OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

June 8, 2020 - 7:00 p.m.

AGENDA

I. INVOCATION

Pastor David Allred, High Places Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS

a. A proclamation honoring Tom and Donna Sullivan, owners of the Hot Bagel Company, on the occasion of their retirement

b. A proclamation honoring Parker Hardy, President of the Oak Ridge Chamber of Commerce, on the occasion of his retirement

V. SPECIAL REPORTS

a. Presentation and Transmittal of the City of Oak Ridge proposed budget for Fiscal Year 2021 by Mark S. Watson, City Manager

VI. CONSENT AGENDA

a. Approval of May 11, 2020 City Council regular meeting minutes

b Confirmation of the Nomination of Dr. Thomas L. Clary, III as Commissioner of the Oak Ridge Utility District

c. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO MANSFIELD OIL COMPANY FOR FURNISHING UNLEADED AND DIESEL FUEL FOR FISCAL YEAR 2021 IN THE ESTIMATED AMOUNT OF $405,000.00.

d. A RESOLUTION AWARDING A CONTRACT TO BAKER & TAYLOR, LLC, CHARLOTTE, NORTH CAROLINA, FOR THE PURCHASE OF BOOKS FOR THE OAK RIDGE PUBLIC LIBRARY IN AN AMOUNT NOT TO EXCEED $65,000.00 FOR FISCAL YEAR 2021 WITH UP TO NINE (9) ADDITIONAL FISCAL-YEAR RENEWAL OPTIONS.

e. A RESOLUTION TO APPLY FOR, AND ACCEPT IF AWARDED, A CARES GRANT ADMINISTERED THROUGH THE TENNESSEE STATE LIBRARY AND ARCHIVES IN AN AMOUNT NOT TO EXCEED $20,000.00, WITH NO LOCAL MATCH REQUIREMENT.

f. A RESOLUTION TO APPROVE PARTICIPATION IN THE TENNESSEE VALLEY AUTHORITY'S (TVA) HOME UPLIFT PROGRAM (HUP) WHICH OFFERS WEATHERIZATION AND SIMPLE HOME REPAIRS FOR LOW INCOME, SINGLE-FAMILY HOUSEHOLDS.

g. A RESOLUTION AUTHORIZING THE CITY TO CONTINUE PARTICIPATION IN THE EAST TENNESSEE ECONOMIC DEVELOPMENT AGENCY, WITH ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF $26,116.00 FOR THE 2020 CALENDAR YEAR.

h. A RESOLUTION AMENDING THE CITY'S MULTIMODAL ACCESS GRANT (SIDEWALK IMPROVEMENTS PROJECT) FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION TO EXTEND THE COMPLETION DATE UNTIL OCTOBER 3, 2021.

i. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO ORACLE AMERICA, INC., FOR FURNISHING OF ANNUAL MAINTENANCE SERVICES FOR THE FINANCIAL SOFTWARE SYSTEM UTILIZED BY THE CITY FOR FISCAL YEAR 2021 IN THE AMOUNT OF $30,356.22.

j. A RESOLUTION MAKING AWARD TO FLEXIBLE STAFFING SERVICES OF TENNESSEE, INC., AND OTHER QUALIFIED COMPANIES FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $100,000.00.

k. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR EMERGENCY STREET RESURFACING FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $230,000.00.

l. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AWARDS TO STOWERS, BOBCAT, CONTRACTORS MACHINERY, UNITED RENTALS, NORTRAX, AND OTHER SUITABLE COMPANIES FOR AS NEEDED HEAVY EQUIPMENT RENTAL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $95,000.00.

m. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR FURNISHING CHEMICALS FOR THE WATER TREATMENT PLANT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $400,000.00.

n. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO WASTE MANAGEMENT FOR DISPOSAL OF BIOSOLIDS AT THE CHESTNUT RIDGE LANDFILL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $180,000.00.

o. A RESOLUTION AWARDING A CONTRACT TO CMG HEALTHWORKS, OAK RIDGE, TENNESSEE, TO PROVIDE EMPLOYEE MEDICAL EVALUATIONS, DRUG AND ALCOHOL TESTING, AND HAZMAT MEDICAL TESTING SERVICES FOR THE PERSONNEL DEPARTMENT IN AN AMOUNT NOT TO EXCEED $75,000.00.

VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF AN APPROXIMATE 201.917 ACRE PORTION OF FOREST CREEK VILLAGE SUBDIVISION (FORMERLY RARITY OAKS SUBDIVISION), FROM R-1-B, SINGLE FAMILY RESIDENTIAL, TO R-1-C, SINGLE FAMILY RESIDENTIAL. **(Public hearing will be held on second reading.)**

b. AN ORDINANCE TO REPEAL ORDINANCE NO. 5-11 WHICH ADOPTED THE RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER, AND TO ADOPT NEW RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER WITHIN THE CITY OF OAK RIDGE, TENNESSEE.

VIII. FINAL ADOPTION OF ORDINANCES

a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY ADDING A DEFINITION FOR SELF-STORAGE FACILITY IN ARTICLE II, TITLED "DEFINITIONS"; BY CREATING A NEW SECTION 3.37, TITLED "SELF-STORAGE FACILITIES"; BY MODIFYING SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," SUBSECTION (C)(5) TO ALLOW SELF-STORAGE FACILITIES AS A USE REQUIRING A SPECIAL EXCEPTION; TO MODIFY SECTION 7.05, TITLED "B-3, ROADSIDE BUSINESS DISTRICTS," TO ADD SUBSECTION (A)(8) TO ALLOW SELF-STORAGE AS A PERMITTED PRINCIPAL USE; TO MODIFY SECTION 8.01, TITLED "IND-1, INDUSTRIAL DISTRICTS," TO CHANGE SUBSECTION (B)(2) TO ALLOW SELF-STORAGE FACILITIES AS A PERMITTED PRINCIPAL USE; AND TO MODIFY SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," TO ADD A NEW SUBSECTION (F)(1)(I) REGARDING SELF-STORAGE FACILITIES. **(Public hearing is required.)**

IX. RESOLUTIONS

a. A RESOLUTION APPROVING THE PURCHASE OF AN EASEMENT MACHINE FOR THE PUBLIC WORKS DEPARTMENT FROM JET-VAC EQUIPMENT COMPANY, LLC, SOUTH CAROLINA, THROUGH THE PURCHASING COOPERATIVE SOURCEWELL IN AN AMOUNT NOT TO EXCEED $70,647.00.

b. A RESOLUTION TO AMEND RESOLUTION 6-48-2019 TO INCREASE THE "NOT TO EXCEED" AMOUNT FOR DISPOSAL OF BIOSOLIDS AT THE WASTE MANAGEMENT CHESTNUT RIDGE LANDFILL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2020 BY $55,000.00.

X. APPEARANCE OF CITIZENS

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. CITY MANAGER'S REPORT

b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

PROCLAMATIONS

CITY CLERK MEMORANDUM
20-09

DATE: June 1, 2020

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Hickman, City Clerk

SUBJECT: PROCLAMATIONS FOR THE JUNE 8, 2020 CITY COUNCIL MEETING AGENDA

The following proclamations are presented for the June 8, 2020 City Council meeting for the City Council's consideration:

A proclamation recognizing Tom and Donna Sullivan, owners of the Hot Bagel Company, on the occasion of their retirement

This request was submitted by Dr. Amy Fitzgerald, Director of Government Affairs and Information Services, in recognition of Tom and Donna Sullivan, who retired on May 30, 2020.

A proclamation recognizing Parker Hardy, President of the Oak Ridge Chamber of Commerce, on the occasion of his retirement

This request was submitted by Greta Ownby, Executive Vice-President of the Oak Ridge Chamber of Commerce, in recognition of Parker Hardy, who is retiring on June 30, 2020.

Mary Beth Hickman

Mary Beth Hickman

Attachment:
Proclamations

PROCLAMATION

WHEREAS, Tom and Donna Sullivan started the Hot Bagel Company in 1994 and retired on May 30, 2020; and

WHEREAS, the Hot Bagel Company has been a fixture in the Oak Ridge community for more than twenty-five years, serving as a gathering place for citizens and elected officials alike, and a favorite place of travelers from near and far; and

WHEREAS, the Hot Bagel Company has served as a caterer for many community events and organizations over the years, and the Sullivan family, including their daughter Katie, has served meals for rowing teams from all over the United States; and

WHEREAS, Ms. Sullivan has compared the rowing teams visiting Oak Ridge during training and rowing events to "a visit from family," and even sent bagels to the United States Olympic team when a rower she had established a friendship with was competing; and

WHEREAS, the Hot Bagel Company has received rave reviews from numerous customers, who praised their bagels as the "real deal" and "exactly what you would find in New York," the eclairs as "out of this world," and the owners as "making you feel welcomed and valued" as a customer; and

WHEREAS, the Sullivans have never forgotten the favorite meals of many of their customers, including local and state officials; and

WHEREAS, the Sullivans have also worked tirelessly to raise funds for Lupus Awareness and provided food for the Butterflies for Hope post-ride feast, which they organized; and

WHEREAS, the Sullivans have continued their tradition of community service even in retirement by donating their equipment to the Pellissippi State Community College Culinary School, where the Culinary Arts Program has agreed to continue to provide food for the Butterflies for Hope event; and

WHEREAS, the Sullivan family deserves recognition as ambassadors for Oak Ridge, and for their service of over twenty-five years for making the community a better place to live, work, and visit; and

WHEREAS, although the Hot Bagel Company is closing its doors, Tom and Donna Sullivan will always be synonymous with Oak Ridge, and their dedication to, and love of our community will never be forgotten.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that in recognition of their distinguished service and contributions to the Oak Ridge community, the City of Oak Ridge pays tribute to

TOM AND DONNA SULLIVAN

and wishes them all the best on the occasion their retirement, and in all their future endeavors.

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 8th day of June in the year 2020.

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WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, Parker Hardy has served as the President and Chief Executive Officer of the Oak Ridge Chamber of Commerce since 1996 and will be retiring on June 30, 2020; and

WHEREAS, Mr. Hardy began his distinguished chamber career in 1982 and previously served as Chief Executive Officer for chambers in North Carolina, Virginia, and Georgia; and

WHEREAS, prior to coming to Oak Ridge, Mr. Hardy devoted several years to teaching and coaching before serving as an Executive with the Boy Scouts of America; and

WHEREAS, in 1994, Mr. Hardy came to Tennessee to lead the Tennessee Ocoee Development Agency, where he was responsible for operating the 1996 Olympic Canoe/Kayak Slalom venue, the only Olympic medal event outside of Georgia; and

WHEREAS, during his tenure with the Oak Ridge Chamber, Mr. Hardy has played a vital role in recruiting new retail to Oak Ridge, including the Main Street Oak Ridge development, the Towne Place Suites by Marriott, and numerous retail and dining opportunities, including Dairy Queen, Which Wich, Sports Clips, Dunkin' Donuts and Westcott Center (Kroger Marketplace); and

WHEREAS, Mr. Hardy has also been instrumental in leading residential development in Oak Ridge, most notably The Preserve, Groves Park Commons, Forest Creek Village, Bristol Park, Centennial Village and Centennial Bluff; and

WHEREAS, under his leadership, the Oak Ridge Chamber of Commerce received the American Chamber of Commerce Association Chamber of the Year designation in 2010 and earned its Four-Star accreditation from the United States Chamber of Commerce; and

WHEREAS, Mr. Hardy was instrumental in obtaining legislative approval for the Oak Ridge campus of Roane State Community College and worked with officials on the state and local levels to facilitate location of the Spellation Neutron Source in Oak Ridge even in the face of stiff competition from other Department of Energy sites; and

WHEREAS, Mr. Hardy and his wife Robin, a retired teacher in Oak Ridge schools, made Oak Ridge their home, and their sons Andrew and John are products of the Oak Ridge school system and proud graduates of Oak Ridge High School; and

WHEREAS, Mr. Hardy's legacy of professional and personal leadership will leave an indelible mark on the Oak Ridge community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that in recognition of his distinguished service and contributions to the Oak Ridge community, the City of Oak Ridge pays tribute to

PARKER HARDY

and wishes him the best on his retirement and in all of his future endeavors.

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 8th day of June in the year 2020.

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WARREN L. GOOCH, MAYOR

CONSENT AGENDA

OAK RIDGE CITY COUNCIL MEETING
Virtual Meeting

May 11, 2020

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on May 11, 2020 with Mayor Warren Gooch presiding. Due to the COVID-19 pandemic and under the authority of Governor Bill Lee's Executive Orders #16 and #34, the meeting was held via electronic video-conferencing.

INVOCATION

The invocation was given by Councilmember Derrick Hammond.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Ken Krushenski.

ROLL CALL

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

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

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating May 10-16, 2020 as Police Week and May 15, 2020 as Police Memorial Day
Councilmember Callison moved for approval of the proclamation, and Councilmember Hope 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."

A proclamation honoring the Oak Ridge High School Class of 2020
Councilmember Hope moved for approval of the proclamation, and all remaining Councilmembers 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

City Judge Salary Review Committee Report – Councilmember Ellen Smith, Chair
Councilmember Smith presented the report to Council from the City Judge Salary Review Committee, which included herself, Councilmember Callison, and Mayor Pro Tem Chinn. The committee recommended no change in the salary of the City Judge.

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

CONSENT AGENDA

Councilmember Dodson moved for approval of the Consent Agenda as amended, and Councilmember

Hammond seconded.

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

Approval of the April 13, 2020 City Council regular meeting minutes

Resolution No. 5-36-2020
A RESOLUTION TO DESIGNATE A NEW AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR FOR THE CITY OF OAK RIDGE.

Resolution No. 5-37-2020
A RESOLUTION TO DESIGNATE ROSS KING, PERSONNEL DIRECTOR, AS THE EQUAL EMPLOYMENT OPPORTUNITY (EEO) COORDINATOR FOR THE CITY OF OAK RIDGE.

Resolution No. 5-38-2020
A RESOLUTION APPROVING A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR MAINTENANCE OF STATE HIGHWAYS WITHIN THE CORPORATE CITY LIMITS WHEREBY THE CITY IS REIMBURSED BY TDOT FOR SAID SERVICES IN THE AMOUNT OF $151,282.65 FOR FISCAL YEAR 2021.

