TO LESSEN THE RESTRICTIONS FOR SUCH ACTIVITY.

WHEREAS, City Code §11-201 allows patrons to bring beer and/or wine for personal consumption into food service establishments with the permission of the owner provided that the business either possesses a valid on-premises beer permit or the management of the business possess a valid server permit from the Tennessee Alcoholic Beverage Commission; and

WHEREAS, this practice is typically referred to as "brown-bagging"; and

WHEREAS, as written, City Code §11-201 prohibits brown-bagging in businesses that are not "food service establishments"; and

WHEREAS, this provision limits certain businesses—business that were not prevalent years ago when this provision was enacted—from being able to come into the city limits and offer the same services as they do in nearby cities such as Knoxville; and

WHEREAS, one example of such business would be the "paint and sip" businesses that offer art studios and allow patrons to bring wine or other alcoholic beverages on the premises; and

WHEREAS, the City desires to amend §11-201 so as to not prohibit these new types of businesses from being able to come into the city limits.

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

Section 1. Title 11, titled "Municipal Offenses," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 11-201, titled "Customer's Ability to Bring Alcoholic Beverages into a Place of Business for Personal Consumption," and substituting therefor a new Section 11-201, titled, "Customer's Ability to Bring Alcoholic Beverages into a Place of Business for Personal Consumption (Brown-bagging)," which new section shall read as follows:

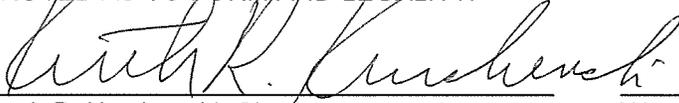
Section 11-201. Customer's Ability to Bring Alcoholic Beverages into a Place of Business for Personal Consumption (Brown-bagging).

- (1) Customers may bring alcoholic beverages (brown-bagging) into a place of business for personal consumption conditioned upon the following:
 - (a) The business owner (who must possess a valid Oak Ridge business license) has given written consent for such beverages to be brought into the business for customers' personal consumption and/or the consumption of the customer's personal guests; and
 - (b) Such alcoholic beverages are not prohibited by state law or the Tennessee Alcoholic Beverage Commission from being brought into the premises.
- (2) This provision does not negate the customers' responsibilities nor the business owner's responsibilities regarding safe and responsible alcohol consumption.

- (3) The owner's written consent as set forth in this section shall be evidenced by a posted notice signed by the owner displayed inside the business for public view. Said notice will enable law enforcement to know whether brown-bagging is permissible within the establishment.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

FINAL ADOPTION
OF
ORDINANCES

**COMMUNITY DEVELOPMENT MEMORANDUM
19-10**

DATE: January 22, 2019
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director 
FROM: Jennifer L. Williams, Planner
SUBJECT: TND MASTER PLAN AND AMENDMENT – SUBAREA F – THE PRESERVE AT CLINCH RIVER

Introduction

An item for City Council's consideration is an ordinance that will amend the TND Master Plan for the Preserve at Clinch River. This amendment is to Subarea F and will allow the developer, Smithbilt, to develop the property for both commercial and residential uses.

Funding

No funding is associated with this item.

Background

The existing master plan for the Preserve at Clinch River, then Rarity Ridge, was adopted in April of 2006. Subarea F, the location of the proposed amendment, has never been platted, and no Subarea Master Plan was ever approved. It contains 237.2 acres and is shown on the 2006 Master Plan as a Neighborhood Subarea. Smithbilt has proposed amending this Subarea to include both "Community Commercial" and "Neighborhood" lot types. This will allow them to construct a 12-hole golf facility, restaurant, golf store, and some residential uses on the property. A comparison of the existing and proposed development is below.

2006 Master Plan

Subarea Type: Neighborhood
Development Breakdown:
23.3 acres active recreation
85.7 acres preserve
591 Multifamily Units
Water Treatment Plant

Current Proposal

Subarea Type: Community Mixed Use/Neighborhood
Development Breakdown:
149.06 acres preserve
66.51 acres Community Commercial
14.28 acres Neighborhood
Water Treatment Plant

Subarea F is owned by Rialto (also known as RL REGI-TN OAK, LLC), but is under contract to be purchased by Smithbilt. A letter from Rialto to this effect has been included as an attachment.

Review

The main components required as part of the Master Plan are street locations, a breakdown of common open space, and a subarea type.

- Roads: No additional roads are proposed at this time.

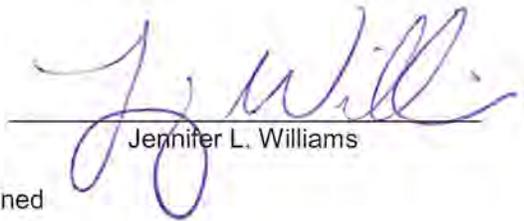
- Open Space: A large portion of the Subarea, around 149 acres, is devoted to the 'Preserve' category, with the only allowed development listed as camping sites, multi-use trails, hiking trails, and parking to serve trails. Much of this area is adjacent to the Clinch River and includes an identified archeological site. The amount of acreage proposed a "Preserve" area exceeds the 15% open space requirement.
- Subarea Type: Community Mixed Use and Neighborhood. The subarea type governs the subarea's allowed uses. The Neighborhood Subarea only allows for residential uses, and is shown for 14.28 acres of the site. The Community Mixed Use subarea, 66.51 acres, allows both commercial and residential uses. This will allow the developer the flexibility to develop home sites on the property in the future while still moving forward with construction a golf facility, restaurant, and store.

The Planning Commission considered this request at their January 17, 2019 meeting. The Planning Commission recommended **approval** of this item with the following conditions:

- Show all existing electrical utility easements.
- Show all existing electrical plant facilities.

Recommendation

Approval of the attached ordinance is recommended.



Jennifer L. Williams

Attachments: Current Master Plan (2006) with Subarea F Outlined
 Rialto Letter
 Master Plan Amendment
 Proposed Ordinance

City Manager's Comments:

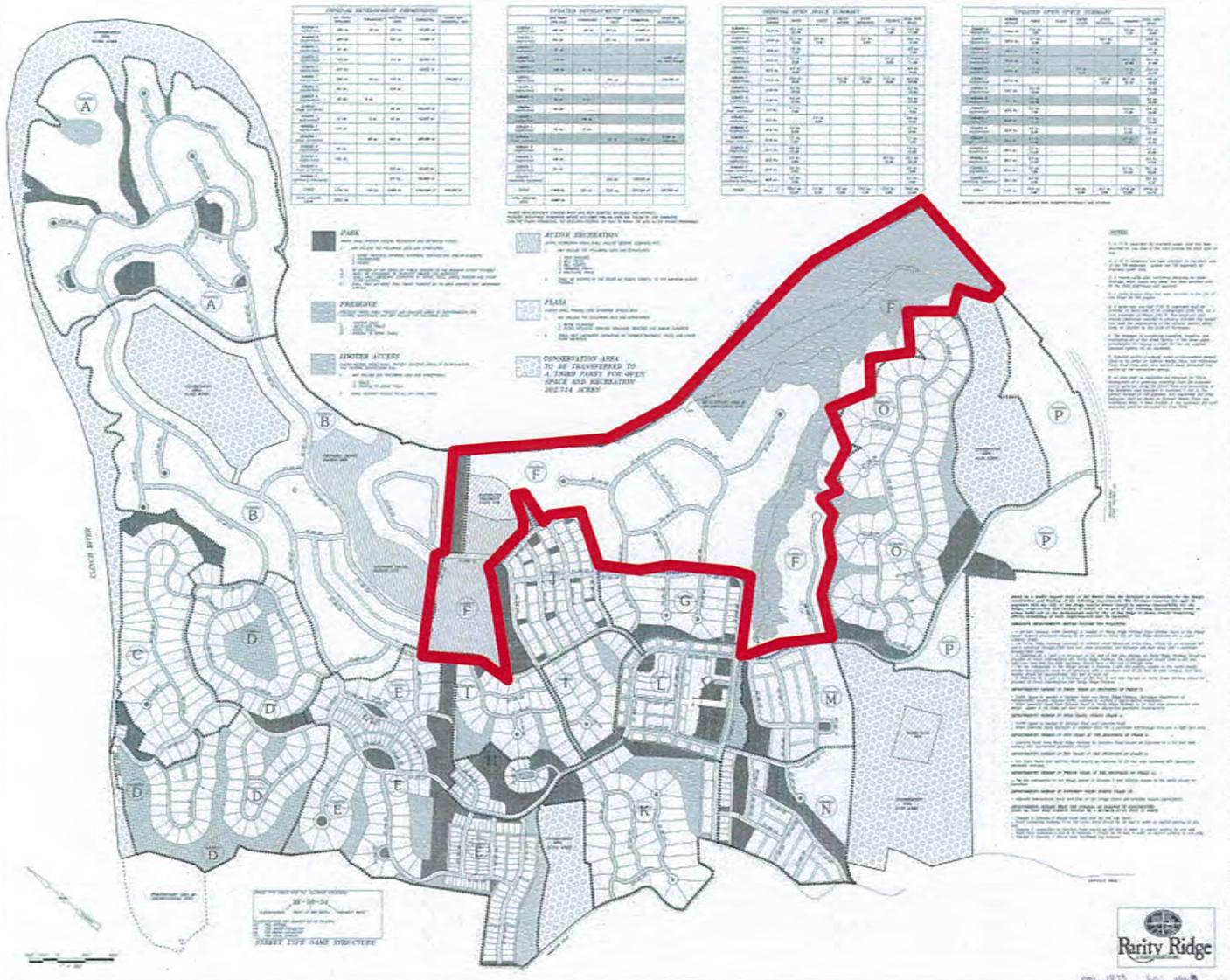
I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson



Date



ORIGINAL DEVELOPMENT PERMITS

Zone	Area (Ac)	Units	Value	Notes
A	10.0	100	1000	
B	20.0	200	2000	
C	15.0	150	1500	
D	30.0	300	3000	
E	25.0	250	2500	
F	40.0	400	4000	
G	10.0	100	1000	
H	15.0	150	1500	
I	20.0	200	2000	
J	25.0	250	2500	
K	30.0	300	3000	
L	35.0	350	3500	
M	40.0	400	4000	
N	45.0	450	4500	
O	50.0	500	5000	
P	55.0	550	5500	

UPDATED DEVELOPMENT PERMITS

Zone	Area (Ac)	Units	Value	Notes
A	10.0	100	1000	
B	20.0	200	2000	
C	15.0	150	1500	
D	30.0	300	3000	
E	25.0	250	2500	
F	40.0	400	4000	
G	10.0	100	1000	
H	15.0	150	1500	
I	20.0	200	2000	
J	25.0	250	2500	
K	30.0	300	3000	
L	35.0	350	3500	
M	40.0	400	4000	
N	45.0	450	4500	
O	50.0	500	5000	
P	55.0	550	5500	

ORIGINAL OPEN SPACE PERMITS

Zone	Area (Ac)	Value	Notes
A	10.0	1000	
B	20.0	2000	
C	15.0	1500	
D	30.0	3000	
E	25.0	2500	
F	40.0	4000	
G	10.0	1000	
H	15.0	1500	
I	20.0	2000	
J	25.0	2500	
K	30.0	3000	
L	35.0	3500	
M	40.0	4000	
N	45.0	4500	
O	50.0	5000	
P	55.0	5500	

UPDATED OPEN SPACE PERMITS

Zone	Area (Ac)	Value	Notes
A	10.0	1000	
B	20.0	2000	
C	15.0	1500	
D	30.0	3000	
E	25.0	2500	
F	40.0	4000	
G	10.0	1000	
H	15.0	1500	
I	20.0	2000	
J	25.0	2500	
K	30.0	3000	
L	35.0	3500	
M	40.0	4000	
N	45.0	4500	
O	50.0	5000	
P	55.0	5500	

PARK
 1. Minimum 100' wide
 2. Minimum 100' long
 3. Minimum 10' wide
 4. Minimum 10' long

PRESERVE
 1. Minimum 100' wide
 2. Minimum 100' long
 3. Minimum 10' wide
 4. Minimum 10' long

LIMITED ACCESS
 1. Minimum 100' wide
 2. Minimum 100' long
 3. Minimum 10' wide
 4. Minimum 10' long

ACTIVE RECREATION
 1. Minimum 100' wide
 2. Minimum 100' long
 3. Minimum 10' wide
 4. Minimum 10' long

PARK
 1. Minimum 100' wide
 2. Minimum 100' long
 3. Minimum 10' wide
 4. Minimum 10' long

CONVERSATION AREA TO BE TRANSFERRED TO A THIRD PARTY FOR OPEN SPACE AND RECREATION WITHIN AREA

NOTES

1. This plan is subject to the approval of the City of Oak Ridge, Tennessee.
2. All areas shown on this plan are subject to the approval of the City of Oak Ridge, Tennessee.
3. All areas shown on this plan are subject to the approval of the City of Oak Ridge, Tennessee.
4. All areas shown on this plan are subject to the approval of the City of Oak Ridge, Tennessee.

STERLING
 CIVIL ENGINEERING
 1000 N. W. 10th St.
 OAK RIDGE, TN 37831
 (615) 521-1111
 www.sterling-engineering.com

OAK RIDGE, TN

UPDATED MASTER PLAN FOR
RARITY RIDGE
 OAK RIDGE DEVELOPMENT COMPANY, LLC

MASTER

Rarity Ridge

4216 MasterPlan
 03/14/2016
 03/14/2016

21 January 2019

Lennar Corporation
700 NW 107th Ave, Suite 300
Miami, FL 33172

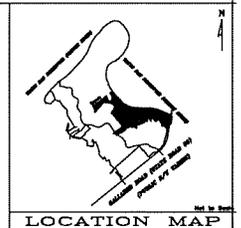
To whom it may concern:

Smithbilt Homes, and related entities are contracted to purchase all lots, infrastructure and raw land owned by RL REGI-TN OAK, LLC, owned by RL REGI Financial, LLC, owned by Lennar. Per the contract, Smithbilt has permission to inspect, alter, and/or improve any portion of the property holding RL REGI Financial, LLC and Lennar harmless of any issues that may arise.

Thank you,

A handwritten signature in black ink, appearing to read "Ben Scott", written over a printed name.

Ben Scott



PRESERVE
149.06 ACRES

PRESERVE AREAS SHALL PROTECT AND DRAINAGE AREAS OF ENVIRONMENTAL AND HISTORIC SIGNIFICANCE AND MAY INCLUDE THE FOLLOWING USES:
 I. GAMING UTILITIES
 II. MARL-USE TRAILS
 III. WADING TRAILS
 IV. PARKING TO SERVE TRAILS

COMMUNITY COMMERCIAL
66.51 ACRES

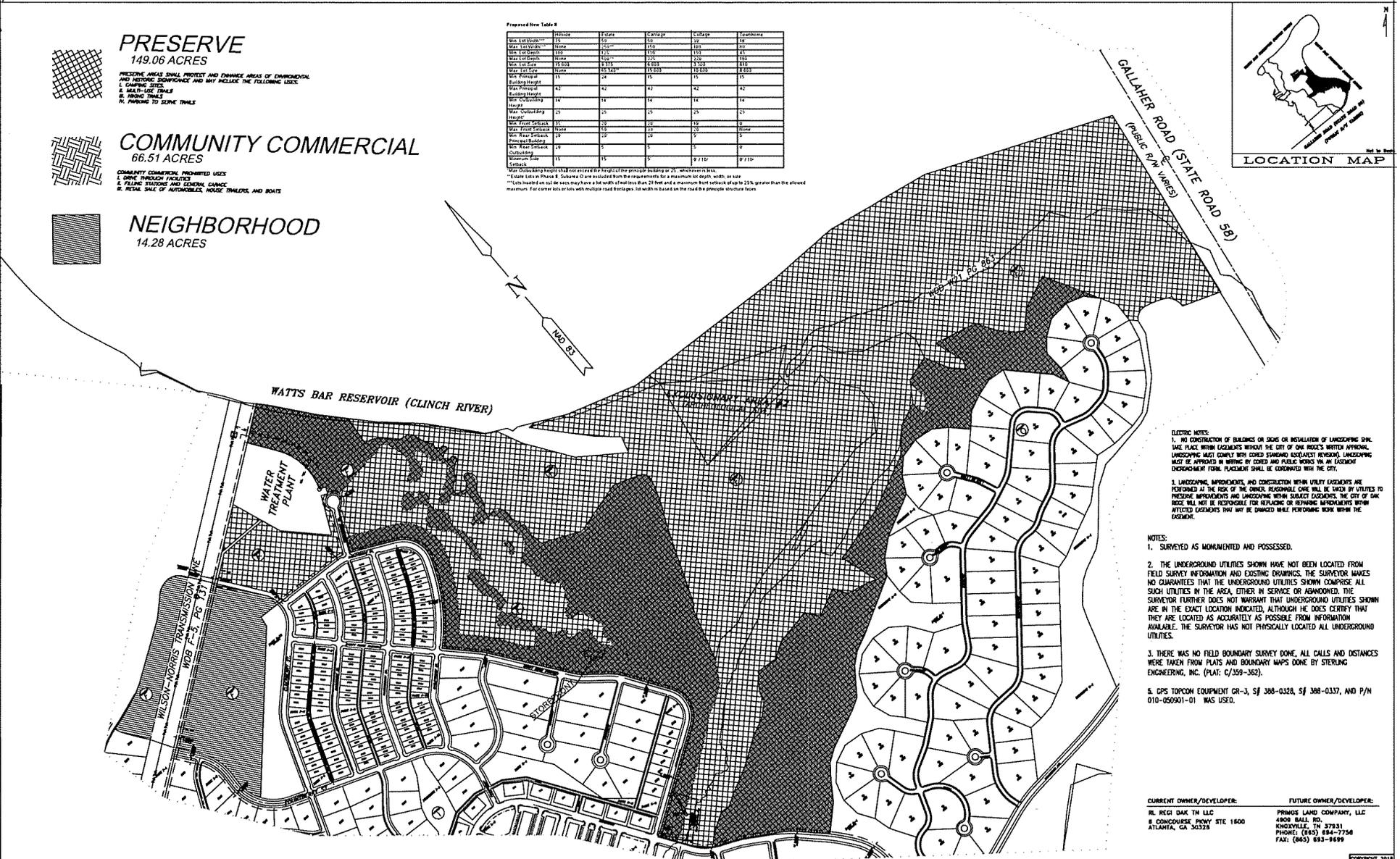
COMMUNITY COMMERCIAL, PROHIBITED USES:
 I. DRIVE THROUGH FACILITIES
 II. FILLING STATIONS AND GENERAL CANCER
 III. RETAIL SALE OF AUTOMOBILES, HOUSE TRAILERS, AND BOATS

NEIGHBORHOOD
14.28 ACRES

Proposed New Table #

Use	Height	Footcandle	Setback	Setback	Setback
Max. Lot Width	15	10	10	10	10
Max. Lot Depth	10	10	10	10	10
Max. Lot Area	100	115	110	110	110
Max. Front Setback	10	10	25	25	10
Max. Side Setback	10	10	10	10	10
Max. Rear Setback	10	10	10	10	10
Max. Frontal Building Height	15	24	15	15	15
Max. Frontal Building Height	42	42	42	42	42
Max. Side Building Height	14	14	14	14	14
Max. Corner Building Height	25	25	25	25	25
Max. Front Setback	10	20	20	10	0
Max. Front Setback	10	14	14	0	0
Max. Rear Setback	10	10	10	0	0
Max. Rear Setback	10	10	10	0	0
Max. Frontal Building Height	15	15	15	0	0
Max. Frontal Building Height	15	15	15	0	0

Max. building height shall not exceed the height of the principal building or 25', whichever is less.
 *Covers lots on Phase 2. Distance 0' are provided from the street frontage for a maximum depth width of 100'.
 **Lots located on an out lot area may have a lot width of not less than 20 feet and a maximum front setback of up to 25% greater than the allowed maximum. For corner lots with multiple front setbacks, lot width is based on the road the principal structure faces.



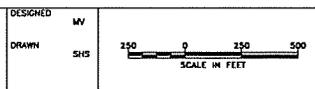
ELECTRIC NOTES:
 1. NO CONSTRUCTION OF BUILDINGS OR SIGNS OR INSTALLATION OF LANDSCAPING SHALL TAKE PLACE WITHIN EASEMENTS WITHOUT THE CITY OF OUR ROCK'S WRITTEN APPROVAL. LANDSCAPING SHALL COMPLY WITH CODED SIGNAGE REGULATIONS. UNDESIRABLE LANDSCAPING WILL BE APPROVED BY WRITING BY CODED AND PUBLIC WORKS IN A LANDSCAPE ENFORCEMENT FORM. PLACEMENT SHALL BE COORDINATED WITH THE CITY.
 2. LANDSCAPING, IMPROVEMENTS, AND CONSTRUCTION WITHIN UTILITY EASEMENTS ARE PERFORMED AT THE RISK OF THE OWNER. REASONABLE CARE WILL BE TAKEN BY UTILITIES TO PREVENT IMPROVEMENTS AND LANDSCAPING WITHIN SUBJECT EASEMENTS. THE CITY OF OUR ROCK WILL NOT BE RESPONSIBLE FOR REPLACING OR REPAIRING IMPROVEMENTS WITHIN AFFICTION EASEMENTS THAT MAY BE DAMAGED WHILE PERFORMING WORK WITHIN THE EASEMENT.

- NOTES:**
1. SURVEYED AS MONUMENTED AND POSSESSED.
 2. THE UNDERGROUND UTILITIES SHOWN HAVE NOT BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO WARRANTIES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES.
 3. THERE WAS NO FIELD BOUNDARY SURVEY DONE. ALL CALLS AND DISTANCES WERE TAKEN FROM PLATS AND BOUNDARY MAPS DONE BY STERLING ENGINEERING, INC. (PLAT: C/359-362).
 5. GPS TOPCON EQUIPMENT GR-3, SJ 308-0328, SJ 308-0337, AND P/N 010-050901-01 WAS USED.

CURRENT OWNER/DEVELOPER: RE. RECI BANK TN LLC
 4808 BALL RD.
 ATLANTA, GA 30328

FUTURE OWNER/DEVELOPER: PRINCE LAND COMPANY, LLC
 4808 BALL RD.
 KNOXVILLE, TN 37931
 PHONE: (615) 854-7748
 FAX: (615) 853-9599

SOUTHLAND ENGINEERING CONSULTANTS, LLC
 BENJAMIN COLE, P.E. LAND SURVEYOR
 4808 BALL ROAD
 KNOXVILLE, TENNESSEE 37931
 PHONE: (865) 884-7738
 FAX: (865) 882-8999
 E-MAIL: urphob@seengineering.com
 www.southlandengineering.com



DATE	BY	REVISION	APPROVED
1/24/19		ELECTRIC NOTES	JS
1/24/19		ELECTRIC EASEMENTS	JS
1/24/19		SURVEYOR NOTES	JS
1/24/19		PROPOSED TABLE 2 UPDATED	JS

HORIZONTAL: 1" = 250'
 DATE: 1-24-2019

MASTER PLAN
 AMENDMENT SECTION F
 SUB AREA COMMERCIAL MIX USE

MASTER PLAN CHANGES
 RECREATIONAL AREA
 RARITY RIDGE SUBDIVISION, PHASE III
 DISTRICT 3, ROANE COUNTY, TENNESSEE
 PARCEL/TAX ID: 039 002.01

5HS-9-27-18-MASTERPLAN
 SHEET 1 OF 1 SHEET

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TITLE

AN ORDINANCE TO AMEND SUBAREA F OF THE MASTER PLAN FOR THE PRESERVE AT CLINCH RIVER (FORMERLY RARITY RIDGE); SAID AMENDMENTS DO NOT CHANGE THE ZONING DESIGNATION OF THE DEVELOPMENT WHICH REMAINS TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT.

WHEREAS, by Ordinance 4-06, City Council approved a revised Master Plan for Rarity Ridge, as submitted by Rarity Communities, Inc., identified as Drawing 4216-Master Plan prepared by Sterling Engineering, Inc., dated February 2, 2006; and

WHEREAS, Rarity Ridge is now known as The Preserve at Clinch River and is developed by Smithbilt Homes; and

WHEREAS, Smithbilt Homes has proposed an amendment to Subarea F of the Master Plan to change the subarea's lot type from Neighborhood and Preserve to Community Commercial, Neighborhood, and Preserve; and

WHEREAS, this amendment has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and on January 17, 2019 the Commission approved the same subject to two conditions, which are: (1) showing all existing electrical utility easements and (2) showing all existing electrical plant facilities; and

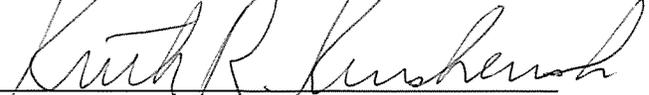
WHEREAS, a public hearing thereon has been held as required by law.

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

Section 1. Subarea F of the Master Plan for The Preserve at Clinch River, as originally approved by Ordinance 4-06, is hereby amended by changing the lot type from Neighborhood to Community Commercial and Neighborhood, as shown on the drawing prepared by Southland Engineering Consultants, LLC, dated January 24, 2019, titled "Master Plan Amendment Section F Sub Area Commercial Mix Use," subject to the conditions as set forth by the Planning Commission at their January 17, 2019 meeting.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading: 02/11/2019
Publication Date: 02/14/2019
Public Hearing: 03/11/2019
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
19-13**

DATE: February 25, 2019

TO: Mark S. Watson, City Manager

THROUGH: Wayne E. Blasius, Community Development Director 

FROM: Arnold A. Blackwell, Code Enforcement Supervisor

RE: ORDINANCE AMENDMENT TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE.

Introduction

An item 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.

Funding

No funding is associated with this item.

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 2012 International Building Code.

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 2018 International Building Code for compliance.