Resolution No. 5-39-2020
A RESOLUTION AUTHORIZING THE PURCHASE OF VOLTAGE REGULATOR CONTROLS FROM WESCO DISTRIBUTION, KNOXVILLE, TENNESSEE, IN AN AMOUNT NOT TO EXCEED $88,080.00 FOR USE BY THE ELECTRIC DEPARTMENT.

Resolution No. 5-40-2020
A RESOLUTION ACCEPTING CERTAIN INFRASTRUCTURE AT THE PRESERVE AT CLINCH RIVER (FORMERLY RARITY RIDGE) PHASE 7, SUBAREAS I, G, AND K, FOR PERPETUAL MAINTENANCE.

Resolution No. 5-41-2020
A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR, AND ACCEPT IF AWARDED, GRANTS ASSOCIATED WITH COVID-19 PANDEMIC.

Resolution No. 5-42-2020
A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP GRANT FROM THE U.S. DEPARTMENT OF JUSTICE AND TO ACCEPT SAID GRANT IF AWARDED.

Resolution No. 5-43-2020
A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM AARP TO BE USED FOR STREET ADORNMENTS IN ACCORDANCE WITH THE "DOWNTOWN OAK RIDGE" VISION FOR THE WILSON STREET CORRIDOR, AND TO ACCEPT SAID GRANT IF AWARDED.

Resolution No. 5-44-2020
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, 2020, AND TO AUTHORIZE DISTRIBUTION OF THE ELECTRIC FUNDS BETWEEN THE CITY OF OAK RIDGE AND ANDERSON AND ROANE COUNTIES IN ACCORDANCE WITH STATE LAW.

Resolution No. 5-45-2020
A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR CONTINUING THE PROVISION OF SERVICES PURSUANT TO THE TENNESSEE OVERSIGHT INTERLOCAL AGREEMENT IN THE AMOUNT OF $539,603.00, AND TO ACCEPT THE GRANT SHOULD IT BE AWARDED.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY ADDING A DEFINITION FOR SELF-STORAGE FACILITY IN ARTICLE II, TITLED "DEFINITIONS"; BY CREATING A NEW SECTION 3.37, TITLED "SELF-STORAGE FACILITIES"; BY MODIFYING SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," SUBSECTION (C)(5) TO ALLOW SELF-STORAGE FACILITIES AS A USE REQUIRING A SPECIAL EXCEPTION; TO MODIFY SECTION 7.05, TITLED "B-3, ROADSIDE BUSINESS DISTRICTS," TO ADD SUBSECTION (A)(8) TO ALLOW SELF-STORAGE AS A PERMITTED PRINCIPAL USE; TO MODIFY SECTION 8.01, TITLED "IND-1, INDUSTRIAL DISTRICTS," TO CHANGE SUBSECTION (B)(2) TO ALLOW SELF-STORAGE FACILITIES AS A PERMITTED PRINCIPAL USE; AND TO MODIFY SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," TO ADD A NEW SUBSECTION (F)(1)(I) REGARDING SELF-STORAGE FACILITIES. (**Public hearing will be held on second reading.)**

Mayor Pro Tem Chinn moved for approval of the ordinance, and Councilmember Smith seconded. City Manager Mark Watson provided an overview of the ordinance, and Planning Commission Chair Stephen Whitson and Community Development Director Wayne Blasius answered questions from Council. Chairman Whitson stated that Planning Commission had unanimously approved the changes included in this ordinance.

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

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," TO ADD INDOOR SELF-STORAGE FACILITIES AS A PERMITTED USE UPON APPROVAL BY THE BOARD OF ZONING APPEALS AND BY AMENDING SECTION 3.37, TITLED "SELF STORAGE FACILITIES," SUBSECTION (F) TO ESTABLISH STANDARDS FOR SUCH USE. (**Public hearing will be held on second reading.)**

Councilmember Callison moved for approval of the ordinance, and Councilmember Hammond seconded. City Manager Mark Watson provided an overview of the ordinance and answered questions from Council. Developers Neil Wilson and Brett Rogers from Realty Link and Oak Ridge economic development consultant Ray Evans were also present via video to answer questions from Council.

Mr. Wilson described why a storage facility is an appropriate usage for the proposed site near the Wal-Mart loading dock and the Pet Smart trash dumpsters. He also announced that four new stores that will be coming to the development and be operational by the Spring of 2021 include Five Below, Old Navy, ross, and Home Goods. Mr. Rogers stated that the proposed facility would be a three-level, air-conditioned self-storage facility whose architecture would match the remainder of the development.

Councilmember Dodson asked if the first reading could be postponed another month to allow the Planning Commission to discuss it. Councilmember Smith stated that she would like to see the Planning Commission to look at the ordinance before first reading.

Ray Evans stated that the rezoning of the property would have to take place before the Planning

Commission could review a specific site plan.

Mayor Pro Tem Chinn stated that this item has been under discussion for some time, and he would like to see a decision made on it soon.

Greg and Debbie Johnson, 128 William Lane, Oak Ridge, submitted the following comments prior to the meeting:

"We think that tonight's meeting considering the zoning change for the storage unit proposed for the city center should be postponed since the public can't attend and share their concerns We also feel that this is not a good or beneficial use of the area Too date we have conceded on every wish of the developer and have received little The existing site looks very uninviting and has no draw as a destination We need to hold it to a high standard that will be a destination for several years to come It appears that the developer is only interested in short term monetary gains and will abandon the development as these goals are reached please consider the long term goals that our city has planned and needs."

Jerry Wheeler submitted the following comments prior to the meeting:

"I request a postponement of the adoption of the Self Storage zoning (UB-2)amendments until such time as a normal public hearing can take place. The Main Street project is too important to the long term health of our city. Self storage is permitted in B-2, B-3 and IND-1 zones as approved by the Planning Commission in June 2019.

Thank you for your consideration."

Catherine Gorman submitted the following comments prior to the meeting:

"This email is to present some of my concerns as a citizen of Oak Ridge in regards to the virtual city council meeting tonight. The UB-2 zoned properties are premier lots in Oak Ridge and should be protected, and overriding the recommendations of the Planning Commission goes against this.

Having warehouse and storage prominent along the main street area is not consistent with the original vision of having retail and restaurants that support the downtown feel. These zoning changes should not be made until, at the very least, more people can come together and discuss. The Planning Commission has recommendations on what properties should be zoned and we do not feel that including storage will be beneficial to our city. There is existing zoning that accommodates for this and we would like to keep it the way it is.

Thank you for your time and consideration on this matter."

Jay and Beth Adams, 105 Cottage Court, Oak Ridge, submitted the following comments prior to the meeting:

"Please take the time to read this email.

We would like to make you aware of our concerns regarding the virtual city council meeting for this evening, May 11, 2020. We have specific concerns about Section VII on the Agenda: Public Hearings and First Readings of Ordinances. We believe these are significant items that should be discussed in person and should have more feedback and input from the citizens of the community even at first read-in. With the current times of COVID-19, this item should at a minimum, be put on pause. We believe that changing the UB-2 zoning would be overriding the Planning Commission's well thought out proposals. UB-2 zoned properties are premier lots in Oak Ridge and should be protected.

For instance, adopting this change would allow for storage almost anywhere along Illinois Ave or Oak Ridge Turnpike, or in the Main Street area. Allowing this ordinance change would set a precedence with the BZA to allow it almost anywhere going forward. Currently, most cities in the area are enforcing stricter zoning on self-storage, due to the growing fad of self-storage. There are other parts of town that already have

these types of services, and that can support this type of development. As noted before by Community Development, the original intent for the Main Street area is to accommodate and create a more pedestrian friendly area. Amending Ordinance 2, to include indoor self-storage facilities does not support the vision that Community Development originally had for this project and what was presented to the public and accepted by Realty Link.

People have asked for valid suggestions of use for this area at previous meetings. One valid use would be attractive downtown residential live and or possible work for the current younger working generation that wants the easy living & walking around downtown experience along Rutgers Ave.. This would create another form of revenue in addition to retail rents for the Developer. Allowing this Amendment change would give way for warehousing/ storage all over the city in premier property sites. We feel like this would be inconsistent with the new comprehensive plan for our community and families to live with for potentially the rest of our lives here.

Thank you for your time and consideration on this matter."

Tom and Betty Dahl, 100 Wolf Creek Way, Oak Ridge, submitted the following comments prior to the meeting:

What! Say it's not so! Your meeting virtually tonight, and I have until 5:00 o'clock to make comments on your agenda?! I am very concerned that you are bringing up a change of zoning for self-storage especially if it is to accommodate the contractor for the downtown area. I want to help him succeed as well, but I don't want to ruin our downtown area. The plan was to make it better and family friendly where families will be enticed to walk for a dinner and a movie. Yet if you make this decision to bring self-storage into our downtown mall area, it will detract from that vision. Indeed it may discourage people from proceeding toward that kind of activity or even other businesses even wanting to locate there.

What would be something that would accommodate our vision and give a very good potential revenue source and tax base? How about living working residential areas that would use the mall and help us proceed toward the approved vision. There are plenty of already approved zones in the city where the contractor can build storage units.

We have been long term Oak Ridge residents and have watched city councils come and go, but are shocked by this agenda item. We thought this repeat agenda item was resolved months ago, and yet it is being brought to this agenda again. I am surprised the chairman or other responsible members of the council would allow this to happen. We are going to check in on this further; we are going to discuss your decisions with our friends and associates; and we are going to vote and encourage our friends to vote.

Keep our downtown vision growing. Support the planning commission."

Barry and Amy Dowdy submitted the following comments prior to the meeting:

"Since we are not able to attend the meeting in person, we wanted to let you know our thoughts about the proposed amendment to UB-2 zoning. We do not feel like this is a change that should be made. The Planning Commission has recommendations on what properties should be zoned and we do not feel that including storage will be beneficial to our city. There is existing zoning that accommodates for this and we would like to keep it the way it is."

Councilmember Smith moved to defer action on the ordinance until after the Planning Commission meeting on May 21, 2020, and Councilmember Dodson seconded.

The motion failed on a roll call vote with Councilmembers Dodson, Hope, and Smith voting "Aye," and Councilmembers Callison, Hammond, Mayor Gooch and Mayor Pro Tem Chinn voting "Nay."

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

FINAL ADOPTION OF ORDINANCES

Ordinance No. 2-2020
AN ORDINANCE TO AMEND TITLE 5, TITLED "MUNICIPAL FINANCE AND TAXATION," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 5-102, TITLED "WHEN DUE, DELINQUENT," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 5-102, TITLED "WHEN DUE, DELINQUENT," TO BROADEN THE CIRCUMSTANCES UNDER WHICH THE CITY MAY DELAY THE DUE DATE AND DELINQUENCY DATE FOR PROPERTY TAXES FOR AN INDIVIDUAL TAX YEAR BY RESOLUTION OF CITY COUNCIL.

Councilmember Dodson moved for adoption of the ordinance, and Councilmember Callison seconded. City Manager Mark Watson provided an overview of the ordinance and answered questions from Council.

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

RESOLUTIONS

Resolution No. 5-46-2020
A RESOLUTION MODIFYING THE DUE DATE AND DELINQUENCY DATE SCHEDULE FOR PROPERTY TAXES FOR TAX YEAR 2020 (JANUARY 1, 2020 THROUGH DECEMBER 31, 2020).

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

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

Resolution No. 5-47-2020
A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ROOFCONNECT®, SHERIDAN, ARKANSAS, FOR SERVICES RELATED TO THREE ROOF REPLACEMENT PROJECTS IN AN AMOUNT NOT TO EXCEED $132,190.00 AND AUTHORIZING THE CITY MANAGER TO SIGN CHANGE ORDERS UP TO $10,000.00 FOR ADDITIONAL SERVICES, IF NEEDED, WHICH ARISE DURING THE CONSTRUCTION PROJECTS.

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

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

Resolution No. 5-48-2020
A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT GRINDER FOR THE EMORY VALLEY SEWER PUMP STATION AND THE REPAIR OF AN EXISTING GRINDER FOR THE EAST PLANT SEWER PUMP STATION, ALONG WITH A FIVE-YEAR SERVICE AGREEMENT FOR BOTH GRINDERS, FROM BAR ENVIRONMENTAL, INC., NASHVILLE, TENNESSEE, IN AN AMOUNT NOT TO EXCEED $94,277.00.

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

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

Resolution No. 5-49-2020
A RESOLUTION AWARDING A CONTRACT (FY2020-160) TO ESKOLA ROOFING LLC, KNOXVILLE, TENNESSEE, FOR ROOF REPLACEMENT AT THE OAK RIDGE PUBLIC LIBRARY IN AN AMOUNT NOT TO EXCEED $609,267.00.

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

APPEARANCE OF CITIZENS

Louise McKown, 35 Riverside Drive, Oak Ridge, submitted the following comments prior to the meeting to be shared during this time:

I am so glad *The Oak Ridger* told us that you have on the agenda for tonight's city Council meeting the nomination of a new ADA coordinator for the City. Otherwise, I would not have made time today to go online to get the agenda for tonight's meeting.

At any rate, I also was so busy writing up comments for Anderson County's ADA transition plan and now working to implement that plan, that I did not comment on the City's transition plan. But I did urge some wheelchair users to do so, especially those who use the City's sidewalks and streets to buy groceries and other supplies to help you identify where the most needs are before you start implementing your transition plan. When I asked one man to write his comments to the city, he said, "You know the sidewalks are horrible in here." I do not know if he followed through on my suggestion. I urged another woman to write up her list of where she goes, especially where a sidewalk ends without a curb cut where she is then forced to go back in order to go down a curb cut to then go out in the street. I know she is ready to go with that list....if someone would just listen to her. But I think she doubts someone will.