In addition to adopting the 2018 International Building Code, the Oak Ridge Fire Department has recommended making amendments to the automatic fire sprinkler system requirements as follows:

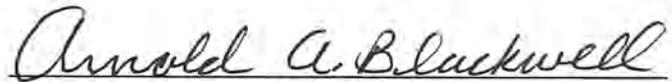
The 2012 International Building Code with amendments currently requires an automatic fire sprinkler system to be installed in buildings 10,000 square feet or greater. The 2018 International Building Code with amendments will require an automatic fire sprinkler system to be installed in buildings 5,000 square feet or greater.

Questions were raised by Councilman Chinn with respect to the status on sprinkler requirements in nearby communities. He wanted to be sure that Oak Ridge would not be at a competitive disadvantage by having more stringent codes than surrounding communities. Staff replied that, although others are not adopting the lower threshold for sprinklers, we do not believe it will have an appreciable impact because: (1) many buildings will require sprinklers regardless of square footage, because of their type of use (e.g. restaurant) so this change does not affect them anyway; (2) most of our developers are opting for sprinklers even when not required; and (3) we have had very few commercial buildings in the effected size range in recent years, that would not have already been required to have sprinklers for other reasons. A big benefit of the change will be to safeguard future users when a building changes usage. For instance, if a general retail space changed to restaurant of some other assembly use, it would already have sprinklers.

Recommendation

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. 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.

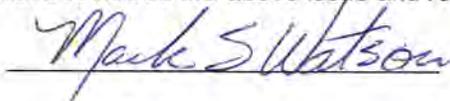
Approval of the attached ordinance is recommended.


Arnold A. Blackwell

Attachments: Proposed Ordinance

City Manager's Comments:

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

 3/5/19

Mark S. Watson

Date

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
19-03**

DATE: January 14, 2019

TO: Mark S. Watson, City Manager

THROUGH: Wayne E. Blasius, Community Development Director 

FROM: Arnold A. Blackwell, Code Enforcement Supervisor

RE: ORDINANCE AMENDMENT TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE.

Introduction

An item 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.

Funding

No funding is associated with this item.

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 2012 International Building Code.

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 2018 International Building Code for compliance.

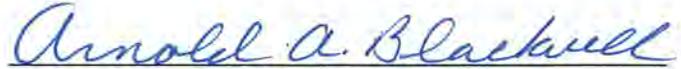
In addition to adopting the 2018 International Building Code, the Oak Ridge Fire Department has recommended making amendments to the automatic fire sprinkler system requirements as follows:

The 2012 International Building Code with amendments currently requires an automatic fire sprinkler system to be installed in buildings 10,000 square feet or greater. The 2018 International Building Code with amendments will require an automatic fire sprinkler system to be installed in buildings 5,000 square feet or greater.

Recommendation

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. 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.

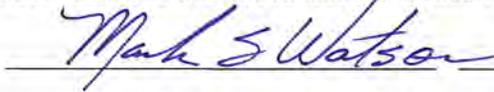
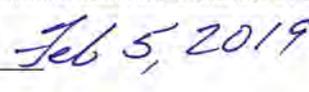
Approval of the attached ordinance is recommended.


Arnold A. Blackwell

Attachments: Proposed Ordinance

City Manager's Comments:

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

Mark S. Watson

Date

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 2, TITLED "BUILDING CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-201, TITLED "BUILDING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-201, TITLED "BUILDING CODE ADOPTED," TO ADOPT THE 2018 EDITION INTERNATIONAL BUILDING CODE; AND TO AMEND SECTION 12-202, TITLED "AMENDMENTS," SUBSECTION (12), TITLED "SECTION 903, AUTOMATIC SPRINKLER SYSTEMS," TO CHANGE THE SQUARE FOOTAGE REQUIREMENTS.

WHEREAS, the City of Oak Ridge has adopted by reference the International Building Code, 2012 edition; and

WHEREAS, the current version of the International Building Code is now the 2018 edition; and

WHEREAS, the City desires to adopt the current edition of the International Building Code along with any necessary amendments thereto.

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 2, titled "Building Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-201, titled "Building Code Adopted," in its entirety and substituting therefor a new Section 12-201, titled "Building Code Adopted," which new section shall read as follows:

Sec. 12-201. Building Code adopted.

The International Building Code, 2018 edition, including Appendices A, C, F, G, H and K, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Section 2. Title 12, titled "Building, Utility, Etc. Codes," Chapter 2, titled "Building Code," Section 12-202, titled "Amendments," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Subsection (12), titled "Section 903, Automatic Sprinkler Systems," in its entirety and substituting therefor a new Subsection (12), titled "Section 903, Automatic Sprinkler Systems," which new subsection shall read as follows:

Sec. 12-202. Amendments.

(12) Section 903, Automatic Sprinkler Systems. This section is hereby amended as follows:

- (a) The square footage amounts referred to in certain sections of Section 903 are hereby deleted and replaced as follows:
 - (1) In Sections 903.2.1.1, 903.2.1.3, 903.2.1.4, 903.2.9.1, and 903.2.9.2 (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 5,000.
 - (2) In Sections 903.2.4, 903.2.7, and 903.2.9 (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 5,000, and replace the number 24,000 with the number 5,000.

- (3) In Section 903.2.3 (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 12,000 with the number 5,000.

(b) Section 903.2.13, Additional Sprinkler Requirements.

- (1) Sprinkler system in new construction. Except where more stringent requirements are stipulated elsewhere in the building code, all new commercial and residential buildings of five thousand (5,000) square feet or more shall be equipped with an approved automatic sprinkler system.
- (2) Sprinkler system in large additions to buildings. Any new addition, which is more than five thousand (5,000) square feet, connected to an existing building of any size, shall be equipped with an approved automatic fire sprinkler system. The new addition shall either:
 - (a) Be separated from the existing building by two-hour or greater construction, or
 - (b) Have the sprinkler system extend to cover the existing construction as well as the new addition
- (3) Sprinkler system in additions to unsprinklered buildings. Any new addition that will increase the size of the complete facility (existing building plus new addition) to more than five thousand (5,000) square feet shall either:
 - (a) Be separated from the existing construction by a non-penetrated, four-hour fire wall and have an automatic fire detection system installed in the new addition and the existing building; or
 - (b) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire sprinkler system installed in the new addition; or
 - (c) Have an automatic fire sprinkler system installed in the entire facility, both the new addition and the existing building.

The term "automatic fire sprinkler system" means a system meeting the requirements of the latest edition of the applicable National Fire Protection Association standard for the installation of sprinkler systems.

- (4) Fire sprinkler systems shall be installed when required by the City of Oak Ridge Standard Construction Requirements and Details, specifically Section 602(2), Adequate Fire Protection, which is reprinted here:

In any one or more of the conditions listed below, the developer or builder shall provide a means for adequate fire protection including but not limited to the installation of a domestic sprinkler system complying with applicable codes, the installation of an additional fire hydrant capable of supplying adequate flow, or the installation of a booster pump to increase flow to an acceptable level at the structure.

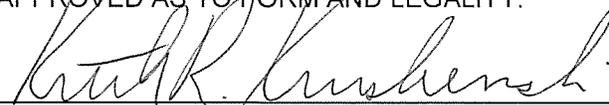
- (a) Any part of the building is more than five hundred (500) feet from a hydrant measured along an accessible roadway; or
 - (b) The nearest hydrant provides a water supply of less than five hundred (500) gpm in residential areas or one-thousand (1000) gpm in non-residential areas at twenty pounds per square inch residual pressure at periods of peak demand.
 - (c) The elevation difference between the highest floor of the referenced structure and the nearest hydrant prevents adequate water flow and pressure for fire protection at that structure.
- (5) Detection system or sprinkler system for smaller buildings. Except where more stringent requirements are stipulated in the building code, all buildings of greater than five thousand (5,000) square feet hereafter constructed shall be equipped with an automatic fire detection system, approved by the fire chief, using UL listed equipment, and monitored through an approved central station facility, or an approved automatic sprinkler system monitored as outlined above, except where four-hour non-penetrated fire walls divide the building into units of less than five thousand (5,000) square feet.
- (6) Open parking garages, exception to sprinkler requirement.
- (a) Open parking garage shall mean a structure, or portion thereof, that is used for the parking or storage of private motor vehicles with openings described as follows:
 - (i) For natural ventilation purposes, the exterior side of the structure shall have uniformly distributed openings on two (2) or more sides. The area of such openings in exterior walls on a tier must be at least twenty percent (20%) of the total perimeter wall area of each tier. The aggregate length of the openings considered to be providing natural ventilation shall constitute a minimum of forty percent (40%) of the perimeter of the tier. Interior walls shall be at least twenty percent (20%) open with uniformly distributed openings.
 - (ii) Exception. Openings are not required to be distributed over forty percent (40%) of the building perimeter where the required openings are uniformly distributed over two opposing sides of the building.
 - (b) An open parking garage shall not be required to be equipped with an approved automatic fire sprinkler system provided the following requirements are met:
 - (i) The open parking garage is above ground;
 - (ii) No space for human occupancy shall be located below, within or above the open parking garage except as ancillary to the operation of the open parking garage;

- (iii) Two (2) or more sides of the open parking garage shall be open and accessible to aerial fire apparatus;
 - (iv) Attached structure(s) shall be separated from the open parking garage by a wall with a minimum of a two-hour fire rating certified by a competent engineer;
 - (v) A standpipe system, meeting the requirements of NFPA 14, shall be provided with outlets no more than one hundred and thirty (130) feet from any point within the open parking garage;
 - (vi) A fire hydrant shall be provided within one hundred (100) feet of the fire department supply connection to the standpipe system; and
 - (vii) The open parking garage shall comply with all applicable requirements of the model codes adopted by the city.
- (c) Exception. If a model code adopted by the city requires the open parking garage to be equipped with an approved automatic sprinkler system, the provisions of this section shall not apply and the open parking garage shall be equipped with an approved automatic sprinkler system.

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

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading: 02/11/2019
Publication Date: 02/14/2019
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
19-12**

DATE: February 25, 2019
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director 
FROM: Arnold A. Blackwell, Code Enforcement Supervisor
RE: ORDINANCE AMENDMENT TO ADOPT THE 2018 INTERNATIONAL FIRE CODE.

Introduction

An item 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.

Funding

No funding is associated with this item.

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 2012 International Fire Code.

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 2018 International Fire Code for compliance.

In addition to adopting the 2018 International Fire Code, the Oak Ridge Fire Department has recommended making amendments to the automatic fire sprinkler system requirements as follows:

The 2012 International Fire Code with amendments currently requires an automatic fire sprinkler system to be installed in buildings 10,000 square feet or greater. The 2018 International Fire Code with amendments will require an automatic fire sprinkler system to be installed in buildings 5,000 square feet or greater.

Section 7-109 was amended by adding the sale of fireworks is prohibited within the City limits.

Questions were raised by Councilman Chinn with respect to the status on sprinkler requirements in nearby communities. He wanted to be sure that Oak Ridge would not be at a competitive disadvantage by having more stringent codes than surrounding communities. Staff replied that, although others are not adopting the lower threshold for sprinklers, we do not believe it will have an appreciable impact because: (1) many buildings will require sprinklers regardless of square footage, because of their type of use (e.g. restaurant) so this change does not affect them anyway; (2) most of our developers are opting for sprinklers even when not required; and (3) we have had very few commercial buildings in the effected size range in recent years, that would not have already been required to have sprinklers for other reasons. A big benefit of the change will be to safeguard future users when a building changes usage.

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
19-07**

DATE: January 14, 2019
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director 
FROM: Arnold A. Blackwell, Code Enforcement Supervisor
RE: ORDINANCE AMENDMENT TO ADOPT THE 2018 INTERNATIONAL FIRE CODE.

Introduction

An item 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.

Funding

No funding is associated with this item.

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 2012 International Fire Code.

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 2018 International Fire Code for compliance.

In addition to adopting the 2018 International Fire Code, the Oak Ridge Fire Department has recommended making amendments to the automatic fire sprinkler system requirements as follows:

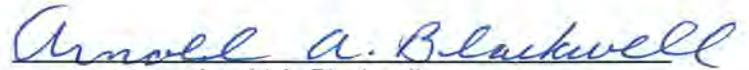
The 2012 International Fire Code with amendments currently requires an automatic fire sprinkler system to be installed in buildings 10,000 square feet or greater. The 2018 International Fire Code with amendments will require an automatic fire sprinkler system to be installed in buildings 5,000 square feet or greater.

Section 7-109 was amended by adding the sale of fireworks is prohibited within the City limits.

Recommendation

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. 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.

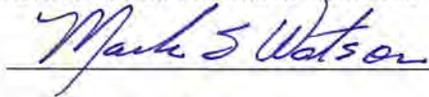
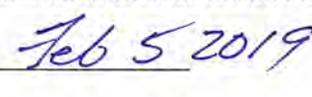
Approval of the attached ordinance is recommended.