My comment is to Brian Mills is will he please read comments to the transition plan, if there are any, and then make a concerted effort to ask wheelchair users their thoughts? May I suggest he start by asking all our HUD wheelchair residents and people living in the relatively new apartment complex near the YWCA. I am almost sure that the HUD office will let you know who they are. The City has wonderfully asked people input about their various plans for the City, but rarely did I see a wheelchair user there. They probably don't have the money to buy a newspaper, which is where I find out about these meetings. People with disabilities need to be part of the transition plan implementation process. But you probably have to seek them out because they never are asked for their point of view. It is time the City reaches out to include them!

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointment of City Council representative to the Youth Advisory Board Screening Panel
Councilmember Hope moved to re-appoint Jim Dodson as the City Council representative to the Youth Advisory Board Screening Panel, and Mayor Gooch 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."

Announcements

Scheduling

City Manager Mark Watson stated that he will present the City's budget at the June 8th City Council regular meeting, with June 15th and June 22nd as target dates for public hearing and first and second readings of

the budget. June 16th will be the regular City Council work session and could also be devoted to budget discussion. He also stated the Budget and Finance Committee will attempt to hold an in-person meeting on May 20th.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Dodson requested that discussion of broadbased internet be held at a future work session.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

City Manager Mark Watson stated that Governor Bill Lee has extended the Executive Order allowing electronic meetings until June 30, 2020.

CITY ATTORNEY'S REPORT

ADJOURNMENT: 8:45 p.m.

CITY COUNCIL MEMORANDUM
20-13

DATE: May 28, 2020

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: CONFIRMATION OF NOMINATION BY ORUD BOARD OF COMMISSIONERS

The attached communication from the Oak Ridge Utility District (ORUD) Board of Commissioners nominates Dr. Thomas L. Clary, III to succeed himself as a Commissioner of the Utility District and petitions City Council to confirm his nomination. I met with the ORUD Board of Commissioners on May 27, 2020 and join with them in recommending the reappointment of Dr. Clary to fill the five-year term beginning July 1, 2020 and ending June 30, 2025.

Mark S Watson

Mark S. Watson

Attachment

TO THE HONORABLE MAYOR AND CITY COUNCIL OF OAK RIDGE, TENNESSEE

1. That, by Chapter 503 of the 1951 Private Acts of the State Tennessee, there was created a municipal corporation designated as "Oak Ridge Utility District,"

2. That, pursuant to Section 3 of said Chapter 503, as amended, the Board of Commissioners of Oak Ridge Utility District and the City Manager of the City of Oak Ridge have duly approved prior nominations for the appointment of Commissioner's and successor Commissioners to serve on the Board of Commissioners of Oak Ridge Utility District, which have been submitted to the City Council of the City of Oak Ridge for approval, and which have been duly approved by the City Council of the City of Oak Ridge, as follows:

    a. On June 30, 2015, the term of Dr. Thomas L. Clary, III, expired, and he was duly nominated and re-appointed to a five-year term beginning July 1, 2015 and expiring on June 30, 2020.

    b. On June 30, 2016, the term of James E. Rushton expired, and he was duly nominated and re-appointed to a five-year term beginning July 1, 2016 and expiring June 30, 2021.

    c. On June 30, 2017, the term of Nancy S. Riser expired, and she was duly nominated and re-appointed to a five-year beginning July 1, 2017 and expiring June 30, 2022.

    d. On June 30, 2018, the term of James W. Charles, III, expired, and he was duly nominated and re-appointed to a five-year term beginning July 1, 2018 and expiring June 30, 2023.

    e. On June 30, 2019, the term of Alan L. Liby expired, and he was duly nominated and re-appointed to a five-year term beginning July 1, 2019 and expiring June 30, 2024.

3. That, on June 30, 2020, the term of Dr. Thomas L. Clary, III expires, thereby creating a vacancy in the membership of the Board of Commissioners of Oak Ridge Utility District.

4. That Section 3 of said Chapter 503, as amended, provides that whenever a vacancy occurs, a successor shall be nominated by a majority vote of the remaining members of the Board of Commissioners and the City Manager; then the name of the person so nominated shall be submitted to the City Council of Oak Ridge, Tennessee, for approval; then within twenty days from the submission of such name to the City Council, the Council shall act upon the nomination and advise the District thereof.

5. That Dr. Thomas L. Clary, III of Oak Ridge, Tennessee, has been duly nominated to fill the vacancy created by the expiration of his current term, beginning July 1, 2020 and expiring on June 30, 2025, such nomination being made by a majority vote of the remaining members of the Board of Commissioners of Oak Ridge Utility District and the City Manager of Oak Ridge, Tennessee, as evidenced by the Resolution attached hereto.

Wherefore, the undersigned Petitioners pray that Oak Ridge City Council confirm the nomination of Dr. Thomas L. Clary, III as Commissioner of the Oak Ridge Utility District to serve a five-

year term beginning July 1, 2020 and ending June 30, 2025, as authorized by Chapter 503 of the 1951 Private Acts of Tennessee, as amended.

RESPECTFULLY SUBMITTED THIS 27th DAY OF MAY, 2020,

BOARD OF COMMISSIONERS OF OAK RIDGE UTILITY DISTRICT:

Alan L. Liby, Chairman

James E. Rushton, Secretary

Nancy S. Riser, Commissioner

James W. Charles, III, Commissioner

CITY OF OAK RIDGE, TENNESSEE:

Mark Watson, City Manager

APPROVED BY OAK RIDGE CITY COUNCIL THE _____ DAY of MAY, 2020,

MAYOR

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

Kenneth Krushenski, City Attorney

James T. Normand, ORUD Attorney

APPROVED THIS 27th DAY OF MAY, 2020,

BOARD OF COMMISSIONERS OF
OAK RIDGE UTILITY DISTRICT:

Alan L. Liby, Chairman

James E. Rushton, Secretary

Nancy S. Riser, Commissioner

James W. Charles, III, Commissioner

CITY OF OAK RIDGE, TENNESSEE:

Mark Watson, City Manager

APPROVED AS TO FORM AND LEGALITY:

Kenneth Krushenski, City Attorney

James T. Normand, ORUD Attorney

RESOLUTION NOMINATING DR. THOMAS L. CLARY, III TO THE BOARD OF COMMISSIONERS OF OAK RIDGE UTILITY DISTRICT

A RESOLUTION to nominate **Dr. Thomas L. Clary, III** to be re-appointed as a member of the Board of Commissioners of Oak Ridge Utility District, to fill the vacancy created by the expiration of his current term as a Commissioner of the Oak Ridge Utility District ("ORUD"), and to petition the Mayor and City Council of Oak Ridge, Tennessee, to confirm said nomination.

WHEREAS, by Chapter 503 of the 1951 Private Acts of Tennessee, there was created a municipal corporation designated as "Oak Ridge Utility District" and

WHEREAS, Section 3 of Chapter 503, as amended, provides that whenever a vacancy occurs or thirty days prior to the expiration of the term of office of any commissioner of ORUD, the Chief Executive Officer of the City (the City Manager) shall meet with the Board of Commissioners of ORUD, exclusive of the commissioner whose term of office is about to expire, and nominate a commissioner by a majority vote, and to submit the name of said nominee to the Oak Ridge City Council for confirmation, and within twenty days from the submission of such name to City Council, the Council shall act upon the nomination and advise ORUD thereof, and

WHEREAS, the current term of office of **Dr. Thomas L. Clary, III,** expires on June 30, 2020, and

WHEREAS, the remaining members of the ORUD Board of Commissioners and the City Manager unanimously agree that Oak Ridge Utility District will greatly benefit by the continued service of **Dr. Thomas L. Clary, III** on the Board of Commissioners, and

WHEREAS, **Dr. Thomas L. Clary, III** is desirous and willing to serve another term on the Board of Commissioners.

NOW THEREFORE, be it resolved by the Board of Commissioners of the Oak Ridge Utility District, along with the City Manager of the City of Oak Ridge, Tennessee, that **Dr. Thomas L. Clary, III** of Oak Ridge, Tennessee, be and hereby is nominated to serve a five-year term on the Board of Commissioners of Oak Ridge Utility District beginning July 1, 2020 and ending June 30, 2025.

FINANCE DEPARTMENT MEMORANDUM
20-04

DATE: May 22, 2020

TO: Mark S. Watson, City Manager

THROUGH: Janice E. McGinnis, Finance Director
Dallas Dyce, Accounting Manager

FROM: Lyn Majeski, Purchasing Manager

SUBJECT: BEST PROVIDER COMMODITY REQUIREMENTS FOR FISCAL YEAR 2021

Introduction
An item for City Council's consideration is a recommendation for authorizing the approval of the City's fuel requirements in the total estimated amount of **$405,000**.

Funding
Funds are budgeted in FY 2021.

Background/Analysis/Review/Consideration
The following item is warehouse stock. The provider is determined to be the best source of the products based on the provider's expertise, service record or contractual agreement. It is recommended that competitive bids be waived and award made to this Best Provider based upon written quotations and agreements with the perspective supplier. The following information is provided to further explain the evaluation and recommendation process.

UNLEADED AND DIESEL FUEL
Fuel located at the Central Service Complex and at Heritage Center is considered warehouse stock. The City of Oak Ridge has had an excellent long-term relationship with the vendor, Mansfield Oil Company. The City continues to receive the lowest rack price available from Mansfield. The pricing structure the City receives from Mansfield is no longer available with new contracts. Mansfield continues to honor our pricing due to our long-term relationship with them. As in the past, this pricing is less than the current State Contract pricing. Maintaining this relationship has been very beneficial to the City through the years and has insured fuel to be available for our fleet even during fuel shortages, as was the not the case for other area entities during the 2008 fuel shortage. A contract customer receives priority treatment versus a spot customer. Mansfield has many options to provide fuel, not just one provider, their network includes access to most major refiners, terminals and transportation companies. Mansfield has a large network of haulers which enables them more availability to get us a haul when we need it. During extreme working conditions, i.e. running trucks continuously after a bad storm, fuel has always been available for our fleet. This vendor saves staff hours each month by monitoring and shipping fuel as needed. City fuel costs have historically fluctuated on an annual basis, as demonstrated by the table on the following page. Estimated fuel cost for FY20 is a decrease of 28.3% from FY19. Due to yearly fluctuations, staff has averaged the last seven years for FY21 projected cost for this commodity. The total estimated amount is **$405,000.**

YEAR	GALLONS	AMOUNT	DOLLAR CHANGE
FY14	232,153	$666,414	-2.5 %
FY15	224,888	$457,606	-31.3 %
FY16	214,932	$308,485	-32.6 %
FY17	215,479	$325,951	+9.5 %
FY18	210,436	$382,944	+17.5 %
FY19	211,078	$400,862	+4.7%
Est. FY20	218,000	$287,200	-28.3%

Recommendation

Staff recommends approval of the attached resolution as submitted. As the recommendation is that competitive bids be waived, council is reminded that a unanimous vote is required for approval of this resolution.

Lyn Majeski

Lyn Majeski

City Manager's Comments:

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

Mark S Watson

Mark S. Watson

6/2/2020

Date

NUMBER _____

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO MANSFIELD OIL COMPANY FOR FURNISHING UNLEADED AND DIESEL FUEL FOR FISCAL YEAR 2021 IN THE ESTIMATED AMOUNT OF $405,000.00.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2021 (July 1, 2020 through June 30, 2021) that do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, the City has a long-term relationship with Mansfield Oil Company for furnishing unleaded and diesel fuel and continues to receive the lowest rack price available which is less than current state contract pricing; and

WHEREAS, maintaining this relationship has been beneficial to the City, especially during past fuel shortages when the City's fuel supply was never low; and

WHEREAS, due to yearly fluctuations, staff has averaged the last seven years of fuel costs to project the cost for this commodity for FY2021 and, for that reason, the amount is listed as estimated; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Mansfield Oil Company for furnishing unleaded and diesel fuel.

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

That the recommendation of the City Manager that competitive bids be waived is approved and award is hereby made to Mansfield Oil Company for the furnishing of unleaded and diesel fuel for FY2021 (July 1, 2020 through June 30, 2021) in the estimated amount of $405,000.00.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

LIBRARY MEMORANDUM

20-07

DATE: May 18, 2020

TO: Mark S. Watson, City Manager

FROM: Julie P. Forkner, Library Director

SUBJECT: LIBRARY BOOK CONTRACT AWARD

Introduction:

An item for City Council's consideration is a resolution to award the Library's New Reference and Library Books contract to Baker and Taylor, LLC for the purchase of library materials in an amount not to exceed $65,000 for fiscal year 2021 and renewable each year for up to nine years.

Funding:

Funding for this item is available in the Library's FY2021 Budget in the Books and Education Materials Fund.

Background:

The library received completed bids from four library materials suppliers. Baker and Taylor offered the most significant discount on materials at 43% off retail price for our most heavily purchased items as opposed to the next closest bidder's offer of 39%. Baker & Taylor's alternate bid was also the most competitive, offering a 39% discount for all categories as opposed to the next most competitive offer of 29%.

Recommendation:

Approval of the attached resolution is recommended.

Julie P. Forkner, Library Director

Attachments: Bid Abstract

City Manager's Comments:

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

Mark S. Watson

6/2/2020
Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

CONTRACT NUMBER: FY2021-002
OPENING DATE: May 5, 2020 2:30 P.M.

FOR --- New Reference and Library Books for the Oak Ridge Public Library		BIDDER: Baker & Taylor, LLC 2810 Coliseum Centre Drive, Ste. 300 Charlotte, NC 28217	BIDDER: Ingram Library Services, Inc. 1 Ingram Blvd. La Vergne, TN 37086	BIDDER: Superior Text 151 Airport Industrial Drive Ypsilanti, MI 48198	BIDDER: Midwest Library Service Inc. 11443 St. Charles Rock Road Bridgeton, MO 63044
DESCRIPTION	ITEM	Base Bid	Base Bid	Base Bid	Base Bid
THE FURNISHING OF NEW REFERENCE AND LIBRARY BOOKS FOR THE OAK RIDGE PUBLIC LIBRARY PER THE SPECIFICATIONS PROVIDED BY THE ORPL					
Discount from the Publishers' List Prices					
FICTION-ADULT, JUVENILE, TRADE	1	43.00%	43.00%	39.00%	30.00%
GENERAL NON-FICTION-ADULT, JUVENILE, TRADE	2	43.00%	43.00%	39.00%	30.00%
SPECIAL NON-FICTION-ADULT, JUVENILE, TRADE	3	43.00%	43.00%	39.00%	30.00%
JUVENILE BOOKS - PUBLISHER LIBRARY BINDING	4	20.50%	18.00%	35.00%	0.0 - 15.0 %
PEDAGOGICAL, TECHNICAL, SCIENTIFIC AND COLLEGE TEXT BOOKS	5	0.0 - 5.0 %	0.0 - 43.0 %	10.00%	0.0 - 15.0 %
SCHOOL AND REFERNCE BOOKS	6	0.0 - 20.0 %	0.0 - 43.0 %	40.00%	0.0 - 15.0 %
SPECIAL EDITION OF TITLES PROCURED FROM PUBLISHERS WHICH DO NOT PERMIT A DEFINITE CLASSIFICATION	7	0%	0.0 - 43.0 %	5%	0.0 - 15.0 %
PAPERBACKS, TRADE DISCOUNTED PAPER AND MARKET PAPERS	8	40.00%	38.00%	39.00%	10.00%
ALTERNATE BID	9	39.00%	29.00%	No Bid	No Bid
TERMS		MONTHLY PAYMENTS	MONTHLY PAYMENTS	MONTHLY PAYMENTS	MONTHLY PAYMENTS
DELIVERY		AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED
F.O.B.		ORPL	ORPL	ORPL	ORPL
VIA		VENDOR	VENDOR	VENDOR	VENDOR

Advertised on the City's Website for 40 days

OTHER BIDDERS CONTACTED:
Complete Book & Media Supply, Inc. - Cedar Park, TX
Emery-Pratt Company - Owosso, MI
Sebco Books - Pembroke Park, FL
AKJ Books - Halethorpe, MD 21227
Brodart Books & Library Services - Williamsport, PA
World Book, Inc. - Chicago, IL

BIDS OPENED AND RECORDED BY---
Lyn Majeski
Lyn Majeski
Purchasing Manager

REASON FOR AWARD

ONLY AVAILABLE SOURCE	
LOW PRICE	
BETTER OR REQUIRED DESIGN	
EARLY DELIVERY	
LOWEST TOTAL COST	X

RECOMMEND AWARDS BE MADE TO:

Baker & Taylor, LLC
2810 Coliseum Centre Drive, Ste. 300
Charlotte, NC 28217

BIDS REVIEWED BY---
Dallas Dyce
Dallas Dyce
Accounting Manager

NUMBER _____

RESOLUTION

A RESOLUTION AWARDING A CONTRACT TO BAKER & TAYLOR, LLC, CHARLOTTE, NORTH CAROLINA, FOR THE PURCHASE OF BOOKS FOR THE OAK RIDGE PUBLIC LIBRARY IN AN AMOUNT NOT TO EXCEED $65,000.00 FOR FISCAL YEAR 2021 WITH UP TO NINE (9) ADDITIONAL FISCAL-YEAR RENEWAL OPTIONS.

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of new books for the Oak Ridge Public Library; and

WHEREAS, bids were received and publicly opened on May 5, 2020, with Baker & Taylor, LLC, Charlotte, North Carolina, submitting the lowest and best bid based upon highest discount for the most heavily purchased books, 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 Baker & Taylor LLC, 2810 Coliseum Centre Drive Ste. 300, Charlotte, North Carolina 28217, for the purchase of new books for the Oak Ridge Public Library; said award in strict accordance with Request No.91093, the required specifications, and the bid as submitted and publicly opened on May 5, 2020, and in an amount not to exceed $65,000.00.

BE IT FURTHER RESOLVED that said contract (FY2021-002) is for the period of July 1, 2020 through June 30, 2021, with the City having the option to renew for up to nine (9) additional fiscal-year periods.

BE IT FURTHER RESOLVED that the City Manager may authorize renewals of this contract for satisfactory services if budgeted funds allow.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

LIBRARY MEMORANDUM

20-08

DATE: May 18, 2020

TO: Mark S. Watson, City Manager

FROM: Julie P. Forkner, Library Director

SUBJECT: LIBRARY APPLICATION FOR CARES GRANT

Introduction:

An item for City Council's consideration is permission for the Oak Ridge Public Library to apply for, and accept if awarded, funds from the CARES Grant administered through the Tennessee State Library and Archives to pay for costs associated with providing internet access and protecting staff health during the COVID19 pandemic.

Funding:

This grant is made available through the Tennessee State Library and Archives for an amount not to exceed $20,000. There is no local match required.

Background:

With the closure of the library due to COVID19, the community's access to the internet has been severely curtailed. In order to extend internet access, the library would like to make wireless hotspots available for circulation, as well as explore other options for extending wireless access throughout the city. The CARES grant also covers cost for circulating hardware such as Chromebooks for patron use.

Additionally, library programs have been cancelled in order to avoid large gatherings. In order to provide online programming in the stead of in-person programming, the library will pursue a subscription to GoToMeeting in order to provide instructional programming to our patrons.

The CARES grant will also provide funds for the installation of plexiglass shields at public services desks and other protective modifications to ensure the health of library patrons and staff.

Recommendation:

Permission to apply for and accept, if awarded, the CARES Grant is recommended.

Julie P. Forkner, Library Director

Attachment: CARES grant summary page

City Manager's Comments:

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

Mark S Watson

Mark S. Watson

6/2/2020

Date

CARES Grant

Tennessee State Library and Archives
Department of State
State of Tennessee
403 7th Avenue North
Nashville, TN 37243
615-741-7996

Tre Hargett
Secretary of State

The Tennessee State Library and Archives is pleased to provide a grant opportunity to public libraries across Tennessee. This grant is supported in part by the U. S. Institute of Museum and Library Services under the provisions of the Library Services and Technology Act.

The CARES Grant is available for public libraries to provide services available to your staff and community. Grant funds are available for the following:

- Hotspots
- Circulating hardware
- Videoconferencing equipment
- Wi-fi extenders
- Protective, safety, and cleaning supplies

Grant awards are in the amount of up to $20,000.00 for libraries in the regions and independents, and do not require a local match. For Chattanooga, Knox County, Memphis, and Nashville Public, the maximum grant award will be $35,000.00. The Grant will run from April 21, 2020 – May 31, 2021.

Note: As an acknowledgment of these difficult times, we will backdate all contracts to April 21, 2020, to allow grantees to include items purchased prior to the grant being available.

Please also note: we are asking for a Title VI Contact and contact information this year on page 1. This should be the Title VI compliance officer for your local government, if the library reports to such a person. It may also be the library director or designated staff member..

Applications can be sent via e-mail, fax, or mail, as we do not require original signatures to be submitted. Please send all applications to the following:

Jennifer Cowan-Henderson
Director of Planning and Development
Tennessee State Library and Archives
403 7th Avenue North
Nashville, TN 37243
ph: 615-741-1923
fax: 615-532-9904
jennifer.cowan-henderson@tn.gov

Deadline for applications is **June 15, 2020**

NUMBER _____

RESOLUTION

A RESOLUTION TO APPLY FOR, AND ACCEPT IF AWARDED, A CARES GRANT ADMINISTERED THROUGH THE TENNESSEE STATE LIBRARY AND ARCHIVES IN AN AMOUNT NOT TO EXCEED $20,000.00, WITH NO LOCAL MATCH REQUIREMENT.

WHEREAS, grant funds are available from the CARES Grant administered through the Tennessee State Library and Archives in an amount not to exceed $20,000.00 with no local match required; and

WHEREAS, grant funds are available for libraries to provide the following services to staff and the community: hotspots, circulating hardware (ex. Chromebooks), videoconferencing equipment (ex. subscription to GoToMeeting), wi-fi extenders, and protective, safety, and cleaning supplies (ex. plexiglass shields at public service desks); and

WHEREAS, the grant term begins April 21, 2020 and ends May 31, 2021; and

WHEREAS, the City Manager recommends the City apply for the grant, and accept it if awarded.

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 apply for a CARES Grant from the Tennessee State Library and Archives in an amount not to exceed $20,000.00 to be used by the Oak Ridge Public Library in accordance with the terms of the grant agreement.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

_____ _____

Kenneth R. Krushenski, City Attorney Warren L. Gooch, Mayor

_____

Mary Beth Hickman, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM

20-15

DATE: May 29, 2020

TO: Mark S. Watson, City Manager

FROM: Eric A. Ault, Process Improvement Specialist

THROUGH: Jack L. Suggs, Electric Director

SUBJECT: PARTICIPATION IN THE TENNESSEE VALLEY AUTHORITY HOME UPLIFT PROGRAM

Introduction

An item for City Council's consideration is a resolution approving participation in the Tennessee Valley Authority's (TVA) Home Uplift Program (HUP) which offers weatherization and simple home repair for low income households. Enrollment in the program would enable citizens of Oak Ridge to apply for the program and receive assistance from TVA.

Funding

Participation in the program will allow Oak Ridge to leverage money obtained from various sources to supply services in the community. Funding has not been identified for this program, but might include private donations, grants from various agencies, or other sources. TVA states that local power companies (LPCs) may use a "de minimis" donation of 0.2% of electric system revenue for charitable purposes representing $109,409.92 for Oak Ridge, but this funding has been used this year. TVA will match contributions to the HUP up to $36,105. Funding from the Electric Department would not be available until October 1, 2020 at the earliest and is not expected to exceed $25,000. Should any City of Oak Ridge funds exceeding the City Manager's authority be directed to this program, Council authority would be required.

Consideration

TVA's Home Uplift Program provides weatherization for low income, single-family homes. TVA expects that the average cost of weatherization will be $8,000 per home. Upgrades available under the program include water heater replacement, air sealing, attic insulation, HVAC replacement, and more. For residents to qualify, their income must not exceed 200% of the federal poverty level, residents must own the home, and they must be a qualified customer of the City of Oak Ridge Electric Department.

The program will be administered by TVA. As administrators, TVA will oversee recruitment and management of participants, as well as advertisement of the program. Additionally, TVA will recruit, train, and manage contractors from the Quality Contractor Network to complete the work for the HUP. TVA will also maintain records of the participants and spending of the HUP for seven years after the termination of the HUP.

Participation in the program will allow the City to leverage TVA funds to better serve its lower income populations in the community. Weatherization will allow these families to have more affordable power bills and allow money that would have been spent on that to be spent on other necessities.

Recommendation

Staff recommends approval to participate in the Home Uplift Program.

Eric A. Ault

Jack L. Suggs

City Manager's Comments:

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

Mark S. Watson

6/2/2020
Date

NUMBER _____

RESOLUTION

A RESOLUTION TO APPROVE PARTICIPATION IN THE TENNESSEE VALLEY AUTHORITY'S (TVA) HOME UPLIFT PROGRAM (HUP) WHICH OFFERS WEATHERIZATION AND SIMPLE HOME REPAIRS FOR LOW INCOME, SINGLE-FAMILY HOUSEHOLDS.

WHEREAS, the Tennessee Valley Authority (TVA) offers the Home Uplift Program (HUP) which offers weatherization and simple home repairs for low income, single-family households such as water heater replacement, air sealing, attic insulation, and HVAC replacement; and

WHEREAS, the City's participation will enable eligible citizens to apply for the program and receive assistance from TVA; and

WHEREAS, TVA, as administrators of the program, will oversee recruitment and management of participants, advertise the program, and recruit, train, and manage contractors from the Quality Contractor Network to complete the work for the program; and

WHEREAS, TVA will match contributions made into the program, which contributions may vary over the life of the program; and

WHEREAS, the TVA match for Oak Ridge for FY2021 is capped at $36,105.00; and

WHEREAS, local funding has not yet been identified for this program but might include private donations, grants from other agencies, or other sources; and

WHEREAS, the City Manager recommends the City's participation in this 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 participate in the Tennessee Valley Authority's (TVA) Home Uplift Program (HUP).

BE IT FURTHER RESOLVED that the City's financial participation in this program is unknown at this time and any City contributions in excess of $25,000.00 will be brought to City Council for approval.

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 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM

20-14

DATE: May 19, 2020

TO: Mark S. Watson, City Manager

FROM: Jack L. Suggs, Electric Director

SUBJECT: MEMBERSHIP AND DUES FOR ETEDA

Introduction

An item for City Council's consideration is a resolution approving membership in the East Tennessee Economic Development Agency (ETEDA) and authorizing payment of membership dues in the amount of $26,116.00.

Funding

The City joined ETEDA through its functioning as a TVA Regional Industrial Development Agency (RIDA). Thus, the funding for the membership is through the Electric Fund and the Electric Director sits on the ETEDA Board. TVA encourages membership on the Board by reimbursing the City for approximately one half of the membership dues. Therefore, the actual cost of membership will be $13,058.00.

Review

ETEDA is a regional marketing and business recruitment organization that promotes our 16 county region through a variety of efforts and provides site location information and assistance to companies interested in locating here.

ETEDA is co-located with the Tennessee Valley Authority Economic Development Specialist for our area. This provides a nearly seamless experience for industrial prospects and is frequently sighted as a positive model of cooperation and efficiency.

The full range of services offered to industrial clients can be found on the ETEDA website, but these include providing information such as labor and training statistics, utility service availability and cost of transportation information. ETEDA also provides regional real estate location information, including a complex, well-maintained database of available properties and buildings.

Membership in the organization also provides that, as a member of the Board, the Electric Director can designate that the local match be used to support specific projects or initiatives by our development partners.

Recommendation

It is the opinion of staff that ETEDA has been a real and valuable asset to the City and to our region as a whole. As such we recommend approval of the attached resolution.

Jack L. Suggs

City Manager's Comments:

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

Mark S. Watson

6/2/2020

Date

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO CONTINUE PARTICIPATION IN THE EAST TENNESSEE ECONOMIC DEVELOPMENT AGENCY, WITH ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF $26,116.00 FOR THE 2020 CALENDAR YEAR.