Arnold A. Blackwell

Attachments: Proposed Ordinance

City Manager's Comments:

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

Mark S. Watson

Date

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 7-101, TITLED "INTERNATIONAL FIRE CODE ADOPTED," AND SUBSTITUTING THEREFOR A NEW SECTION 7-101, TITLED "INTERNATIONAL FIRE CODE ADOPTED," TO ADOPT THE INTERNATIONAL FIRE CODE, 2018 EDITION, AND TO AMEND THE FOLLOWING SECTIONS TO PROVIDE FOR THE NECESSARY AMENDMENTS: SECTION 7-104, TITLED "REVISIONS"; SECTION 7-105, TITLED "REPLACEMENTS"; SECTION 7-107, TITLED "GEOGRAPHIC LIMITS," SUBSECTION (1); SECTION 7-109, TITLED "FIREWORKS – DISCHARGE PROHIBITED WITHOUT PERMIT"; AND SECTION 7-110, TITLED "VIOLATIONS."

WHEREAS, the City of Oak Ridge has adopted by reference the International Fire Code, 2012 edition; and

WHEREAS, the current version of the International Fire Code is now the 2018 edition; and

WHEREAS, the City desires to adopt the current edition of the International Fire Code along with any necessary amendments thereto.

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

Section 1. Title 7, titled "Fire Protection and Fireworks," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 7-101, titled "International Fire Code Adopted," in its entirety and substituting therefor a new Section 7-101, titled "International Fire Code Adopted," which new section shall read as follows:

Sec. 7-101. International Fire Code adopted.

The International Fire Code, 2018 edition, and all subsequent amendments to the 2018 edition, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event the more stringent provision will prevail.

Section 2. Title 7, titled "Fire Protection and Fireworks," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 7-104, titled "Revisions," in its entirety and substituting therefor a new Section 7-104, titled "Revisions," which new section shall read as follows:

Sec. 7-104. Revisions.

The following sections of the International Fire Code are hereby revised:

- (1) Section 101.1. Insert: City of Oak Ridge, Tennessee for the name of the jurisdiction.
- (2) Section 112.4. Insert: \$0.00 for the first amount and \$50.00 for the second amount.
- (3) In addition to 507.5.1, the following requirements shall be required:
 - (a) Fire hydrants, where required; Residential.

The maximum distance between fire hydrants, measured along street centerlines, shall be 450 feet.

- (b) Fire hydrants, where required; Non-Residential.

On roadways, the maximum distance between fire hydrants, measured along street centerlines, shall be 1000 feet.
 - (c) Buildings required to have a sprinkler fire protection system installed, one accessible hydrant (either public or private) will be located not more than 100 feet from the fire department connection.
 - (d) For buildings over 10,000 square feet with a sprinkler system, there will be one accessible hydrant provided on each of two opposing sides of the building. The hydrant required for the sprinkler system may be counted as one of these hydrants. There shall be additional hydrants provided to meet the requirements as set forth in 507.5 distance between a hydrant and any part of the building first floor. [Example: A building of over 10,000 square feet area, sprinklered, would need a minimum of two hydrants (one within 100 feet of the sprinkler fire department connection and one on the opposing side of the building).]
 - (e) The hydrant(s) will be situated not less than two feet and not more than 10 feet from the curb of an access road, parking area, or public road. If situated in a parking area, there will be an area of NO PARKING marked around the hydrant for an area of 15 feet on all sides.
 - (f) Paved access roads shall be required to be within ten feet of each required fire hydrant.
- (4) In addition to access requirements per International Fire Code 503, paved access of a minimum of 20 feet in width shall be required within 100 feet of two sides of each non-residential building.
- (a) Emergency access to each side of all buildings three or more stories in height shall be provided by means of an unobstructed area of at least 12 feet in width which would support the weight of a fire ladder truck. This area is not required to be a permanent roadway, but must be accessible during an emergency. Prior to completion of grading and landscaping design, the Fire Department should be consulted.

Section 3. Title 7, titled "Fire Protection and Fireworks," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 7-105, titled "Replacements," in its entirety and substituting therefor a new Section 7-105 titled "Replacements," which new section shall read as follows:

Sec. 7-105. Replacements.

The square footage amounts referred to in certain sections of the International Fire Code are hereby deleted and replaced as follows:

- (1) In Sections 903.2.1.1, 903.2.1.3, and 903.2.1.4 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 5,000.
- (2) In Section 903.2.3 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 12,000 with the number 5,000.

- (3) In Sections 903.2.4, and 903.2.7 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 5,000, and replace the number 24,000 with the number 5,000.
- (4) In Sections 903.2.9, 903.2.9.1, and 903.2.10 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 5,000.
- (5) Buildings over 5,000 square feet hereafter constructed shall be provided with a listed fire alarm system complying with all applicable codes and City Code Section 12-202(12)(b)(6) – Detection System or sprinkler system for smaller buildings.
 - (a) Fire alarm control panel or fire alarm remote annunciator must be located at the main entrance or other approved location by the fire official.

Section 4. Title 7, titled "Fire Protection and Fireworks," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 7-107, titled "Geographic Limits," Subsection (1), in its entirety and substituting therefor a new Section 7-107 titled "Geographic Limits," Subsection (1), which new subsection shall read as follows:

Sec. 7-107. Geographic Limits.

The geographic limits referred to in certain sections of the International Fire Code are hereby established as follows:

- (1) In addition to Section 5504.3.1.1, (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, FIR and IMDO.

Section 5. Title 7, titled "Fire Protection and Fireworks," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 7-109, titled "Fireworks – discharge prohibited without a permit," in its entirety and substituting therefor a new Section 7-109 titled "Fireworks – discharge prohibited without a permit," which new section shall read as follows:

Sec. 7-109. Fireworks – discharge prohibited without a permit.

- (1) The discharge of fireworks is prohibited within the City Limits without a permit, as set forth in Chapter 56, Explosives and Fireworks, of the International Fire Code.
- (2) The sale of fireworks is prohibited within the City Limits.

Section 6. Title 7, titled "Fire Protection and Fireworks," Section 7-110, titled "Violations," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting the reference to Section 109.3 in its entirety and substituting therefor a reference to Section 110.3.1, which is the correct reference for the 2018 edition of the code.

Section 7. 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 8. 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: 02/11/2019
Publication Date: 02/14/2019
Second Reading: _____
Publication Date: _____
Effective Date: _____



**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
19-08**

DATE: January 14, 2019
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director 
FROM: Arnold A. Blackwell, Code Enforcement Supervisor
RE: ORDINANCE AMENDMENT TO ADOPT THE 2017 NATIONAL ELECTRICAL CODE.

Introduction

An item 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.

Funding

No funding is associated with this item.

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 2011 National Electrical Code.

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 2017 National Electrical Code for compliance.

Article 210.12 (A) was amended as follows: Arc Fault Circuit Interrupters (AFCIs) shall be optional for bathrooms, laundry areas, garages, unfinished basements, which are portions or areas of the basement not intended as habitable rooms and limited to storage, work or similar area, and for branch circuits dedicated to supplying refrigeration equipment.

Recommendation

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. 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.

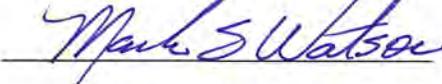
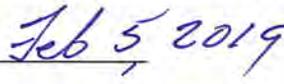
Approval of the attached ordinance is recommended.


Arnold A. Blackwell

Attachments: Proposed Ordinance

City Manager's Comments:

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

Mark S. Watson

Date

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "ELECTRICAL CODE ADOPTED; AMENDMENTS," IN ORDER TO ADOPT THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE AND ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge has adopted by reference the National Electrical Code, 2011 edition, as set forth in City Code §12-405; and

WHEREAS, the current version of the National Electrical Code is now the 2017 edition, which in the future will be adopted for use by the State of Tennessee; and

WHEREAS, the City desires to adopt the current edition of the National Electrical Code along with any necessary amendments thereto.

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 4, titled "Electrical Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-405, titled "Electrical Code Adopted," in its entirety and substituting therefor a new Section 12-405, titled "Electrical Code Adopted; Amendments," which new section shall read as follows:

Sec. 12-405. Electrical Code Adopted; Amendments.

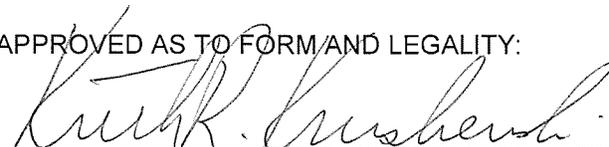
- (1) Adoption. The National Electrical Code, 2017 edition, is hereby adopted by reference and shall become a part of The Electrical Code of the City of Oak Ridge as if copied herein verbatim, except as such code may be in conflict with other provisions of The Electrical Code of the City of Oak Ridge, in which event such other provisions shall prevail.
- (2) Amendments. Article 210.12, Arc-Fault Circuit-Interrupter Protection. Subsection (A), Dwelling Units, shall be locally amended by numbering the exception at the end as "Exception 1" and adding the following additional exception:

"Exception 2. Notwithstanding the above, Arc Fault Circuit Interrupters (AFCIs) shall be optional for bathrooms, laundry areas, garages, unfinished basements, which are portions or areas of the basement not intended as habitable rooms and limited to storage, work or similar area, and for branch circuits dedicated to supplying refrigeration equipment. Should there be any conflict within this section as to application, this exception shall prevail."

Section 2. 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 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: 02/11/2019
Publication Date: 02/14/2019
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
19-04**

DATE: January 14, 2019
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director 
FROM: Arnold A. Blackwell, Code Enforcement Supervisor
RE: ORDINANCE AMENDMENT TO ADOPT THE 2018 INTERNATIONAL MECHANICAL CODE.

Introduction

An item 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.

Funding

No funding is associated with this item.

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 2012 International Mechanical Code.

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 2018 International Mechanical Code for compliance.

Recommendation

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. 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.

Approval of the attached ordinance is recommended.

Arnold A. Blackwell
Arnold A. Blackwell

Attachments: Proposed Ordinance

City Manager's Comments:

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

Mark S Watson Feb 5 2019

Mark S. Watson

Date

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 13, TITLED "MECHANICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-1301, TITLED "MECHANICAL CODE ADOPTED," AND SUBSTITUTING THEREFOR A NEW SECTION 12-1301, TITLED "MECHANICAL CODE ADOPTED," TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE.

WHEREAS, the City of Oak Ridge has adopted by reference the International Mechanical Code, 2012 edition, as set forth in City Code §12-1301; and

WHEREAS, the current version of the International Mechanical Code is now the 2018 edition; and

WHEREAS, the City desires to adopt the current edition of the International Mechanical Code along with any necessary amendments thereto.

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 13, titled "Mechanical Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-1301, titled "Mechanical Code Adopted," in its entirety and substituting therefor a new Section 12-1301, titled "Mechanical Code Adopted," which new section shall read as follows:

Sec. 12-1301. Mechanical Code Adopted.

The International Mechanical Code, 2018 edition, is hereby adopted by reference and shall become a part of the mechanical code as if copied herein verbatim, except as such code may be in conflict with other provisions of the mechanical code, in which event such other provisions shall prevail.

Section 2. 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 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: 02/11/2019
Publication Date: 02/14/2019
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
19-05**

DATE: January 14, 2019
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director 
FROM: Arnold A. Blackwell, Code Enforcement Supervisor
RE: ORDINANCE AMENDMENT TO ADOPT THE 2018 INTERNATIONAL PLUMBING CODE.

Introduction

An item 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.

Funding

No funding is associated with this item.

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 2012 International Plumbing Code.

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 2018 International Plumbing Code for compliance.

Recommendation

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. 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.

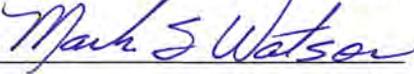
Approval of the attached ordinance is recommended.


Arnold A. Blackwell

Attachments: Proposed Ordinance

City Manager's Comments:

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

Mark S. Watson

Date

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 7, TITLED "PLUMBING CODE - GENERALLY," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED "PLUMBING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED "PLUMBING CODE ADOPTED," IN ORDER TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE.

WHEREAS, the City of Oak Ridge has adopted by reference the International Plumbing Code, 2012 edition, as set forth in City Code §12-705; and

WHEREAS, the current version of the International Plumbing Code is now the 2018 edition; and

WHEREAS, the City desires to adopt the current edition of the International Plumbing Code.

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 7, titled "Plumbing Code - Generally," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-705, titled "Plumbing Code Adopted," in its entirety and substituting therefor a new Section 12-705, titled "Plumbing Code Adopted," which new section shall read as follows:

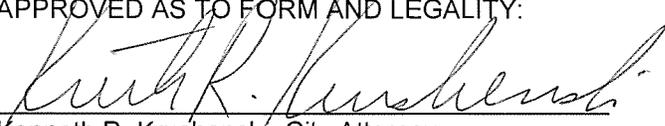
Sec. 12-705. Plumbing Code Adopted.

The International Plumbing Code, 2018 edition, is hereby adopted by reference and shall become a part of the plumbing code as if copied herein verbatim, except as such code may be in conflict with other provisions of the plumbing code, in which event such other provisions shall prevail.

Section 2. 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 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: 02/11/2019
Publication Date: 02/14/2019
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
19-06**

DATE: January 14, 2019
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director 
FROM: Arnold A. Blackwell, Code Enforcement Supervisor
RE: ORDINANCE AMENDMENT TO ADOPT THE 2018 INTERNATIONAL RESIDENTIAL CODE.

Introduction

An item 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.

Funding

No funding is associated with this item.

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 2012 International Residential Code.

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 2018 International Residential Code for compliance.

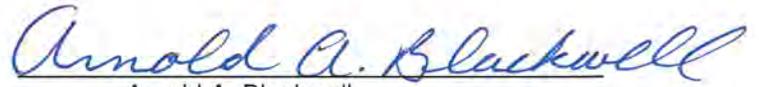
Section R311.7.9 Illumination. Change the section number referenced to R303.7 was removed. The 2018 International Residential code references the correct number.

Section R302.2 Townhouses. In the exception change 1-hour to 2-hour was removed. The 2018 International Residential Code addresses the 2 hour fire rated wall requirement.

Recommendation

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. 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.

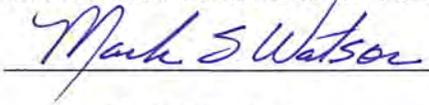
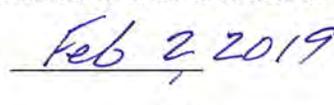
Approval of the attached ordinance is recommended.


Arnold A. Blackwell

Attachments: Proposed Ordinance

City Manager's Comments:

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

Mark S. Watson

Date

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 11, TITLED "RESIDENTIAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-1101, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-1101, TITLED "RESIDENTIAL CODE," TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; AND TO AMEND SECTION 12-1102, TITLED "AMENDMENTS," TO UPDATE THE NECESSARY AMENDMENTS THERETO BY DELETING THE SUBSECTIONS ON TOWNHOUSES AND ILLUMINATION, AND BY CORRECTED THE SECTION REFERENCE PERTAINING TO SEWER DEPTH.

WHEREAS, the City of Oak Ridge has adopted by reference the International Residential Code, 2012 edition, as set forth in City Code §12-1101; and

WHEREAS, the current version of the International Residential Code is now the 2018 edition; and

WHEREAS, the City desires to adopt the current edition of the International Residential Code along with any necessary amendments thereto.

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 11, titled "Residential Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-1101, titled "Residential Code Adopted," in its entirety and substituting therefor a new Section 12-1101, titled "Residential Code Adopted," which new section shall read as follows:

Sec. 12-1101. Residential Code Adopted.

The International Residential Code, 2018 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail. This code shall apply to one- and two-family dwellings as outlined in Section R101.2 after adoption of this ordinance.

Section 2. Title 12, titled "Building, Utility, Etc. Codes," Chapter 11, titled "Residential Code," Section 12-1102, titled "Amendments," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Subsection (11), titled "Section R302.2 Townhouses," in its entirety without replacement.

Section 3. Title 12, titled "Building, Utility, Etc. Codes," Chapter 11, titled "Residential Code," Section 12-1102, titled "Amendments," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Subsection (14), titled "Section R311.7.9 Illumination," in its entirety without replacement.

Section 4. Title 12, titled "Building, Utility, Etc. Codes," Chapter 11, titled "Residential Code," Section 12-1102, titled "Amendments," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Subsection (19), titled "Section P2603.6.1 Sewer Depth," in its entirety and substituting therefor a new Subsection (19), titled "Section P2603.5.1 Sewer Depth," which new subsection shall read as follows:

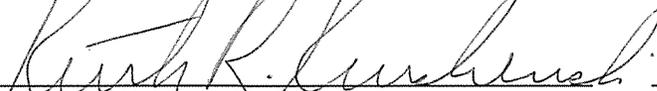
Sec. 12-1102. Amendments.

- (19) Section P2603.5.1, Sewer Depth. Section P2603.5.1 is hereby amended by inserting the number "twelve inches" in two places for the missing number.

Section 5. 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 6. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading: 02/11/2019
Publication Date: 02/14/2019
Second Reading: _____
Publication Date: _____
Effective Date: _____

RESOLUTIONS

**LEGAL DEPARTMENT MEMORANDUM
19-08**

DATE: February 25, 2019

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: A RESOLUTION CONSENTING TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE NEGOTIATING AND ACCEPTING PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A CERTAIN PROJECT IN THE CITY OF OAK RIDGE, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FUTURE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 7-53-305.

Introduction

An item for the City Council's consideration is a Resolution from City Council delegating to the Industrial Development Board authority to enter into a Payment in Lieu of Tax Abatement (PILOT) for an apartment project located at Frank Callaghan Towers. The project involves the renovation of the 110-unit existing apartment complex. The IDB and the City Manager have recommended consideration of a 15-year PILOT.

Funding

No funding is associated with this item.

Background

Oak Ridge Towers, known as Frank Callaghan Towers, (the "Development") is a 110-unit apartment development located at 115 Fairbanks Road, Oak Ridge, TN (Anderson County). The proposed owner and applicant for 4% low-income housing tax credits (LIHTC), Dartmouth, L.P., is under contract with the current owner, Oak Ridge Towers, Ltd., to purchase this development in mid-2019 should the Development be awarded 4% LIHTC through the Tennessee Housing Development Authority's Multifamily Tax-Exempt Bond Authority Program (MTBA).

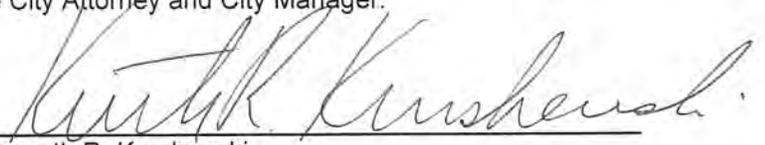
The Development is approximately 5.03 acres in size and consists of 1 apartment building of six stories containing an office and laundry facility. There are 110 one bedroom apartments. The proposed rehabilitation scope of work includes removing the existing windows and replacing them with new, energy-efficient vinyl windows. Other energy efficiency improvements will include Energy Star HVAC units, kitchen appliances and interior light fixtures, as well as low-flow faucets, showerheads, and toilets. New finishes to include vinyl plank flooring, kitchen cabinets and counters, and bathroom vanities will be added. Seven units will be made fully accessible. Total rehabilitation expenses are projected to be approximately \$40,000 per unit and will not result in the permanent displacement of any residents.

The Developer has requested a PILOT for a term of 15 years plus a reasonable construction period with the annual payment amount equal to \$27,908.00 to the City and \$28,506.00 to Anderson County, Tennessee (which are the current property taxes). The Developer wants the PILOT to freeze the taxes so that the Developer will not have to pay property taxes on the values of the federal tax credits that they will receive on the project (which the assessor would otherwise be required to tax under current state law). A 5% increase on the PILOT payments every five years after the project is complete (which roughly corresponds to the increases that may occur after normal reappraisals if there was not a PILOT) is being recommended as an addition to the base tax. The PILOT payments would be in the amounts set out in Exhibit A attached to the Resolution Council is being asked to approve.

Attached for your reference is a copy of the Developer's description of the proposed development.

Recommendation

Approval of this Resolution is recommended by the City Attorney and City Manager.



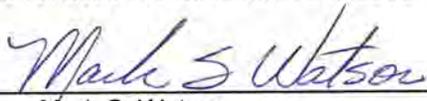
Kenneth R. Krushenski

Attachments: Developer's Letter, dated February 26, 2019
Resolution with Exhibit A

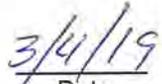
cc: Mark Watson, City Manager
Janice McGinnis, Finance Director

City Manager's Comments:

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



Mark S. Watson



Date



February 26, 2019

Mr. Mark Watson
City Manager
200 South Tulane Avenue
P.O. Box 1
Oak Ridge, Tennessee 37831

RE: Narrative Description of Proposed Development
Oak Ridge Towers – Oak Ridge, TN (Anderson County)

Dear Mr. Watson,

Oak Ridge Towers, C/O Frank Callaghan Towers, (the “Development”) is a 110-unit apartment development located at 115 Fairbanks Rd, Oak Ridge, TN (Anderson County). The proposed owner and applicant for 4% low-income housing tax credits (LIHTC), Dartmouth, L.P., is under contract with the current owner, Oak Ridge Towers, Ltd., to purchase this development in mid-2019 should the Development be awarded 4% LIHTC through the Tennessee Housing Development Authority’s Multifamily Tax-Exempt Bond Authority Program (MTBA).

The Development was constructed in 1977 and currently receives Section 8 Project Based Rental Assistance for 100% of the units through a Housing Assistance Payment (HAP) contract with HUD. Dartmouth, L.P. intends to assume the existing HAP contract and execute a 20-year renewal contract at the time of acquisition. The developer of the proposed project, LHP Capital, LLC, has a strong track record of successfully requesting and obtaining long-term Section 8 HAP renewals in conjunction with other subsidized developments it has preserved using the LIHTC program (and in some cases, tax-exempt bond financing). LHP has developed almost 13,000 units of affordable housing and currently operates over 55 properties in 8 states.

Dartmouth, L.P. intends to use proceeds from the investment in an allocation of LIHTC and proceeds from a 221(d)(4) FHA-insured loan to acquire and substantially rehabilitate the Development. The Development would continue to operate as affordable housing under the Section 8 and LIHTC programs. Currently, the Development is wholly occupied by households who were at or below 50% of area median income (AMI) when they originally moved in. Because of the deep rental subsidy (out of pocket burden to tenants is limited to 30% of their adjusted monthly income or \$25, whichever is greater), a significant number of households at the development are extremely low income (at or below 30% of AMI). Under the proposed LIHTC

allocation regulations, Dartmouth, L.P. would restrict occupancy to households at or below 60% of AMI. Low income tenants served by the Development include elderly and disabled individuals.

The Development is approximately 5.03 acres in size and consists of 1 apartment building of six stories containing an office and laundry facility. There are 110 one bedroom apartments. The proposed rehabilitation scope of work includes removing the existing windows and replacing them with new, energy-efficient vinyl windows. Other energy efficiency improvements will include Energy Star HVAC units, kitchen appliances and interior light fixtures, as well as low-flow faucets, showerheads, and toilets. New finishes to include vinyl plank flooring, kitchen cabinets and counters, and bathroom vanities will be added. Seven units will be made fully accessible. Total rehabilitation expenses are projected to be approximately \$40,000 per unit and will not result in the permanent displacement of any residents.

The federal government has encouraged development firms such as LHP Capital, LLC in this case, to acquire and renovate projects like the Development by offering federal tax credits tied to the costs of the renovation project. By selling these tax credits to an investor, the development firm is able to obtain the funds, together with the proceeds of debt financing, to substantially renovate the project. Unfortunately, while the federal government has encouraged this type of project through the use of tax credits, our State has decided to penalize this type of project by adding the value of the tax credits to the appraised value of the project and taxing that value as part of the property taxes. This position, which has been upheld by the Tennessee courts, results in a precipitous increase in property taxes after the renovation of the project that generally "burns off" over the years that the tax credits are taken. This approach might make sense if the net income from the project increased significantly due to the renovation so that there were substantial additional funds to pay these much greater property taxes. Unfortunately, because the net income from the project will not increase significantly after the renovation due to the debt service on the debt that will need to be incurred to finance the renovations, there are not readily available funds to pay the large increase in taxes.

Because of the State's approach to imposing property taxes on this type of project, the net income from the Development will be significantly lowered in the 15 years after the renovation is completed by the much higher property taxes that result from the State's position. Because the project's net income will be significantly reduced during that period, the amount that LHP Capital can borrow to help renovate the project would also be substantially reduced. The net effect is that the renovation of the Development becomes economically infeasible. In this case, without a PILOT agreement for the 15 years after the renovation is completed, the resulting reduction in the development firm's ability to borrow funds will result in the proposed efforts at the Development not being financially feasible.

3|Oak Ridge Towers (Anderson County)

In order to permit the development firm to provide the type of renovation at the Development that the residents deserve, LHP Capital has requested that the Industrial Development Board approve a PILOT for the 15-year period after the renovation is completed. This agreement would not result in an abatement of property taxes from what is presently being paid with respect to the Development but would rather help avoid the very detrimental effects of the State's interpretation of the property tax laws that result in a huge property tax increase that bears no relation to the income from the project. In fact, the proposed PILOT structure is revenue additive to the City and County's collections over its term- with 5% increases to the required payment every five years of the 15 year term. So PILOT increases from \$56,414 in year 1-5, to \$59,234.70 in years 6-10 and finally increasing to \$62,194.44 in Years 11-15.

Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Carr Hagan, III', written in a cursive style.

W. Carr Hagan, III

RESOLUTION

A RESOLUTION CONSENTING TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE NEGOTIATING AND ACCEPTING PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A CERTAIN PROJECT IN THE CITY OF OAK RIDGE, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 7-53-305.