WHEREAS, the City of Oak Ridge recognizes the value of the East Tennessee Economic Development Agency (ETEDA), a regional organization promoting and marketing the business location advantages of the region to national/international corporate decision-makers involved in relocation and expansion for over twenty years; and

WHEREAS, the City of Oak Ridge is a member of ETEDA and wishes to continue that membership in an effort to promote economic development in the region in general and Oak Ridge in particular; and

WHEREAS, the membership dues for ETEDA for calendar year 2020 are $26,116.00; and

WHEREAS, $13,058.00 of the membership dues will be reimbursed to the City by the Tennessee Valley Authority (TVA) under a separate contract termed the Industrial Development Contract (Contract 01BKY-268931), approved by City Council through Resolution 3-46-01; and

WHEREAS, the City Manager recommends the City's continued participation in ETEDA and payment of the above stated dues.

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 continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of $26,116.00 for the 2020 calendar year.

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM

20-40

DATE: May 15, 2020

TO: Mark S. Watson, City Manager

THROUGH: Shira McWaters, P.E., Public Works Director SAM

FROM: Roger Flynn, P.E., City Engineer

SUBJECT: GRANT CONTRACT AMENDMENT FOR TIME EXTENSION

Introduction

An item for City Council's consideration is the recommendation to amend Grant Contract 160097 with the Tennessee Department of Transportation (TDOT) providing funding for the SR-95 & SR-62 Multimodal Access Project. The purpose of the amendment is to extend the completion time for the project until October 2021.

Funding

There is no cost associated with this item.

Background

The City's Public Works Department Engineering Division is currently working toward design and construction of two projects along Oak Ridge Turnpike (ORTP). One project is to improve pedestrian conductivity and the other is to improve automobile flow. Both are funded by TDOT grants.

The acceptance of the first grant was approved by City Council on August 8, 2016 by Resolution 8-52-2016. This is a Multimodal Access Grant to fund engineering and construction of pedestrian connectivity improvements including handicap ramps, crosswalks, construction of approximately one (1) mile of sidewalk and repairs to as much as eight hundred (800) feet of existing sidewalk. The majority of this work is along Oak Ridge Turnpike (SR-95) between Illinois Avenue and Laboratory Road. The actual quantities will depend on unit bid prices.

The second grant which is more recent was approved by City Council on October 8, 2018 by Resolution 10-87-2018. This is a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant which will provide for equipment and installation of advanced traffic signal controls and signal equipment at eleven (11) intersections along ORTP (SR-95) between Illinois Avenue and Florida Avenue.

Because both of these projects are along the same corridor staff is recommending they be constructed simultaneously. TDOT is receptive to this. Design for the Multimodal project is at about 75% complete. The Notice to Proceed for design on the CMAQ project wasn't received from TDOT until June of 2019. The NEPA phase is complete and design is about 30% complete. Both projects are being designed by the same consultant. The purpose for extending the completion date of the Multimodal Project is to allow design on the CMAQ project to catch up. Unexpected delays notwithstanding the goal is for a late 2020 bid letting for both projects with construction during 2021.

Recommendation

Staff recommends approving the grant contract amendment for the purpose of extending the completion date for the Multimodal Project.

Name

City Manager's Comments:

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

Mark S. Watson

Date 6/2/2020

AMENDMENT TWO
OF GRANT CONTRACT 160097, PIN 123637.00

This Grant Contract Amendment is made and entered by and between the State of Tennessee, Department of Transportation, hereinafter referred to as the "State" and City of Oak Ridge, hereinafter referred to as the "Grantee." It is mutually understood and agreed by and between said, undersigned contracting parties that the subject Grant Contract is hereby amended as follows:

1. Grant Contract section B.1. is deleted in its entirety and replaced with the following:

"**B. CONTRACT PERIOD:**

B.1. The Agency agrees to complete the herein assigned phases of the Project on or before October 3, 2021. If the Agency does not complete the herein described phases of the Project within this time period, this Agreement will expire on the last day of scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Agency and granted in writing by the Department prior to the expiration of the Agreement. An extension of the term of this Agreement will be effected through an amendment to the Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the expiration date of the Agreement will not be reimbursed by the Department."

3. Required Approvals. The State is not bound by this Amendment until it is signed by the contract parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this contract, said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).

4. Amendment Effective Date. The revisions set forth herein shall be effective _____. All other terms and conditions of this Grant Contract not expressly amended herein shall remain in full force and effect.

IN WITNESS WHEREOF,

CITY OF OAK RIDGE

_____

Warren Gooch, MAYOR **DATE**

_____

PRINTED NAME AND TITLE OF AGENCY SIGNATORY (above)

APPROVED AS TO FORM AND LEGALITY

_____

AGENCY ATTORNEY

DEPARTMENT OF TRANSPORTATION:

_____

CLAY BRIGHT, COMMISSIONER DATE

APPROVED AS TO FORM AND LEGALITY

_____

JOHN REINBOLD, GENERAL COUNSEL

NUMBER _____

RESOLUTION

A RESOLUTION AMENDING THE CITY'S MULTIMODAL ACCESS GRANT (SIDEWALK IMPROVEMENTS PROJECT) FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION TO EXTEND THE COMPLETION DATE UNTIL OCTOBER 3, 2021.

WHEREAS, by Resolution 8-52-2016, the City approved a Multimodal Access Grant (Contract No. 160097) from the State of Tennessee Department of Transportation (TDOT) in the estimated amount of $927,021.40 for sidewalk, ADA-compliant ramps, and crosswalk improvements to the south side of the Oak Ridge Turnpike, with a local required match of approximately $48,790.60; and

WHEREAS, by Resolution 2-8-2019, the grant contract was amended to reallocate grant funds among the various phases in the Grant Budget (NEPA, Design, Right of Way, Construction, and TDOT Engineering Services), which amendment did not impact the total grant funds or the City's local match; and

WHEREAS, by Resolution 10-87-2018, the City approved an agreement with TDOT utilizing Congestion Mitigation and Air Quality (CMAQ) funding for Phase II of the City's Signal Timing Project for equipment and installation of advanced traffic signal controls and signal equipment at various intersection along the Oak Ridge Turnpike; and

WHEREAS, at the City's request, TDOT has provided an amendment to the Multimodal Access Grant to extend the timeframe for project completion by one year to allow the projects to be constructed simultaneously; and

WHEREAS, the City Manager recommends approval of the amendment.

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 attached Amendment Two of Grant Contract 160097, PIN 123637.00, between the State of Tennessee Department of Transportation and the City of Oak Ridge for the multimodal access grant (sidewalk improvement project) is hereby approved to extend the timeframe for completion until October 3, 2021.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

FINANCE MEMORANDUM
20-05

DATE: May 26, 2020

TO: Mark S. Watson, City Manager

FROM: Janice E. McGinnis, Finance Director

SUBJECT: JD EDWARDS SOFTWARE ANNUAL MAINTENANCE

Introduction

An item for City Council's consideration is a renewal of the annual maintenance agreement with ORACLE in the amount of $30,356.22 for the JD Edwards financial software system utilized by the City. ORACLE purchased the JD Edwards software systems in 2005.

Funding

Funding is provided through the Equipment Replacement Rental Fund from user charges from the City Funds that utilize the software.

Background

The City purchased the JD Edwards software package in 1986. The software's last major update was in 1999. Systems maintained on JD Edwards include general ledger, accounts payable, purchasing, work order and warehousing/inventory.

Recommendation

The maintenance agreement provides ongoing technical support of the system. The City has selected software to replace the JD Edwards software package. Technical support is needed to maintain and support existing functions, modifications and external interfaces with JD Edwards as well provide technical support as the City migrates through the software conversion process. The Information Services Department concurs with the recommended continuation of the annual maintenance agreement.

Attachment

Janice McGinnis

Janice E. McGinnis

City Manager's Comments:

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

Mark S. Watson

Mark S. Watson

6/2/2020

Date

NUMBER _____

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO ORACLE AMERICA, INC., FOR FURNISHING OF ANNUAL MAINTENANCE SERVICES FOR THE FINANCIAL SOFTWARE SYSTEM UTILIZED BY THE CITY FOR FISCAL YEAR 2021 IN THE AMOUNT OF $30,356.22.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2021 (July 1, 2020 through June 30, 2021) that do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, the City purchased its financial software system, formerly known as JD Edwards, in 1986; and

WHEREAS, Oracle America, Inc., purchased JD Edwards software systems in 2005; and

WHEREAS, the financial software system includes general ledger, accounts payable, purchasing, work order, and warehousing inventory; and

WHEREAS, technical support is needed to maintain and support existing functions, modifications, and external interfaces with the financial software system, as well as provide technical support as the City migrates through the software conversion process; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Oracle America, Inc.

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

That the recommendation of the City Manager that competitive bids be waived is approved and award is hereby made to Oracle America, Inc., for the furnishing of annual maintenance services to the City's financial software system for FY2021 (July 1, 2020 through June 30, 2021), in the amount of $30,356.22.

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 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
20-43

DATE: May 26, 2020

TO: Dr. Mark S. Watson, PhD City Manager

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

SUBJECT: **FY21 ANNUAL ORDER – TEMPORARY WORKERS**

Introduction

An item for City Council's consideration is a recommendation for the annual renewal option for the authority to expend funds for the provision of temporary workers to be utilized by the Public Works Department, during the period of July 1, 2020 through June 30, 2021, in the not to exceed amount of $100,000.

Funding

Funding for temporary maintenance workers for the Public Works Department is available in multiple activities in the FY2021 budget, including but not limited to facilities, State Street Aid, and in the case of office workers, Supervision and Engineering. The temporary maintenance workers are listed on the daily labor distribution form, with their time allocated to the job they performed along with the City employees, both using the City's work order system and charged to the appropriate budgets.

Background

Historically, the temporary worker program has been utilized for vacant positions, long-term injuries, special projects, and to supplement work crews. During the past five (5) years, the use of temps has been primarily to supplement the Work Pool crews. The use of temps for the work pool allows us to evaluate the temp to determine if they are a viable candidate for permanent employment, if a position is available. Generally, the Public Works Department utilizes one to two temps on average during a fiscal year.

Proposals for temporary services were received in FY2017 by the Finance Department and allows up to four (4) additional one (1) year options to renew. During the FY2017 solicitation process, Alternate Staffing, Inc., submitted the best proposal based on cost for the provision of general labor temp workers. This company recently closed, and services were transferred over to Flexible Staffing Services of Tennessee, Inc. for the remainder of FY2020 in December 2019 (Resolution No. 1-3-2020). Public Works has been satisfied with Flexible Staffing Services and recommends renewal of the Temporary Staffing contract for FY2021 to Flexible Staffing Services of Tennessee, Inc.

Conclusion

The temporary maintenance workers have proven to be an efficient method of finding potential employees for entry level positions in the Public Works Department, as well as to provide needed manpower for labor intensive projects. Staff recommends approval of the Resolution as submitted.

Shira A. McWaters

Shira A. McWaters, P.E.

Attachment:
Resolution 1-3-2020

City Manager's Comments:

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

Mark S Watson

Mark S. Watson

6/2/2020

Date

NUMBER 1-3-2020

RESOLUTION

A RESOLUTION TO AMEND RESOLUTION 6-49-2019 TO INCLUDE FLEXIBLE STAFFING SERVICES OF TENNESSEE, INC., KNOXVILLE, TENNESSEE, TO THE LIST OF QUALIFIED COMPANIES AUTHORIZED TO FURNISH AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2020 IN AN AMOUNT NOT TO EXCEED $100,000.00.

WHEREAS, by Resolution 6-49-2019, City Council authorized the City to use Alternate Staffing, Inc., Knoxville, Tennessee, for the furnishing of as-needed general labor temporary employment services for the Public Works Department for Fiscal Year 2020; and

WHEREAS, Alternate Staffing, Inc., has provided temporary workers to the Public Works Department for several years affording the City with continuity and excellent service; and

WHEREAS, Alternate Staffing, Inc. has closed its business effective December 31, 2019, and the owner/operator of the company is now working with Flexible Staffing Services of Tennessee, Inc., Knoxville, Tennessee, to transfer clients; and

WHEREAS, over $80,000.00 remains in the budget for temporary workers in the Public Works Department for FY2020 and the department would like to continue receiving services from the same point of contact to maintain continuity and excellent service; and

WHEREAS, the City Manager recommends an amendment to the resolution to allow the City to utilize the services of Flexible Staffing Services of Tennessee, Inc.

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 Resolution 6-49-2019 is hereby amended to include Flexible Staffing Services of Tennessee, Inc., Knoxville, Tennessee, as the company for furnishing as needed temporary workers; said services for the Public Works Department for Fiscal Year 2020 (July 1, 2019 through June 30, 2020) in an amount not to exceed $100,000.00.

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

This the 13th day of January 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM

19-146

DATE: December 23, 2019

TO: Mark S. Watson, City Manager

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

SUBJECT: **Transfer of Temporary Staffing Contract from Alternate Staffing to Flexible Staffing**

Introduction

An item for City Council's consideration is the recommendation for approval to amend Resolution 6-49-2019 which awarded the city's temporary staffing contract to Alternate Staffing for Fiscal Year 2020 and to transfer the service to Flexible staffing until June 30, 2020. The FY20 budget for temporary staffing services is a not to exceed amount of $100,000.

Funding

No changes in funding are required for this resolution.

Background/Consideration

The PWD uses temporary staffing at different points throughout the year to fill in vacancies on work crews or for administrative staff until permanent employees are hired. We currently use Alternate Staffing for this service.

We received notification that Alternate Staffing is closing its business effective December 31, 2019 and that our point of contact, Ms. Angie Tanner will be working for Flexible Staffing at the start of the New Year. Ms. Tanner is the owner/operator of Alternate Staffing. Ms. Tanner has been working with Flexible staffing in the transfer our service to Flexible Staffing so there is no loss in service to the City. As of December 20, 2019 we have a balance of approximately $86,000 remaining in the budget for temporary staffing services until the end of the fiscal year. The transfer of services to Flexible staff will allow city staff to evaluate this service for rebidding purposes for FY2021.

Recommendation

Staff recommends approval of the resolution and transfer of the contract to Flexible Staffing, effective January 1, 2020.

Shira McWaters
Name

City Manager's Comments:

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

Mark S Watson
Mark S. Watson

Jan. 7, 2020
Date

NUMBER 6-49-2019

RESOLUTION

A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC., AND OTHER QUALIFIED COMPANIES FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2020 IN AN AMOUNT NOT TO EXCEED $100,000.00.