WHEREAS, the City Council (the "Governing Body") of the City of Oak Ridge, Tennessee (the "City") has met pursuant to proper notice; and

WHEREAS, the City has previously authorized the incorporation of The Industrial Development Board of the City of Oak Ridge (the "Board") as an industrial development board duly organized and existing under the provisions of Title 53 of Chapter 7, Tennessee Code Annotated; and

WHEREAS, the City has been informed that Dartmouth, L.P., a Tennessee limited partnership, or an affiliate thereof (the "Developer"), intends to cause the acquisition and renovation of a 110-unit elderly housing facility for low and moderate-income citizens known as Frank Callaghan Towers (collectively, the "Project") located at 115 Fairbanks Road, Oak Ridge, Tennessee (the "Property"); and

WHEREAS, the Developer has requested the Board to hold ownership of the Property; and

WHEREAS, the Developer has furthermore requested the Board to lease the Property to the Developer and to permit the Developer to make payments in lieu of ad valorem taxes; and

WHEREAS, Tenn. Code Ann. § 7-53-305(b) authorizes the City to delegate to the Board the authority to negotiate and accept from the lessees of the Board payments in lieu of ad valorem tax upon the finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in said Code Section.

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

1. The Governing Body hereby finds that the negotiation and acceptance by the Board of payments in lieu of ad valorem taxes consistent with this resolution are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 7-53-305, and the Governing Body hereby consents and delegates to the Board the right to negotiate and accept such payments from the Company.

2. The terms of the agreement between the Board and the Company concerning payments in lieu of ad valorem taxes shall be determined by the Board; provided, however (i) the term of such agreement shall not exceed fifteen (15) years, plus a reasonable construction and renovation period not to exceed three (3) years and (ii) the amounts of the annual payments in lieu of taxes shall not be less than the amounts set forth in Exhibit A attached hereto.

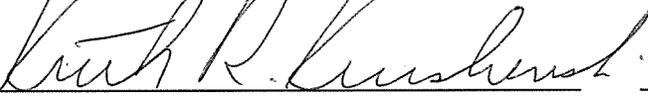
3. The Board's agreements concerning payments in lieu of ad valorem taxes relating to the Project may contain such administrative provisions not inconsistent with this resolution as the Board deems appropriate.

4. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed, and this resolution shall be in immediate effect from and after its adoption.

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

This the 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

EXHIBIT A

PILOT PAYMENT SCHEDULE

	Annual PILOT Payment to City	Annual PILOT Payment to County	Total Annual PILOT Payment
Construction Period	\$27,908.00	\$28,506.00	\$56,414.00
Years 1-5	\$27,908.00	\$28,506.00	\$56,414.00
Years 6-10	\$29,303.40	\$29,931.30	\$59,234.70
Years 11-15	\$30,768.57	\$31,427.87	\$62,196.44

26153816.1

LEGAL DEPARTMENT MEMORANDUM
19-05

DATE: February 22, 2019

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (FY2019-078) WITH BURR & FORMAN, LLP – SPECIAL COUNSEL – TENNESSEE RIVERKEEPER, INC., V. CITY OF OAK RIDGE (U. S. DISTRICT COURT FOR THE EASTERN DISTRICT, NORTHERN DIVISION, CIVIL ACTION NO. 3:28-CV-00374)

Introduction

An item for the agenda is a resolution to amend the Professional Services Agreement (FY2019-078) with Burr & Forman, LLP, Nashville, Tennessee, to increase the compensation by \$50,000.00.

Funding

Funding is available in the Waterworks Fund.

Background

On or about November 6, 2018, the City was served with a copy of the above-captioned lawsuit (Tennessee Riverkeeper, Inc., v. City of Oak Ridge). It was filed as a "citizen" lawsuit under the provisions of the Federal Clean Water Act by a non-profit Alabama corporation authorized to operate in the State of Tennessee. The plaintiff alleges the City has violated the provisions of the Clean Water Act by discharging pollutants into the waters of the United States.

Since environmental pollution claims are excluded from the City's liability insurance policy, the City entered into a Professional Services Agreement with Burr & Forman, LLP, to provide consultation and legal representation services in this lawsuit. This law firm has represented other municipalities and private industry in claims made by the same plaintiff.

Said agreement was entered into under the City Manager's signature authority in an amount not to exceed \$25,000.00. Additional compensation is necessary under this agreement and requires City Council approval. It is recommended that an additional \$50,000.00 be added to the compensation.

Recommendation

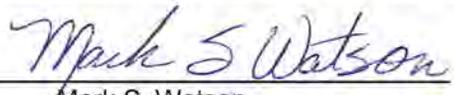
Approval of the attached resolution is recommended.


Kenneth R. Krushenski

Attachments: Resolution

City Manager's Comments:

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


Mark S. Watson 3/4/19
Date

RESOLUTION

A RESOLUTION AUTHORIZING AN AMENDMENT IN THE AMOUNT OF \$50,000.00 TO THE PROFESSIONAL SERVICES AGREEMENT (FY2019-078) WITH BURR & FORMAN, LLP, FOR LEGAL SERVICES RELATED TO THE TENNESSEE RIVERKEEPER LAWSUIT.

WHEREAS, the City Manager approved a Professional Services Agreement with Burr & Forman, LLP, to provide legal representation and consultation in the Tennessee Riverkeeper, Inc., v. City of Oak Ridge lawsuit filed in federal court, in an amount not to exceed \$25,000.00; and

WHEREAS, it is anticipated that additional compensation will be needed should the case proceed; and

WHEREAS, the City is requesting City Council approval for a contract amendment in the amount of \$50,000.00, which results in a new not to exceed amount of \$75,000.00.

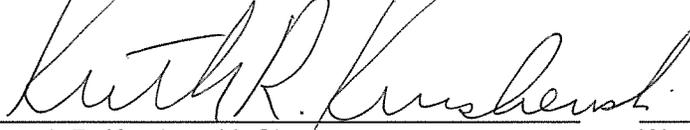
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That an amendment to the Professional Services Agreement (FY2019-078) with Burr & Forman, LLP, for legal services related to the Tennessee Riverkeeper lawsuit is hereby approved in the amount of \$50,000.00, which results in a new not to exceed amount of \$75,000.00 for the Professional Services Agreement.

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

This the 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

COMMUNITY DEVELOPMENT MEMORANDUM
19-16

DATE: February 28, 2019
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director *WB*
FROM: Matt Widner *MW*
SUBJECT: THDA HOME GRANT ADMINISTRATION SERVICES

Introduction

An item for City Council's consideration is a replacement resolution to authorize the Community Development Department to enter into a Grant Administration Services Agreement with Oak Ridge Housing Authority Development Corporation (O.R.H.A.D.C.) for the purpose of administering the FY16 City of Oak Ridge Tennessee Housing Development Agency (T.H.D.A). Home program.

Funding

FY16 T.H.D.A Home Program has contracted with the City of Oak Ridge for a total amount of \$500,000.00. Per Attachment C of the contract, \$30,000.00 has been allocated for grant administration.

Background/Analysis/Review/Consideration

On July 13, 2016, City Council passed Resolution #6-41-2016 to accept \$500,000.00 from the Tennessee Housing Development Agency (T.H.D.A.) as part of T.H.D.A.'s Home Grant Program. The FY16 City's Home Grant began on July 1, 2016 with an ending date of June 30, 2019. The City was unable to reach a grant administration agreement with Community Development Partners, LLC. In light of this, O.R.H.A.D.C has offered to administer the program for the budgeted amount of \$30,000.00. The City of Oak Ridge will be required to request an FY16 grant extension from T.H.D.A. on March 26, 2019 due to insufficient time remaining on the FY16 T.H.D.A. HOME Grant.

O.R.H.A.D.C. will be required to receive administration training from T.H.D.A. before providing administration services to the City. T.H.D.A. has approved O.R.H.A.D.C. to be a viable HOME Grant Administrator. It is estimated that approximately 11 homes will benefit from this program. O.R.H.A.D.C. is aware of the grant timeline and has accepted the City's late starting condition and is willing to work with to City to obtain the needed extension and ultimate fulfillment of the grant objectives.

Recommendation

Approve the replacement proposal to administer the City of Oak Ridge FY16 T.H.D.A. HOME Grant and authorize the Community Development Department to enter into an agreement for services with O.R.H.A.D.C. not to exceed the program amount of \$30,000.00.



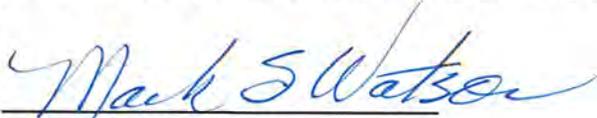
Matt Widner

Attachment(s):

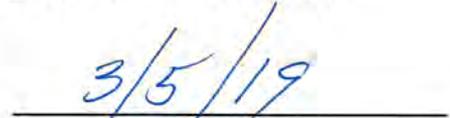
Resolution

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION APPROVING AN AGREEMENT WITH THE OAK RIDGE HOUSING AUTHORITY DEVELOPMENT CORPORATION TO ADMINISTER THE CITY'S TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) HOME GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED \$30,000.00.

WHEREAS, the Tennessee Housing Development Agency (THDA) administers the federally funded HOME grant program to promote the production, preservation, and rehabilitation of housing for low-income households; and

WHEREAS, by Resolution 6-41-2016 City Council accepted a \$500,000.00 HOME grant from THDA, which grant expires on June 30, 2019; and

WHEREAS, due to staffing turnover and unforeseen starting delays, the City sought assistance for administration of the HOME grant program from a third party under Resolution 8-74-2018, however attempts to finalize a contract were unsuccessful; and

WHEREAS, the Oak Ridge Housing Authority Development Corporation has offered to administer the City's HOME grant program; and

WHEREAS, the City will be seeking an extension from THDA on the HOME grant, and the Oak Ridge Housing Authority Development Corporation is willing to work with the City as needed to obtain an extension from THDA; and

WHEREAS, the City Manager recommends approval of an agreement with the Oak Ridge Housing Authority Development Corporation for administration of the HOME grant program.

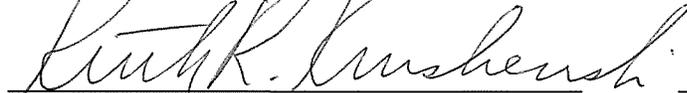
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into an agreement with the Oak Ridge Housing Authority Development Corporation to administer the City's \$500,000.00 HOME program grant from the Tennessee Housing Development Agency (THDA), said agreement in an amount not to exceed \$30,000.00 per the budgeted allocation for grant administration in the THDA HOME grant agreement.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same and are authorized to submit documentation necessary to request an extension of the grant term from THDA.

This the 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

INTER-DEPARTMENTAL MEMORANDUM
FIRE DEPARTMENT HEADQUARTERS
HQ-19-0006

DATE: February 27, 2019
TO: Mark S. Watson, City Manager
FROM: Darryl Kerley, Fire Chief
SUBJECT: FIRE STATION DIESEL EXHAUST REMOVAL SYSTEM

Introduction

Attached for City Council's consideration is a resolution authorizing the City to purchase and have installed a diesel exhaust removal system at fire stations 1, 2, and 3. The vendor and system was selected through the approved sealed bid process.

Funding

The total cost of purchase and installation will not exceed \$130,000.00. Funds in the amount of \$158,000.00 were appropriated and approved in the current year Capital Improvement Plan (CIP) for this project.

Background

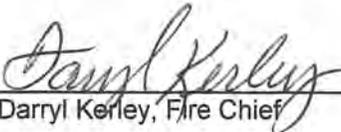
The diesel exhaust fumes from emergency response apparatus have been identified as a containing carcinogenic compounds, which presents a silent danger to the fire department personnel. Firefighters have been documented to have higher incidents of cancer than the general population, in part to the exposure to the diesel exhaust fumes in the fire stations.

The exhaust removal system utilizes a 100% sealed system to capture and remove all diesel exhaust while the apparatus is running inside the fire station. The fire department placed this request in the Capital Improvement Plan more than six years ago and has pursued several grants to fund the system since that time. This year the system was funded as a capital project and is now ready to move forward with purchase and installation. MagneGrip Exhaust Removal Systems is a product of Clean Air Concepts in Cincinnati, Ohio. They are ISO 9001:2015 Certified and all American made for more than 20 years.

Recommendation

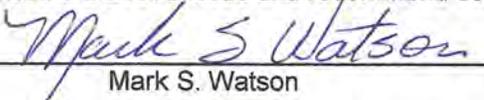
City staff recommends purchase and installation of the vehicle exhaust system for Fire Stations 1, 2, and 3. Funds for this purchase are available in the Capital Improvement Plan this year.

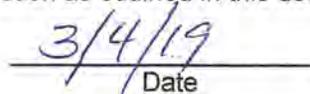
Staff recommends approval of the resolution.


Darryl Kerley, Fire Chief

City Manager's Comments:

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

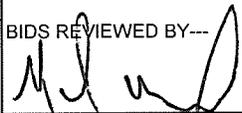

Mark S. Watson


Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

FY2019-116

OPENING DATE: February 27, 2019 1:00 P.M.