WHEREAS, the City issued a Request for Proposals (RFP) for as needed temporary employment services for clerical/office and general labor positions for Fiscal Year 2017; and

WHEREAS, by Resolution 7-44-2016 and Resolution 7-60-2017, City Council authorized an award to Alternate Staffing, Inc., Knoxville, Tennessee, who submitted the best proposal for as-needed temporary general labor employment services for the Public Works Department; and

WHEREAS, these resolutions also authorized awards to other qualified companies when more technical skill sets are needed for temporary workers;

WHEREAS, Alternate Staffing, Inc., has provided temporary workers for several years affording the Public Works Department with continuity and excellent service; and

WHEREAS, the City Manager recommends award be made to Alternate Staffing, Inc., for as needed temporary general labor employment services for FY2020, and to allow awards to other qualified companies when more technical skill sets are needed for temporary workers for the Public Works Department.

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

That the recommendations of the City Manager are approved and award is hereby made to Alternate Staffing, Inc., Knoxville, Tennessee, for furnishing as needed general labor temporary workers and to other qualified companies that participated in the City's Request for Proposals process for furnishing as needed temporary workers when more technical skill sets are needed; said services for the Public Works Department for Fiscal Year 2020 (July 1, 2019 through June 30, 2020) in an amount not to exceed $100,000.00.

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

This the 10th day of June 2019.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

430301 Open Order Inquiry Branch/Plant . *

43030W Order Detail Information

Order Number . 163709 OP Item:

Line Number. . 1.000 Acct: 21941.5236.18

Branch/Plant . 21941 Desc: FY20 TEMP HELP-WORK POOL

	Open	UM	Unit Cost	UM	Open
Ordered. . . .			.0000		100,000.00
On Budget Hold					
Open					86,758.60
Received . . .					13,241.40
In Routing . .					
Dispositioned.					
Not Vouchered.					
Vouchered. . .					13,241.40

Original Order 163709 OR 1.000 Tax Rate/Area.

Related Order. Last/Next Sts. 400 400

F6=Address Numbers F8=Dates F24=More Keys

Opt: 5=Details 2=PO Entry 3=WO Entry F15=Amount/Quantity F24=More Keys

Alternate Staffing Inc

PO Box 11749

Knoxville TN 37939

865-300-6405

alternatestaff@bellsouth.net

To Whom it may concern:

Per my conversation with Cindy Will I am forwarding this letter to advise you that effective December 31 2019 Alternate Staffing I nc. will be ceasing operation and I will become a part of Flexible Staffing located at 5537 Clinton Hwy, Knoxville, TN 37912 it is my hope that we can continue the long standing relationship in the staffing needs with City of Oak Ridge.

Please do not hesitate to contact me if you have any further concerns or questions at 865-300-6405 and once again thank you for your business.

Angie Tanner

TENNESSEE SERVICE AGREEMENT

This is an agreement between ("Customer") and Flexible Staffing Services of Tennessee, Inc. and all its affiliates regarding the provision of temporary staffing and related services by Flexible to ("Customer").

1. **Flexible Guarantee.** Flexible guarantees that the temporary employees it assigns to Customer will satisfactorily perform the services ordered by Customer. If such services are not performed satisfactorily, Flexible will, upon reasonable notice from Customer, cancel charges for unsatisfactory services and furnish a replacement as soon as possible. Pursuant to Tennessee law, for all light industrial assignments, Flexible will pay its temporary employees and bill Customer for four (4) hours when a temporary employee shows up for work and is sent home at Customer's request. If Flexible finds an alternate assignment for the temporary employee that day, Flexible will pay the employee and bill Customer for two (2) hours.

2. **Assignment of Flexible Temporary Employees**. Customer will place orders with Flexible describing the type of work requested, specific duties to be performed, skills required, and any other requirements. Flexible will assign temporary employees to perform services that Customer requests under Customer's operational supervision at the location(s) and at the rates agreed to in this agreement.

3. **Employment Relationship with Flexible Temporary Employees.** As the provider of staffing services, Flexible will be the employer of Flexible Temporary Employees, and will be responsible for the staffing services listed below. As the recipient of such staffing services, Customer will be responsible for controlling the environment in which temporary employees perform their work, the details of their work, and their work product, and for the business-related responsibilities listed below.

   A. **Flexible's Responsibilities.** Flexible will:

      1. Recruit, select, and hire Flexible Temporary Employees that best fit the Customer's job order;
      2. Assign Flexible Temporary Employees according to Customer's requirements;
      3. Pay Flexible Temporary Employees the wages and provide the benefits that Flexible offers to them as its employees;
      4. Pay or withhold payroll taxes (e.g., FICA) and insurance premiums (e.g., Medicare) and fulfill its obligations for unemployment compensation (e.g., FUTA, SUTA);
      5. Provide workers' compensation benefits and coverage for Flexible Temporary Employees;
      6. Maintain Flexible Temporary Employees' personnel and payroll records related to their employment by Flexible;
      7. Comply with laws, rules or regulations applicable to providers of staffing services;
      8. Make legally required employment law disclosures to Flexible Temporary Employees; and,
      9. Provide Flexible Temporary Employees of diverse race, gender, ethnicity, and background;
      10. Conduct new-hire orientation as well as general safety and health training.

      Customer may arrange to review Flexible's records as necessary to confirm that Flexible is performing these services. Customer agrees to maintain the confidentiality of records it reviews.

   B. **Customer's Responsibilities**. Customer will:

      1. Perform a hazard assessment of the worksite to determine what conditions exist at the worksite, and how best to ensure protection for Flexible Temporary employees;
      2. Provide detailed job descriptions so Flexible may recruit the most appropriate candidate for the job;
      3. Provide Flexible temporary employees with a safe and suitable workplace;
      4. Conduct new-hire orientation as well as general safety and health training for the new-hire and refresher training throughout the year.

5. Provide site-specific safety training to Flexible Employees upon inception of assignment, at the time there is changes in the procedure, and/or annually. The safety training will include but not limited to site specific hazard communication including location and use of MSDS sheets, notification of any specific hazardous chemical exposure; and accident reporting procedures as it relates to hazardous substance, proper use of required personal protective equipment including but not limited to: safety glasses, hearing conservation devices, work shoes, gloves, aprons, and the like;
6. Develop, implement, and provide an emergency action plan. Provide training to Flexible Employees, upon inception of assignment, at the time there is changes to the plan, and/or annually. The emergency action plan should include, but is not limited to: Evacuation procedures, emergency response procedures, location of emergency exits, assembly points, location and use of common emergency equipment, notification, warning, and communications procedures.
7. Must obey all laws pertaining to the appropriate state-specific workers' compensation act.
8. Be diligent in preventing accidents or injuries from occurring or recurring by identifying hazards;
9. Provide Flexible with prompt notice of any accident or injury suffered by a Flexible temporary employee;
10. Only use temporary employees in assignments that match the job descriptions that have been agreed upon in this agreement;
11. Customer is not allowed to make changes in the job duties or functions of a Flexible temporary employee , unless done so in writing, and agreed upon by signature/date of a Flexible Corporate Officer;
12. Customer shall not assign Flexible temporary employees to a facility or location other than the Customer's premises agreed upon in his agreement, without prior written consent from a Flexible Corporate Officer.
13. Provide adequate internal controls, supervision, and instructions for temporary employees, and be responsible for their conduct when they are required to handle, trade secrets, valuables, or similar property;
14. Be responsible for the use of any vehicle, powered mobile equipment or any other machinery operated by temporary employees;
15. Be responsible for the conduct of its own officers, employees, and agents;
16. Comply with duties imposed on it by law, rule, or regulation;
17. Notify Flexible of any exposures to blood borne pathogens that may exist at Customer site;
18. Notify Flexible prior to inception of any chemical hazards, physical hazards, biological hazards, or ergonomic hazards that Flexible Employees may be exposed to; and,
19. Provide Flexible Temporary Employees with First Aid at the scene when needed;
20. Provide modified or light duty work for any Flexible Employee able to return to work with restrictions, in the event an employee is injured;
21. Agree to cooperate with all aspects of Flexible's on-site or off-site investigation activity surrounding a work-related injury or illness, including but not limited to:
    a. Provide Flexible with facts and detailed information pertaining to the accident and/or injury;
    b. Provide Flexible with videotape footage of the accident when applicable;
    c. Preservation of any and all evidence;
    d. Preservation of the integrity of the accident scene;
    e. Complete or submit documentation when necessary;
    f. Allowing Flexible access to your facility or phone communication to supervisors so we may complete documentation pertaining to facts of the accident; investigation forms; conduct witness interviews; document the scene of the accident by taking photos, video recordings, or drawing sketches.
22. Be responsible for recordkeeping and reporting of work-related accidents/injuries with regard to completion of OSHA 300 logs.

4. **Insurance Including Workers' Compensation Coverage.** Flexible will maintain during the term of this Agreement at least the following types and limits of insurance or other coverage:

   A. Workers' compensation on the Flexible Temporary Employees, in amounts no less than required by law;

   B. Employer's liability insurance with a limit of $1,000,000;

   C. Flexible has the right to invoice for any Workers Compensation claim that arises out of normal scope of employment not listed in this agreement;

   At Customer's request, Flexible will provide Customer with certificates of this insurance coverage.

5. **Billing**

   D. **Invoices.** Flexible will invoice Customer on a weekly basis for hours worked by temporary employees at agreed-upon hourly bill rates. The rates, at which Flexible will invoice Customer, and reimbursable expenses, if any, are listed in Pricing Exhibit A.

   E. Customer agrees that they accept invoices as is unless they notify the Corporate Office within 20 Days after invoice date.

   F. **Taxes.** Any sales or use taxes that apply to sales to Customer will be added to Customer's invoices as a separate item.

   G. **Adjustments.** Customer agrees that Flexible may adjust pricing annually and, additionally, to reflect periodic increases in wage and/or related tax, benefit and other costs as the result of any determination, order or action by or under any applicable governmental authority, collective bargaining agreement or insurance or benefit program (e.g., annual SUTA adjustments).

   H. **Overtime.** Flexible Temporary Employees are presumed to be "nonexempt" employees, which means that they are paid overtime if Flexible determines overtime pay is legally required (or when Customer has requested payment of overtime). Flexible will charge Customer overtime rates. Unless listed in Pricing Exhibit A, overtime rates will be calculated by applying to Flexible's bill rate the same overtime multiple as Flexible is required to apply to the Flexible Temporary Employee's pay rate.

   I. **Record Of Time Worked.** Customer agrees to review and approve, by signature or electronically or any other means, a record of time worked by Flexible's employees and the transmission by any means of such hours are considered final. Customer will also designate one or more representatives of Customer to approve the record on its behalf. If a Customer representative is unavailable, Flexible's representative responsible for the Customer assignment, or other Flexible representative authorized by Customer, may approve the record on Customer's behalf.

6. **Payment Terms.** Payment for services is due 15 Days upon Receipt. After 30 Days interest, Legal Fees, Collection Agency fees and court cost will be assessed to the payment terms. If credit is granted, I understand that the terms Flexible Staffing Services, Inc., an Tennessee Corporation, and each of its parents, divisions and or subsidiaries (collectively hereinafter, "FSS") are Net Due upon Receipt. FSS may charge interest at the highest legal rate or 18 percent whichever is less, on any past due balance with said interest being calculated from date of default. All Invoices are not disputable after 20 days of the invoice date. FSS will not audit any account after 180 days of the invoice date. In consideration of FSS extending credit to the above-referenced business, I hereby guarantee, jointly and individually, to pay for all labor and services supplied to me or to any of us at the above-referenced business. In the event that any account is placed for collection, I agree to pay all costs, including attorney fees, (whether in house or otherwise), court costs and finance charges. This Agreement will be governed by the internal laws of the State of Tennessee, without regard to its conflicts of laws rules. All disputes arising under this Agreement and between the parties shall be conducted in the Courts located in Cook County, Illinois.

7. **Conversion and Transition of Flexible Temporary Employees.** Customer acknowledges that Flexible incurs substantial expenses for recruiting, testing, training and retaining its employees, and Customer agrees to obtain the services of each Flexible Temporary Employee only through an order with Flexible. If Customer wishes to obtain the services of a Flexible Temporary Employee by hiring them (known as a "conversion"), or by assignment, arrangement, or contract from another source (known as a "transition"), Customer agrees to compensate Flexible at the conversion rates set forth in the Attached Proposal.

8. **Indemnification by Flexible.** Except and to the extent that the claim or liability is the result of the recklessness, gross negligence, simple negligence, intentional misconduct, including but not limited to the failure to comply with any applicable common, local, state or federal law, ordinance, regulation, or order, which is solely attributable to the Customer,

its shareholders, directors, officers, employees, successors, assigns and/or insurers, Flexible hereby agrees to indemnify, defend and hold Customer harmless of and from any and all liabilities, damages, losses, costs or expenses, including reasonable attorney's fees and court costs (collectively "Losses") arising out of, relating to or resulting from: (a) any all workers' compensation claims, and related actions or proceedings brought by a Flexible Temporary Employee; (b) any and all claims, actions or proceedings of any nature by any person or entity relating to, resulting from, or arising out of the negligence, gross negligence or recklessness by Flexible, a Flexible Temporary Employee and/or Flexible's representatives, employees, subcontractors, suppliers, shareholders, directors, officers, successors, assigns and insurers, and/or; (c) any and all actions, claims or proceedings arising out of, resulting from or relating to the failure by Flexible, a Flexible Temporary Employee, and/or Flexible's representatives, employees, subcontractors, suppliers, shareholders, directors, officers, successors, assigns and insurers to comply with this agreement; or any applicable common, local, state, or federal law, ordinance, regulation or order. The term "Losses", as defined herein, includes only actual damages, and shall not include punitive damages, or speculative damages, including projected lost profits, projected lost revenues, or speculated diminution in value of Customer's business or products.

9. **Indemnification by Customer.** Customer agrees to indemnify, defend and hold harmless Flexible from any and all Losses which arise out of, relate to, or result from: (a) the recklessness, gross negligence, intentional misconduct, or simple negligence solely attributable to Customer, its shareholders, directors, officers, employees, successors, assigns and/or insurers; (b) injuries or other Losses resulting from an improperly maintained or the defective condition of a motor vehicle or any other motorized mobile equipment owned, leased, used or rented by Customer in its business, and/or (c) any and all actions, claims, proceedings or Losses arising out of, resulting from or relating to the failure by Customer, Customer's representatives, employees subcontractors, suppliers, shareholders, directors, officers, successors, assigns and insurers to comply with this Agreement, or any applicable common, local, state, or federal law, ordinance, regulation or order.

10. **Indemnification Procedure.** In the event that any Indemnified Party asserts its right to indemnification under this Agreement, the Indemnified Party shall immediately provide the Indemnifying Party with written notice of the claim at issue, together with a summary of any available information regarding the claim (the "Notice of Claims"). Within ten (10) days of receiving the Notice of Claims, the Indemnifying Party will provide written notice to the Indemnified Party of whether it will accept tender of indemnification based on the clauses and definitions in this Agreement (the "Defense Notice").

    If necessary, the Indemnifying Party will, at its expense, undertake the defense of the claim as described in the Notice of Claims in the name of the Indemnified Party, assisted by counsel of the Indemnifying Party's choice. The Indemnified Party may, at its own expense, participate in the defense of the claim with counsel of its own.

    If the Indemnifying Party timely conducts the defense of the claim as described in the Notice of Claims, the Indemnified Party will cooperate and make available such assistance, records, and materials as the Indemnifying Party may reasonably request.

    If the Indemnifying Party elects not undertake the defense of the claim as described in the Notice of Claims and the Indemnifying Party is responsible under this Agreement for doing so. The Indemnified Party shall have the right to conduct its own defense of the claim at issue, in good faith, and represented by counsel of its choice at the expense of the Indemnifying Party. If it is adjudged that the Indemnifying Party should have assumed the defense of the claim as described in the Notice of Claims, the Indemnifying Party shall be responsible for all costs and fees incurred by the Indemnified Party in bringing the claim to enforce this indemnification provision, including, without limitation, costs and reasonable attorney's fees.

    The Parties agree that written consent from Flexible is required prior to the entry of Customer into a settlement of any claim, irrespective of whether the Indemnified Party has chosen to be assisted by its own counsel that affects Flexible. The Indemnifying Party is bound and obligated to pay any settlement or any judgment rendered against the Indemnified Party within ten (10) days of the entry of judgment or settlement.

11. **LIMITATION OF LIABILITY.** AS COMMERCIAL PARTIES INTENDING TO ESTABLISH A MUTUALLY BENEFICIAL TEMPORARY STAFFING RELATIONSHIP, FLEXIBLE AND CUSTOMER EACH ACKNOWLEDGES THAT THE FOLLOWING LIMITATIONS FORM AN ESSENTIAL PART OF THEIR AGREEMENT. FLEXIBLE WILL BE RESPONSIBLE FOR DAMAGES TO THIRD PARTIES FOR WHICH FLEXIBLE IS OBLIGATED UNDER SECTION 8. FOR OTHER DAMAGES, FLEXIBLE'S ENTIRE LIABILITY TO CUSTOMER WILL NOT EXCEED PROVEN DIRECT DAMAGES OR $10,000 PER OCCURRENCE, WHICHEVER IS LESS. NEITHER FLEXIBLE NOR CUSTOMER WILL BE LIABLE FOR SPECIAL, INDIRECT, OR CONSEQUENTIAL DAMAGES, OR LOSS OF PROFITS, REVENUES, OR GOODWILL ARISING OUT OF THIS AGREEMENT REGARDLESS OF THE BASIS OF THE CLAIM.

12. **Term.** This Agreement will continue in force unless one party gives the other party at least fifteen (15) days' written notice of termination. Flexible may terminate this Agreement immediately for non-payment of services. Termination of

this Agreement will end the staffing relationship, but this Agreement will continue to govern the parties' rights and obligations with respect to the business done before termination, including but not limited to conversion or transition of temporary employees. Upon any termination by either party, Customer is not allowed to transfer any Flexible employees to any other Staffing Agency or their own payroll without express written consent from a Corporate Officer.

13. **Notices.** Any notices, consents or other communications required by this Agreement must be in writing and delivered, faxed, or sent by customary commercial electronic transmission to the Corporate Office, Attn: Gerald S. Modlinski.

14. **Independent Contractor.** Nothing in this Agreement makes Flexible an agent, partner or joint venture of Customer.

15. **Governing Law and Venue.** This Agreement will be governed by the internal laws of the State of Tennessee, without regard to its conflicts of laws rules. All disputes arising under this Agreement and between the parties shall be conducted in the Courts located in Cook County, Illinois.

16. **Force Majeure.** Flexible will not be responsible for failure or delay under this Agreement if the failure or delay is due to labor disputes or strikes, fire, riot, war, acts of terrorism, acts of God or any other causes beyond the control of Flexible.

17. **Severability; Waiver.** The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement. Any delay or waiver by a party to declare a breach or seek any remedy available to it under this Agreement or by law will not constitute a waiver as to any past or future breaches or remedies.

18. **Entire Agreement**. This Agreement (including any attachments) contains all of the terms between Customer and Flexible on the subject of temporary staffing services for the jobs and a location specified, and replaces all prior agreements and representations on the subject. This Agreement may be modified or supplemented only by a signed and dated written amendment referring to it. Forms that may be used by the parties in their staffing relationship such as purchase orders, time cards, and invoice recitals will not supersede, supplement, modify, or control this Agreement.

Job Description	Pay Rate	Bill Rate	Mark-Up
General Labor	10.58	15.13	43
General Labor with CDL	11.22	16.04	43
Parks Dept	10.27	14.69	43
Warehouse	8.88	13.14	48
Clerical	12.00	16.80	40

The undersigned authorizes FSS to investigate our credit history, bank references, workers' compensation history, and any other information deemed necessary to extend credit. The undersigned hereby consents to the use of a consumer credit report by FSS; in order to evaluate the credit worthiness of the undersigned as principal, proprietor, and/or guarantor in connection with the extension of credit as contemplated by this application. The undersigned hereby authorizes FSS to utilize a consumer credit report on the undersigned periodically in connection with the extension or continuation of the business credit represented by this application. The undersigned as an individual hereby knowingly consents to the use of such credit report consistent with the Federal Fair Credit Reporting Act as contained in 15 U.S.C. §§ 1681 et. Seq. I agree to immediately notify FSS of any change in ownership or address or form of said business. This agreement shall remain in force until written notice of revocation is received by FSS from the applicant.

CUSTOMER
Address for Notices:

Signature

Printed Name

Title

Date Signed

Flexible Staffing Services of Tennessee, Inc.
Address for Notices:
870 E. Oak Street
Lake in the Hills, IL 60156
Attn: General Counsel

Signature

Printed Name

Title

Date Signed

NUMBER _____

RESOLUTION

A RESOLUTION MAKING AWARD TO FLEXIBLE STAFFING SERVICES OF TENNESSEE, INC., AND OTHER QUALIFIED COMPANIES FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $100,000.00.

WHEREAS, the City issued a Request for Proposals (RFP) for as needed temporary employment services for clerical/office and general labor positions for Fiscal Year 2017, with up to four (4) fiscal-year renewal options; and

WHEREAS, Alternate Staffing, Inc., Knoxville, Tennessee, submitted the best proposal for as-needed temporary general labor employment services for the Public Works Department and provided temporary workers for several years affording the Public Works Department with continuity and excellent service; and

WHEREAS, Alternate Staffing, Inc., closed its business effective December 31, 2019 and transferred clients to Flexible Staffing Services of Tennessee, Inc., Knoxville, Tennessee, which transfer was approved for the City by Resolution 1-3-2020; and

WHEREAS, Flexible Staffing Services of Tennessee, Inc., has provided satisfactory services to the City since this transfer and the City Manager recommends continuation of the business relationship for the final renewal option.

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 Flexible Staffing Services of Tennessee, Inc., Knoxville, Tennessee, for furnishing as needed general labor temporary workers for the Public Works Department for Fiscal Year 2021 (July 1, 2020 through June 30, 2021) in an amount not to exceed $100,000.00.

BE IT FURTHER RESOLVED that, as authorized in past resolutions, the City is authorized to utilize the services of the other qualified companies that participated in the City's Request for Proposals process for furnishing as needed temporary workers when a more technical skill set is required provided the total amount does not exceed the $100,000.00 authorized above.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
20-30

DATE: May 26, 2020

TO: Mark S. Watson, City Manager

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

SUBJECT: **ANNUAL ORDER – STREET RESURFACING EMERGENCY SERVICE**

Introduction

An item for City Council consideration is a recommendation for the authority to expend funds for the provision of street resurfacing emergency service for the Public Works Department, during the period of July 1, 2020 through June 30, 2021, in the not to exceed amount of $230,000.

Funding

At times, such as a water break on the Turnpike or other major street, it is required for the street to be resurfaced quickly to allow for daily traffic flow. When these services are required, the appropriate fund will be charged, such as waterworks, state street aid or state highway maintenance.

Background

A majority of the emergency street resurfacing services are required because the area is too large or difficult for the City crews and equipment to complete. When the need for these services arises, staff reviews the work with contractors such as Rogers Group, Inc., PRI of East Tennessee, or J.G. Mullins Construction Company on site and negotiates a price and time schedule for the work. Below is a table of the amounts for emergency street resurfacing services for the previous three fiscal years.

FY2018	FY2019	FY2020 (projected)
$219,413	$13,950	$36,346

Recommendation

Staff recommends approval of the attached resolution as submitted. As this recommendation is a waiver of soliciting competitive bids due to the urgency of completing the work, Council is reminded that a unanimous vote is required for approval.

Shira A. McWaters

City Manager's Comments:

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

Mark S. Watson

Mark S. Watson

6/2/2020

Date

NUMBER _____

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR EMERGENCY STREET RESURFACING FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $230,000.00.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2021 (July 1, 2020 through June 30, 2021) that do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, there are times—such as a water break on a major street—when emergency street resurfacing must take place in order to allow for daily traffic flow; and

WHEREAS, when the need for services arise, city staff reviews the work with contractors such as Rogers Group, Inc., PRI of East Tennessee, and J.G. Mullins Construction Company for an on-site visit and price negotiation and time schedule; and

WHEREAS, the City Manager recommends that competitive bids be waived and awards be made to the best providers for emergency street resurfacing.

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

That the recommendation of the City Manager that competitive bids be waived is approved and awards are hereby made to Rogers Group, Inc.; PRI of East Tennessee, J.G. Mullins Construction Company; and other qualified providers for emergency street resurfacing for the Public Works Department for FY2021 (July 1, 2020 through June 30, 2021), in an amount not to exceed $230,000.00.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
20-44

DATE: May 26, 2020

TO: Mark S. Watson, City Manager

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

SUBJECT: **ANNUAL ORDER – RENTAL OF HEAVY EQUIPMENT**

Introduction

An item for City Council consideration is a recommendation for the authority to expend funds for the rental of heavy equipment by the Public Works Department, during the period of July 1, 2020 through June 30, 2021, in the not to exceed amount of $95,000.

Funding

Heavy equipment is rented for a variety of projects throughout the fiscal year on an as-needed basis. When equipment is rented, the appropriate fund will be charged with the expense, such as the waterworks, general maintenance or state street aid. The amount of funding is estimated. If work tasks do not require the rental of heavy equipment, funds are not expended.

Background

The City owns standard heavy equipment such as backhoes and front loaders. Some work tasks occasionally require different equipment such as a dozer, excavator and emergency pumps. It is more cost effective to rent certain pieces of equipment rather than own since they are often times used infrequently.

When special heavy equipment is required for a work task, rental prices are negotiated with vendors such as Stowers, Bobcat, Contractors Machinery, United Rentals and Nortrax; all located in Knoxville. The rental period for this equipment can range from a few hours to a few weeks, depending on the project(s). The vendors offer hourly, daily, weekly, and monthly rental terms. The award of the rental agreement is based on the type of equipment required, price, and availability of equipment on a case-by-case basis. Below are the amounts paid for rental of heavy equipment from the previous three (3) fiscal years.

FY2018	FY2019	FY2020 (projected)
$93,742	$140,133	$45,620

Recommendation

Staff recommends approval of the attached Resolution as submitted; as the recommendation is a waiver of soliciting sealed bids due to the unknown need for heavy equipment and duration required. Council is reminded that a unanimous vote is required for approval.

Shira A. McWaters

Shira A. McWaters, P.E.

Attachment:
Resolution

City Manager's Comments:

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

Mark S Watson

Mark S. Watson

6/2/2020

Date

NUMBER _____

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AWARDS TO STOWERS, BOBCAT, CONTRACTORS MACHINERY, UNITED RENTALS, NORTRAX, AND OTHER SUITABLE COMPANIES FOR AS NEEDED HEAVY EQUIPMENT RENTAL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $95,000.00.

WHEREAS, the City of Oak Ridge has need for the rental of heavy equipment for various projects which sometimes requires a quick response that may not allow time for competitive bidding and could exceed the City's sealed bid limit over the fiscal year; and

WHEREAS, in the past, the City has utilized Stowers, Bobcat, Contractors Machinery, United Rentals, and Nortrax for as needed heavy equipment rentals; and

WHEREAS, the City Manager recommends that competitive bids be waived and awards be made to Stowers, Bobcat, Contractors Machinery, United Rentals, Nortrax, and other suitable companies for as needed heavy equipment rental for the Public Works Department.

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

That the recommendation of the City Manager that competitive bids be waived is approved and awards are hereby made to Stowers, Bobcat, Contractors Machinery, United Rentals, Nortrax, and other suitable companies for as needed heavy equipment rental for the Public Works Department for FY2021 (July 1, 2020 through June 30, 2021), in an amount not to exceed $95,000.00.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
20-37

DATE: May 22, 2020

TO: Dr. Mark S. Watson, PhD City Manager

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

SUBJECT: ANNUAL ORDER – WATER TREATMENT PLANT CHEMICALS

Introduction

An item for City Council consideration is a recommendation for the authority to expend funds for the provision of chemicals to be utilized at the Water Treatment Plant during the period of July 1, 2020 through June 30, 2021, in the not to exceed amount of $400,000.