FOR ---			BIDDER:		BIDDER:		BIDDER:		BIDDER:		
Direct Capture Vehicle Exhaust Removal System (Fire Stations)			Clean Air Concepts 11449 Deerfield Road Cincinnati, OH 45242		EDI, LLC 1371 Old Charlotte Pike Dickson, TN 37055						
DESCRIPTION	ITEM	QUANTITY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
THE FURNISHING OF ALL LABOR, MATERIALS, SUPPLIES, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES NECESSARY FOR DIRECT CAPTURE VEHICLE EXHAUST REMOVAL SYSTEM (FIRE STATIONS 1, 2 & 3) PROVIDED BY THE CITY OF OAK RIDGE, FIRE DEPARTMENT	1			\$ 125,090.00		\$ 130,648.00					
TOTAL PRICE				\$ 125,090.00		\$ 130,648.00		\$ -		\$ -	
TERMS				Net 30		Net 30					
DELIVERY				Per Contract		Per Contract					
F.O.B.				Oak Ridge		Oak Ridge					
VIA				Vendor		Vendor				Vendor	
OTHER BIDDERS CONTACTED:							BIDS OPENED AND RECORDED BY---				
							 Lyn Majeski Purchasing Manager				
REASON FOR AWARD: ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>				RECOMMEND AWARD BE MADE TO: Clean Air Concepts 11449 Deerfield Road Cincinnati, OH 45242			BIDS REVIEWED BY---  Michael Williford Accounting Manager				

BID PROCESS FORM

BID NAME FY2019-116 **DESCRIPTION** Direct Capture Vehicle Exhaust Removal System (Fire Stations)

CITY COUNCIL MEETING March 11, 2019

BIDDERS CONTACTED (CONTACT INFORMATION)

<u>Company</u>	<u>Name</u>	<u>Address</u>	<u>City, State ZIP</u>	<u>Phone</u>	<u>Email</u>	<u>Contacted Via</u>
EDI, LLC	Richard Hasley	1371 Old Charlotte Pike	Dickson, TN 37055	615-405-8912	edilic@att.net	[e-mail]
Magnegrip/Clean Air Concepts	Mike Johnson	11449 Deerfield Road	Cincinnati, OH 45242	800-575-5440	info@magnegrip.com	[e-mail]

BIDDERS WHO CONTACTED THE CITY AFTER ADVERTISED (CONTACT INFORMATION)

BIDS RECEIVED FROM BIDDERS CONTACTED DIRECTLY BY THE CITY

Magnegrip/Clean Air Concepts, EDI, LLC

BIDS RECEIVED FROM BIDDERS NOT DIRECTLY CONTACTED BY THE CITY

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

ADVERTISEMENT

The City of Oak Ridge advertised this bid on the Finance Department's Departmental Webpage for a duration of 24 days.

RESOLUTION

A RESOLUTION APPROVING A CONTRACT (FY2019-116) WITH CLEAN AIR CONCEPTS, CINCINNATI, OHIO, FOR A DIRECT CAPTURE VEHICLE EXHAUST REMOVAL SYSTEM FOR THE FIRE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$130,000.00.

WHEREAS, the City issued an invitation to bid for the purchase and installation of a direct capture vehicle exhaust removal system at Fire Station 1, Fire Station 2, and Fire Station 3; and

WHEREAS, bids were received and publicly opened on February 27, 2019, with Clean Air Concepts, Cincinnati, Ohio, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

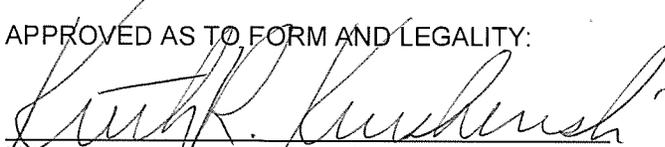
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Clean Air Concepts, 11449 Deerfield Road, Cincinnati, Ohio 45242, for the purchase and installation of a direct capture vehicle exhaust removal system for Fire Station 1, Fire Station 2, and Fire Station 3; said award in strict accordance with the required specifications and the bid as publicly opened on February 27, 2019, in an amount not to exceed \$130,000.00.

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

This the 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
19-17

DATE: February 27, 2019

TO: Mark S. Watson, City Manager

FROM: Shira A. McWaters, P.E., Public Works Director

SUBJECT: **PURCHASE OF VEHICLES/EQUIPMENT FOR PUBLIC WORKS DEPARTMENT**

Introduction

An item for City Council's consideration is a resolution approving the purchase of seven (7) vehicles for the Public Works Department through State of Tennessee contract pricing. The resolution makes awards to Ford of Murfreesboro, Tennessee in the amount of \$347,521.00 for the furnishing of two (2) Ford F-350 Super Cab 4X4, one (1) Ford F-450 Regular Cab Chassis, one (1) Ford F-550 Super Cab Chassis, one (1) Ford F-250 XL Regular Cab 4X4 and one (1) Ford F-450 Super Cab Chassis; to Stowers Machinery Corporation, Knoxville in the amount of \$60,427.24 for the furnishing of a mini-excavator for a total amount of \$407,948.24.

Funding

Funding for all items except the Ford F-350 Super Cab 4X4 and mini-excavator are through the Waterworks fund. Funding for the F-350 Super Cab 4x4 and mini-excavator are through the Equipment Replacement fund. All items with the exception of a Ford F-450 Super Cab Chassis and mini-excavator are identified in the budget.

Review

The Public Works Department uses a variety of trucks and equipment in its daily operations. The vehicles were assessed based on condition, current use and if they should be replaced in-kind or downsized. The purchases are recommended for replacement equipment.

The equipment shop has evaluated the existing equipment and recommends that it be replaced based on its condition and maintenance requirements. All items are recommended to be purchased from the State of Tennessee purchasing contracts.

The first item is for the purchase of a 2019 Ford F-350 Super Cab 4X4 to replace Vehicle 400 used by the water crew. This vehicle is used in the daily maintenance of the water distribution and storage systems. Unit 400 is 11 years old, has over 156K miles and is in the budget for replacement prior to being totaled in an accident. Unit 400 is an F-450 which will be downsized to a Ford F-350. Unit 400 will be auctioned. The bid received from Ford of Murfreesboro is \$62,170.00.

The second item is for the purchase of a 2019 Ford F-450 Regular Cab Chassis to replace Vehicle 315 used by the sewer crew. This vehicle is used in the daily maintenance of the sewer collection and pumping systems. Unit 315 is 21 years old, is in poor condition, has nearly 100K miles and is in the budget for replacement. Unit 315 is a GMC-3500 and is being replaced with a similar sized vehicle (Ford F-450) due to the daily use requirements of the sewer crew, including hauling of equipment, material and debris. Unit 315 will be auctioned after the replacement vehicle is received. The bid received from Ford of Murfreesboro is \$52,463.00.

The third item is for the purchase of a 2019 Ford F-550 Super Cab Chassis to replace Vehicle 313 used by the sewer crew. This vehicle is used in the daily maintenance of the sewer collection and pumping systems. Unit 313 is 17 years old, is in fair condition, has over 143K miles and is in the budget for replacement. Unit 313 is a Ford F-550 and will be replaced with another Ford F-550 due to the daily use requirements including hauling of equipment, materials and debris. Unit 313 will be auctioned after the replacement vehicle is received. The bid received from Ford of Murfreesboro is \$68,794.00.

The fourth item is for the purchase of a 2018 Ford F-250 XL Regular Cab 4X4 to replace Vehicle 320 which is used by the water treatment plant maintenance crew. This vehicle is used in the daily maintenance of the water treatment plant and the City's water booster pump stations. Unit 320 is 17 years old, is in poor condition, has over 92K miles and is in the budget for replacement. We are downsizing this vehicle from a Dodge 3500 to a Ford F-

250. Unit 320 will be auctioned after the replacement vehicle is received. The bid received from Ford of Murfreesboro is \$35,860.00.

The fifth item is for the purchase of 2019 Ford F-350 Super Cab 4X4 for the equipment shop. The truck assigned to the equipment shop was reassigned approximately 2 years ago for pavement marking and was never replaced. The equipment shop is in need of a service truck with a utility bed to respond to service calls in the City. This will be a new vehicle and is in the budget for purchase. The bid received from Ford of Murfreesboro is \$55,105.00.

The sixth item is for the purchase of a Ford F-450 Super Cab Chassis to replace vehicle 418 which is used by the water crew. This vehicle is used in the daily maintenance of the water distribution and storage systems. Unit 418 is 11 years old and was totaled in an accident while being towed for services. Unit 418 is a Ford F-450 and will be replaced with a Ford F-450. The City received \$26,198.68 from insurance towards this vehicle. This unit was not in the FY19 budget for replacement, but is needed since the vehicle is totaled. The bid received from Ford of Murfreesboro is \$73,129.00.

The last item is for the purchase of a mini-excavator to replace backhoe 459 which is used by the streets maintenance crew. Unit 459 is 13 years old, has over 2,200 hours, is in poor condition and is currently inoperable due to needed engine repairs. Estimated engine repair needed for this piece of equipment is approximately \$16,000. Rather than replacing with a new backhoe, we recommend replacement with a mini-excavator which is more maneuverable in smaller spaces and costs less than a new backhoe. The School's Maintenance Department has expressed interest in Unit 459 and it will be transferred over to the School Department. The purchase of a new mini-excavator to replace backhoe 459 was not in the FY19 budget. The bid received from Stowers Machinery Corp. is \$60,427.24

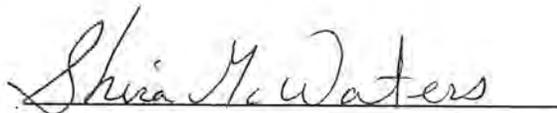
The total cost for all equipment and vehicle purchase is \$407,948.24.

All vehicles and equipment to be replaced have been evaluated by the equipment shop who recommends replacements of the units listed.

Recommendation

Staff recommends approval of the attached resolution.

Attachment(s)
Equipment Shop Evaluations


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

**PUBLIC WORKS DEPARTMENT
INTRAOFFICE MEMORANDUM**

DATE: February 27, 2019
TO: Shira A. McWaters, Public Works Director
FROM:  Mike Miller, Streets and Fleet Manager
SUBJECT: EVALUATION OF VEHICLE 400

- 2008 Ford F-450
- Assigned to Public Works Water Crew
- In service since 2008
- Over 156,000 miles at last service.
- Overall condition – Totaled in accident
- Last five (5) years maintenance costs - NA.
- Recommend replacement.
- Replacement Cost- \$ 62,170.00

cc: Michael Smith, Operations and Division Manager

Ford of Murfreesboro

John Hamby
1550 NW Broad St.
Murfreesboro, TN 37129

SALES QUOTATION

STATE CONTRACT- 000056446

TO:	OAKRIDGE	TRUCK # 400
	2019 FORD F350 SUPER CAB 4X4	
	OXFORD WHITE	

F.O.B.
TERMS
DELIVERY
NUMBER

Thank you for your inquiry dated: *January 31, 2019*
We are pleased to quote you the following:

ITEM	QUANTITY		UNIT PRICE	DELIVERY DATE
1				
2	1	2019 FORD F-350 SUPER CAB 4X4	\$30,455.00	
3		6.2 LITER V-8 , 6 SPEED TRANSMISSION		
4		EXTERIOR – OXFORD WHITE		
5		INTERIOR – MEDIUM GRAY		
6		OPTIONS LISTED ON WINDOW		
7		OPTIONS	2715	TBD
8		QUOTE STRINGFELLOW	\$29,000.00	
9		READING CLASSIC II SERVICE BODY, 4 DRAWER		
10		3000 WATT INVERTER, GFI BOX CURB SIDE		
11		RANCH HAND BUMOER W/ WINCH/HITCH & PLUG	\$62,170.00	
12		VR 140 TANK & HOSE REEL, COMP LIGHTING		

We will be happy to supply any further information you may need and trust that you call on us to fill your order, which will receive our prompt and careful attention.