Funding

Funding is available in the FY2021 Water Works budget.

Background

Most water treatment chemicals are process and plant specific. Prior to purchasing, the chemicals have been pre-tested in our plants and found to perform satisfactorily. Any change of chemicals used requires Staff to bench, lab, and field test, as well as provide notification to DOE to allow for the proper performance and compatibility verification prior to making any full-scale changes in chemical or vendor.

A variety of chemicals are utilized and are dependent upon specific circumstances, such as raw water conditions; i.e., clarity and quality. Prompt delivery after order is critical, and the current vendors continue to meet that criterion. The chemicals are ordered on an as-needed basis, as some start to degrade and lose their strength over time. The price of the chemicals can fluctuate depending on cost and availability of the products used to make the chemicals. City staff work with a variety of vendors to purchase the needed chemicals for potable drinking water production.

In accordance with our water contract with DOE, the costs associated with the purchase and use of chemicals at the Water Treatment Plant are split 50/50.

The recommended Resolution is limited to the chemicals that annually exceed the City Manager's purchasing authority. These chemicals include Polymer, Sodium Hypochlorite, and Phosphate and are purchased from suppliers such as The Dycho Co., Specialized Operations Services, Inc., and Nalco Company.

Chemical	FY2018	FY2019	FY2020 (Estimated)	3 Year Average
Sodium Hypochlorite	N/A	$22,734	$110,000	$140,000*
Chlorine	$ 30,251	$ 22,088	NA	NA
Phosphate	$ 63,360	$ 42,240	$63,360	$56,320
Polymer	$ 99,233	$ 86,809	$100,000	$95,348
3 Year Total	$192,844	$173,871	$237,360	$291,668

*Estimated annual cost (FY2020 first year of full use)

The public and DOE facilities depend on the City of Oak Ridge for the production of safe potable drinking water. An allowance is included in the recommended amount to provide the authority to purchase the chemicals required so that Staff can produce potable drinking water at all times and under widely varying conditions. The recommended purchase amount is only an estimate; any unspent funds will remain in the Water Works fund.

Recommendation

Staff recommends approval of the attached resolution as submitted. As the recommendation is a waiver of soliciting sealed bids due to the chemicals being plant specific and the requirement of testing prior to purchase, Council is reminded that a unanimous vote is required for approval.

Shira A. McWaters

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

Mark S. Watson

6/2/2020

Date

NUMBER _____

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR FURNISHING CHEMICALS FOR THE WATER TREATMENT PLANT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $400,000.00.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2021 (July 1, 2020 through June 30, 2021) that do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, the City has long-term relationships with various vendors for supplying chemicals for the Water Treatment Plant including polymer, sodium hypochlorite, and phosphate; and

WHEREAS, prior to utilizing chemicals in the plants, the chemicals must be pretested to perform satisfactorily in the plants and any major change in chemicals would require bench, lab, and field testing to ensure proper performance; and

WHEREAS, the City Manager recommends that competitive bids be waived and awards be made to the best providers for chemicals for the Water Treatment Plant.

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

That the recommendation of the City Manager that competitive bids be waived is approved and awards are hereby made to The Dycho Co., Specialized Operations Services, Inc., Nalco Company, and other qualified providers for the furnishing of chemicals for the Water Treatment Plant for FY2021 (July 1, 2020 through June 30, 2021), in an amount not to exceed $400,000.00.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
20-38

DATE: May 13, 2020

TO: Dr. Mark S. Watson, PhD City Manager

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

SUBJECT: **FY21 ANNUAL ORDER – RECYCLED BIOSOLIDS DISPOSAL**

Introduction

An item for City Council consideration is a recommendation for the authority to expend funds for the disposal of recycled biosolids generated at the Wastewater Treatment Plant to Waste Management, Chestnut Ridge Landfill, during the period of July 1, 2020 through June 30, 2021, in the not to exceed amount of **$180,000.**

Funding

Funding for this expense is budgeted and available in the Water Works Fund.

Background

Chestnut Ridge Landfill, owned and operated by Waste Management, is an approved solid waste landfill. It is the closest landfill to the Wastewater Treatment Plant and is in Anderson County. Below is a table of the biosolids disposal costs and approximate tons for FY2017 through April 30, 2020.

	FY2017	**FY2018**	**FY2019**	**FY2020 as of 4/30/2020**
Annual Cost	$149,640	$127,069	$128,598	**$145,095**
Cost per Ton	$32.70	$33.52	$34.86	**$36.95**
Approximate Tons	4,576	3,791	3,852	**4,109**
Monthly Average Tons	381	316	321	**411**
Percent Change from Prior FY	33%	-17%	2%	**28%**

Based on a monthly average of **344** tons, the estimated final tonnage for FY2021 is anticipated to be 4,128 tons. This average is based on FY17-20 monthly average but can vary based on weather and plant operations.

Recommendation

Staff recommends approval of the attached Resolution as submitted. As this recommendation is a waiver of soliciting competitive bids due to Waste Management, Chestnut Ridge Landfill being the best provider based on qualifications and location. Council is reminded that a unanimous vote is required for approval.

Shira A. McWaters
Shira A. McWaters, P.E.

Attachment:
Resolution

City Manager's Comments:

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

Mark S Watson
Mark S. Watson

6/2/2020
Date

NUMBER _____

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO WASTE MANAGEMENT FOR DISPOSAL OF BIOSOLIDS AT THE CHESTNUT RIDGE LANDFILL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2021 IN AN AMOUNT NOT TO EXCEED $180,000.00.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2021 (July 1, 2020 through June 30, 2021) that do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, since 2015, the City has been exclusively disposing of all biosolids at the Chestnut Ridge Landfill owned and operated by Waste Management, which site is the closest approved solid waste landfill site; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Waste Management for the disposal of biosolids.

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

That the recommendation of the City Manager that competitive bids be waived is approved and award is hereby made to Waste Management for disposal of the City's biosolids at the Chestnut Ridge Landfill for the Public Works Department for FY2021 (July 1, 2020 through June 30, 2021) in an amount not to exceed $180,000.00.

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PERSONNEL DEPARTMENT MEMORANDUM
20-033

DATE: June 1, 2020

TO: Mark S. Watson, City Manager

FROM: Cindi G. Gordon, Human Resources/Risk Program Administrator

THROUGH: William R. King, Personnel Director

SUBJECT: MEDICAL EVALUATIONS, DRUG/ALCOHOL TESTING, AND HAZMAT MEDICAL TESTING SERVICES

Introduction

An item for the agenda is a resolution authorizing a contract with CMG HealthWorks for Post-Employment Offer Medical Evaluations, Employee Drug and Alcohol Testing, and HAZMAT Medical testing, not to exceed $75,000.00.

Funding

Funds are available in the proposed FY2021 Budget.

Background

In May of 2020, the City solicited proposals to provide Medical Evaluations and Drug and Alcohol Testing for all employees and Hazmat Medical Services for Fire Department and Water Plant personnel in compliance with the National Fire Protection Standards (NFPA 1582) and the Occupational Safety and Health Administration Standards (29 CFR 1910.120 and 29 CFR 1910.134) which require all employees responding to hazardous materials incidents have annual HAZMAT medical testing. The same medical testing is provided to the personnel working at the City's Water Plant due to respirator use as required personal protective equipment.

With the exception of temporary and seasonal employees, all new City employees must pass a medical evaluation prior to beginning work. All city employees, including temporary and seasonal employees, must pass a drug screen prior to beginning work. Once employed by the City, employees are subject to drug and alcohol screening. These tests are performed in accordance with the City's Administrative Policy and Procedure Manual for Drug and Alcohol Testing, the Omnibus Transportation Employee Testing Act of 1991, and any amendments or additions to the procedure or law.

Drug and alcohol screening services include post-employment offer, random, post-accident or injury, return-to-duty, and reasonable suspicion testing for City employees. This proposal process required the selected company to maintain laboratory certification as specified in the Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs, to provide proof that all breath alcohol testing devices are on the U.S. Department of Transportation and National Traffic Safety Administration conforming products list, and to provide proof that all technicians operating the breath alcohol testing devices have been trained under 29 CFR Part 40. This proposal process also required the vendor to provide "randomization administration services" for the City.

Four local organizations received direct contact regarding the request for proposals: CMG Healthworks, NetGain Corporation, Summit Medical, and ParkMed Urgent Care (TeamHealth). The request for proposals was also placed on the City's web address. ParkMed did not submit a proposal as ParkMed has permanently closed its' Oak Ridge location as of May 1, 2020. Summit Medical declined to submit indicating they could not submit on all requested services and was advised they were not required to submit on every service.

Only two organizations submitted proposals for services: CMG HealthWorks and NetGain Corporation. Proposals were evaluated with consideration to cost, administration, ability, vendor stability and other relevant factors. MMC HealthWorks' was selected as the best choice for the City and its' employment practices.

Recommendation

Approval of the attached resolution is recommended.

Cindi G. Gordon

Cindi G. Gordon

Attachment: Resolution

City Manager's Comments:

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

Mark S Watson 6/2/2020

Mark S. Watson Date

NUMBER _____

RESOLUTION

A RESOLUTION AWARDING A CONTRACT TO CMG HEALTHWORKS, OAK RIDGE, TENNESSEE, TO PROVIDE EMPLOYEE MEDICAL EVALUATIONS, DRUG AND ALCOHOL TESTING, AND HAZMAT MEDICAL TESTING SERVICES FOR THE PERSONNEL DEPARTMENT IN AN AMOUNT NOT TO EXCEED $75,000.00.

WHEREAS, the City of Oak Ridge has need for certain routine employee medical services on an annual basis; and

WHEREAS, the City's current contracts with ParkMed Urgent Care expire on June 30, 2020, therefore, the City solicited proposals to provide post-employment offer medical evaluations, drug and alcohol testing, and HAZMAT medical testing services in accordance with applicable laws and policies; and

WHEREAS, the Request for Proposal (RFP) required proposals to be submitted for an initial one-year term with four (4) available renewal options; and

WHEREAS, proposals were received on May 22, 2020, with CMG HealthWorks, Oak Ridge, Tennessee, providing the best proposal for all services; and

WHEREAS, the City Manager recommends that award be made to CMG HealthWorks for furnishing medical evaluations, drug and alcohol testing, and HAZMAT testing services for City employees.

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 CMG HealthWorks, 988 Oak Ridge Turnpike, Suite 150, Oak Ridge, Tennessee 37830, for furnishing medical evaluations, drug and alcohol testing, and HAZMAT testing services for the Personnel Department in an amount not to exceed $75,000.00.

BE IT FURTHER RESOLVED that said contract is for Fiscal Year 2021 (July 1, 2020 through June 30, 2021) with four (4) additional fiscal-year renewal options at the City's sole option.

BE IT FURTHER RESOLVED that the City Manager may authorize renewals of this contract for satisfactory services if budgeted funds allow.

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 8th day of June, 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC HEARINGS

AND

FIRST READING OF

ORDINANCES

COMMUNITY DEVELOPMENT MEMORANDUM
20-34

DATE: May 22, 2020

TO: Mark S. Watson, City Manager

THROUGH: Wayne E. Blasius, Community Development Director

FROM: Jennifer L. Williams, Senior Planner

SUBJECT: REZONING REQUEST – FOREST CREEK VILLAGE (FORMERLY RARITY OAKS) R-1-B TO R-1-C

Introduction

An item for City Council's consideration is an ordinance that will rezone all property currently zoned R-1-B in the Forest Creek Village subdivision to R-1-C.

Funding

No funding is associated with this item.

Background

The Rarity Oaks Subdivision was platted in 2006 with 90 lots. These 90 lots and most of the remaining acreage are zoned R-1-B, but an approximately 18.8 acre portion is zoned UB-2. Twenty-two of the 90 lots were sold to other owners after the 2006 plat, and the remaining property stayed in original developer's hands.

In 2018, the property was purchased by VT Investors. This developer group has rebranded the development to 'Forest Creek Village'. While in the process of talking to builders and determining house plans for their lots, the new developers ran into issues with lot sizes and setbacks. Upon further inspection by staff, it was determined that 27 of the 90 existing lots do not meet the minimum lot size requirement of the R-1-B district (14,000 square feet), and about 1/3 of the lots do not meet R-1-B's minimum lot width standards (100 feet). The smaller lots make the R-1-B setback requirements difficult to achieve. Therefore, a rezoning request for the subdivision has been submitted by the developer. This rezoning request does not include the ~18.8 acres currently zoned UB-2, where no change is proposed.

R-1-B/R-1-C Comparison

The chart below compares the zoning standards in the R-1-B District to the R-1-C District. Both are single family residential districts with the same allowed uses. The main difference is that the R-1-C district has slightly less restrictive dimensional and setback requirements for individual lots.

Zoning Requirement	Current Zoning (R-1-B)	Proposed Zoning (R-1-C)
Maximum Lot Coverage	25%	30%
Minimum Lot Size	14,000 square feet	8,000 square feet
Minimum Lot Width	100 feet	70 feet
Front Setback	30 feet	25 feet
Side Setback	Total 30 feet, minimum 12 feet	Total 20 feet, minimum 8 feet
Rear Setback	35 feet	30 feet

Additional Property Owners

The proposed rezoning request would involve rezoning 22 lots that are owned by entities/individuals other than the new developer. As mentioned earlier in the memo, 22 of the original 90 platted lots in Rarity Oaks Subdivision were sold to private owners. Currently, these 22 lots are owned by 13 different owners. These property owners were notified of the rezoning request by the City via certified mail sent February 27th. All 13 property owners signed for their notice, and none have attempted to contact city staff regarding the zoning change.

The Planning Commission considered this request at their May 21, 2020 meeting. The Planning Commission unanimously recommended **approval** of this item.

Recommendation

Approval of the attached ordinance is recommended.

Jennifer L. Williams

Attachments: Map of area to be rezoned
Proposed ordinance