John Hamby
PER

January 31, 2019
DATE

Reading classic II model U98ASW
4 drawer unit road front
3,000 w inverter curb front battery
G.F.I. Box curb side rear
Ranch hand with 15,000 patriot winch
Use hitch on chassis add 7 blade plug
Compartment lights
Installed on 56" ca single rear wheel \$14,150.00

Optional V-mac VR-140 under hood, hose reel \$14,850.00

**PUBLIC WORKS DEPARTMENT
INTRAOFFICE MEMORANDUM**

DATE: February 27, 2019
TO: Shira A. McWaters, Public Works Director
FROM:  Mike Miller, Streets and Fleet Manager
SUBJECT: EVALUATION OF VEHICLE- 315

- 1998- GMC 3500
- Assigned to Public Works Sewer Crew
- In service since 1998
- Over 98,792 miles at last service.
- Overall condition – Poor
- Vehicle is in need of several repairs.
- Recommend replacement.
- Replacement Cost- \$52,463.00

cc: Michael Smith, Operations and Division Manager

TO: OAKRIDGE TRUCK 315 DUMP

2019 FORD F-450 REGULAR CAB CHASSIS
OXFORD WHITE

F.O.B.
TERMS
DELIVERY
NUMBER

Thank you for your inquiry dated: January 25, 2019
We are pleased to quote you the following:

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	DELIVERY DATE
1	1	2019 FORD F-450 REGULAR CAB CHASSIS	\$34,833.00	TBD
2		6.8 V-10 GAS W/ 6 SPEED TRANSMISSION		
3		EXTERIOR - OXFORD WHITE		
4		INTERIOR - MEDIUM GRAY VINYL		
5		OPTIONS LISTED ON WINDOW STICKER	\$2,405.00	
6		OPTIONS		
7		QUOTE STRINGFELLOW MFG		
8		STRINGFELLOW 9FT DUMP, 13"FIXED SIDES	\$15,225.00	
9		ELECTRIC TARP, PTO HOIST, 30" UNDERBODY BOX		
10		STROBES IN REAR		
11				
12		TOTAL	\$52,463.00	

We will be happy to supply any further information you may need and trust that you call on us to fill your order, which will receive our prompt and careful attention.

John Hamby
PER

January 25, 2019
DATE

STRINGFELLOW
QUOTE

- v-10 gas
- Stringfellow dump 9'
- 13" fixed sides
- Electric arm tarp
- P.T.O. hoist
- 30" under body tool box curb side
- Strobes in rear post
- Painted black
- Mounted on 60" ca \$15,225.00

**PUBLIC WORKS DEPARTMENT
INTRAOFFICE MEMORANDUM**

DATE: February 27, 2019
TO: Shira A. McWaters, Public Works Director
FROM:  Mike Miller, Streets and Fleet Manager
SUBJECT: EVALUATION OF VEHICLE- 313

- 2002 Ford F-550
- Assigned to Public Works Sewer Crew
- In service since May 2002
- Over 143,669 miles at last service.
- Overall condition – Fair
- Vehicle is in need of several minor repairs.
- Due to age and mileage, Fleet maintenance recommends replacement.
- Replacement Cost- \$68,794.00

cc: Michael Smith, Operations and Division Manager

|

TO: OAKRIDGE TRUCK 313 DUMP
 2019 FORD F-550 SUPER CAB CHASSIS
 OXFORD WHITE

F.O.B.
 TERMS
 DELIVERY
 NUMBER

Thank you for your inquiry dated: January 23, 2019
 We are pleased to quote you the following:

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	DELIVERY DATE
1	1	2019 FORD F-550 SUPER CAB CHASSIS	\$38,334.00	TBD
2		6.8 V-10 GAS W/ 6 SPEED TRANSMISSION		
3		EXTERIOR - OXFORD WHITE		
4		INTERIOR - MEDIUM GRAY VINYL		
5		OPTIONS LISTED ON WINDOW STICKER OPTIONS	\$3,860.00	
6				
7		QUOTE STRINGFELLOW MFG		
8		TRUCK CRAFT SERVICE DUMP TC300	<u>\$26,600.00</u>	
9		PTO PUMP TANK AND VALVE, 3000 WATT INVERTER		
10		DEEP CYCLE BATTERY CURB SIDE FRONT		
11		GFI BOX CURB SIDE REAR, RECEIVER W/ PLUG		
12		TOTAL	\$68,794.00	

We will be happy to supply any further information you may need and trust that you call on us to fill your order, which will receive our prompt and careful attention.

JOHN HAMBY
 PER

January 23, 2019
 DATE

**PUBLIC WORKS DEPARTMENT
INTRAOFFICE MEMORANDUM**

DATE: February 27, 2019
TO: Shira A. McWaters, Public Works Director
FROM:  Mike Miller, Streets and Fleet Manager
SUBJECT: EVALUATION OF VEHICLE- 320

- 2002 Dodge 3500
- Assigned to Public Works Water Plant Maintenance
- In service since May 2002
- Over 92,000 miles at last service.
- Overall condition – Poor
- Vehicle is in need of several minor repairs.
- Due to age and mileage, Fleet maintenance recommends replacement.
- Replacement Cost- \$35,860.00

cc: Michael Smith, Operations and Division Manager

TO:

OAKRIDGE

2018 FORD F-250 REGULAR CAB 4X4 XL
 OXFORD WHITE SERVICE BODY

F.O.B.
 TERMS
 DELIVERY
 NUMBER

Thank you for your inquiry dated: January 8, 2019
 We are pleased to quote you the following:

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	DELIVERY DATE	
1	1	2018 FORD F-250 XL REG CAB 4X4 164 WB	\$26,295.00	TBD	
2		6.2 LITER V-8 W/ 6 SPEED TRANSMISSION			
3		EXTERIOR - OXFORD WHITE			
4		INTERIOR - GRAY VINYL			
5		OPTIONS:			
6		LISTED ON WINDOW STICKER			
7		READING SERVICE BODY SL 96 WHITE			\$3,065.00
8		W/ BACK UP CAMERA, PLUG AND RECEIVER HITCH			\$6,500.00
9					
10					
11					
12		TOTAL PER UNIT			\$35,860.00

We will be happy to supply any further information you may need and trust that you call on us to fill your order, which will receive our prompt and careful attention.

John Hamby

 PER

January 8, 2019

 DATE

**PUBLIC WORKS DEPARTMENT
INTRAOFFICE MEMORANDUM**

DATE: February 27, 2019
TO: Shira A. McWaters, Public Works Director
FROM:  Mike Miller, Streets and Fleet Manager
SUBJECT: Service Truck for Equipment Shop

- Approximately 2 years ago one of the pickup trucks assigned to the equipment shop was reassigned to the pavement marker to mount a specific striping machine. This truck was not replaced. The Shop is in need of a service truck with utility bed to be able to respond to service calls in the City as well as picking up parts.
- Streets and Fleet Manager recommends buying a truck for this purpose.
- Public Works budget included \$80,000.00 for this truck in the FY2019 budget.
- Purchase Price-\$55,105.00

cc: Michael Smith, Operations and Division Manager

**PUBLIC WORKS DEPARTMENT
INTRAOFFICE MEMORANDUM**

DATE: February 27, 2019
TO: Shira A. McWaters, Public Works Director
FROM:  Mike Miller, Streets and Fleet Manager
SUBJECT: EVALUATION OF VEHICLE 418

- 2008 Ford F-450
- Assigned to Public Works Water Crew
- In service since 2008
- Over 109,000 miles at last service.
- Overall condition – Totaled in accident
- Last five (5) years maintenance costs - NA.
- Recommend replacement.
- Replacement Cost- \$ 73,129.00

cc: Michael Smith, Operations and Division Manager

**PUBLIC WORKS DEPARTMENT
INTRAOFFICE MEMORANDUM**

DATE: February 27, 2019

TO: Shira A. McWaters, Public Works Director

FROM:  Mike Miller, Streets and Fleet Manager

SUBJECT: EVALUATION OF VEHICLE 459

- 2006 Case Backhoe
- Assigned to Public Works
- First record of service on this machine is 2011. This machine was bought used.
- Over 2200 Hrs. at last service
- Overall condition – Poor
- Engine Bad – Parts estimate for repair = \$14280.00 Estimated labor cost = \$1500.00
- It is the opinion of the Fleet Maintenance Division that this vehicle has served its useful life with the City and it is no longer cost effective because of age and major repair needed.
- Recommend replacement.
- Approximate replacement cost – \$60,427.24

cc: Michael Smith, Operations and Division Manager

City of Oak Ridge

New Caterpillar 305 E2 Mini Excavator	
Description	List Price
305 E2 Mini Hydraulic Excavator SN#: H5M08975	\$ 79,030.00
Engine	Inc.
Cab with Air Conditioning	Inc.
Pattern Control Changer	Inc.
Boom Lines	Inc.
Stick Lines	Inc.
3" Seat Belt	Inc.
Mirror Cab Right	Inc.
Long Stick Package	Inc.
Rubber Belt, 2 SPD Undercarriage	Inc.
78" Blade	Inc.
Travel Alarm	Inc.
Ground Cable	Inc.
Ecology Drain	Inc.
Water Heater Jacket	Inc.
Standard Lights	Inc.
Battery Disconnect	Inc.
Product Link Cellular PL 240	Inc.
New 305 E2 Mini Hydraulic Excavator List Price	\$ 79,030.00
Discount of List % per TDOT Contract (see attached)	31.6%
Discount \$ from List per TDOT Contract	\$ (24,973.48)
New 305 E2 Mini Hydraulic Excavator-Additional Items	\$ 54,056.84

New 305 E2 Mini Hydraulic Excavator Work Tools	
Description	List Price
24" Tooth Bucket	\$ 1,485.00
Thumb	\$ 2,403.00
Coupler	\$ 1,968.00
New 305 E2 Mini Hydraulic Excavator Worktool Sale Price	\$ 5,856.00
Discount of List % per TDOT Contract	10%
Discount \$ from List per	\$ (585.60)
New 305 E2 Mini Hydraulic Excavator Worktool Sale Price	\$ 5,270.40

New 305 E2 Mini Hydraulic Excavator-Additional Items	
Description	List Price
CAT Radio	\$ 300.00
Warranty- 2 Year/ 2000 Hour Total Machine	\$ -
Shipping and Dealer PDI	\$ 800.00
New 305 E2 Mini Hydraulic Excavator-Additional Items	\$ 1,100.00

New 305 E2 Mini Hydraulic Excavator Sales Price	
New 305 E2 Mini Hydraulic Excavator Sales Price	\$ 54,056.84
New 305 E2 Mini Hydraulic Excavator Worktool Sale Price	\$ 5,270.40
New 305 E2 Mini Hydraulic Excavator-Additional Items	\$ 1,100.00
New 305 E2 Mini Hydraulic Excavator Total Sales Price	\$ 60,427.24

Submitted by: Skip Turner
 Stowers Machinery Corporation
 stuner@stowerscat.com
 865.978.0298

RESOLUTION

A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$407,948.24 FROM THE EQUIPMENT REPLACEMENT FUND AND WATERWORKS FUND FOR THE PURCHASE OF SEVEN (7) VEHICLES FOR THE PUBLIC WORKS DEPARTMENT UTILIZING STATE CONTRACT PRICING.

WHEREAS, the Public Works Department has identified a number of vehicles that are scheduled for replacement based upon condition and maintenance requirements; and

WHEREAS, the Public Works Department desires to purchase replacement seven (7) vehicles utilizing state contract pricing; and

WHEREAS, funds are available in the Equipment Replacement Fund and the Waterworks Fund for these purchases; and

WHEREAS, the City Manager requests approval to spend \$407,948.24 for the purchases set forth herein for the Public Works Department using state contract pricing.

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

That the recommendation of the City Manager is approved and awards are hereby made as follows: the City is hereby authorized to purchase the following vehicles using state contract pricing:

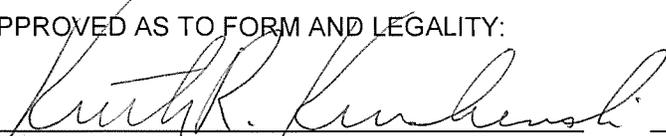
- To Ford of Murfreesboro, 1550 NW Broad St, Murfreesboro, Tennessee 37129, for the furnishing of one (1) 2019 Ford F-350 Super Cab 4x4, to replace Vehicle #400 used by the water crew, in the amount of \$62,170.00.
- To Ford of Murfreesboro, 1550 NW Broad St, Murfreesboro, Tennessee 37129, for the furnishing of one (1) 2019 Ford F-450 Regular Cab Chassis, to replace Vehicle #315 used by the sewer crew, in the amount of \$52,463.00.
- To Ford of Murfreesboro, 1550 NW Broad St, Murfreesboro, Tennessee 37129, for the furnishing of one (1) 2019 Ford F-550 Super Cab Chassis, to replace Vehicle #313 used by the sewer crew, in the amount of \$68,794.00.
- To Ford of Murfreesboro, 1550 NW Broad St, Murfreesboro, Tennessee 37129, for the furnishing of one (1) 2018 Ford F-250 XL Regular Cab 4x4, to replace Vehicle #320 used by the water treatment plant maintenance crew, in the amount of \$35,860.00.
- To Ford of Murfreesboro, 1550 NW Broad St, Murfreesboro, Tennessee 37129, for the furnishing of one (1) 2019 Ford F-350 Super Cab 4x4, for the equipment shop, in the amount of \$55,105.00.
- To Ford of Murfreesboro, 1550 NW Broad St, Murfreesboro, Tennessee 37129, for the furnishing of one (1) Ford F-450 Super Cab Chassis to replace Vehicle #418 used by the water crew, in the amount of \$73,129.00.
- To Stowers Machinery Corporation, 10644 Lexington Drive, Knoxville, Tennessee 37932, for the furnishing of a mini-excavator to replace backhoe #459 used by the streets maintenance crew, in the amount of \$60,427.24.

Said awards in the grand total of \$407,948.24.

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

This the 11th day of March 2019.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk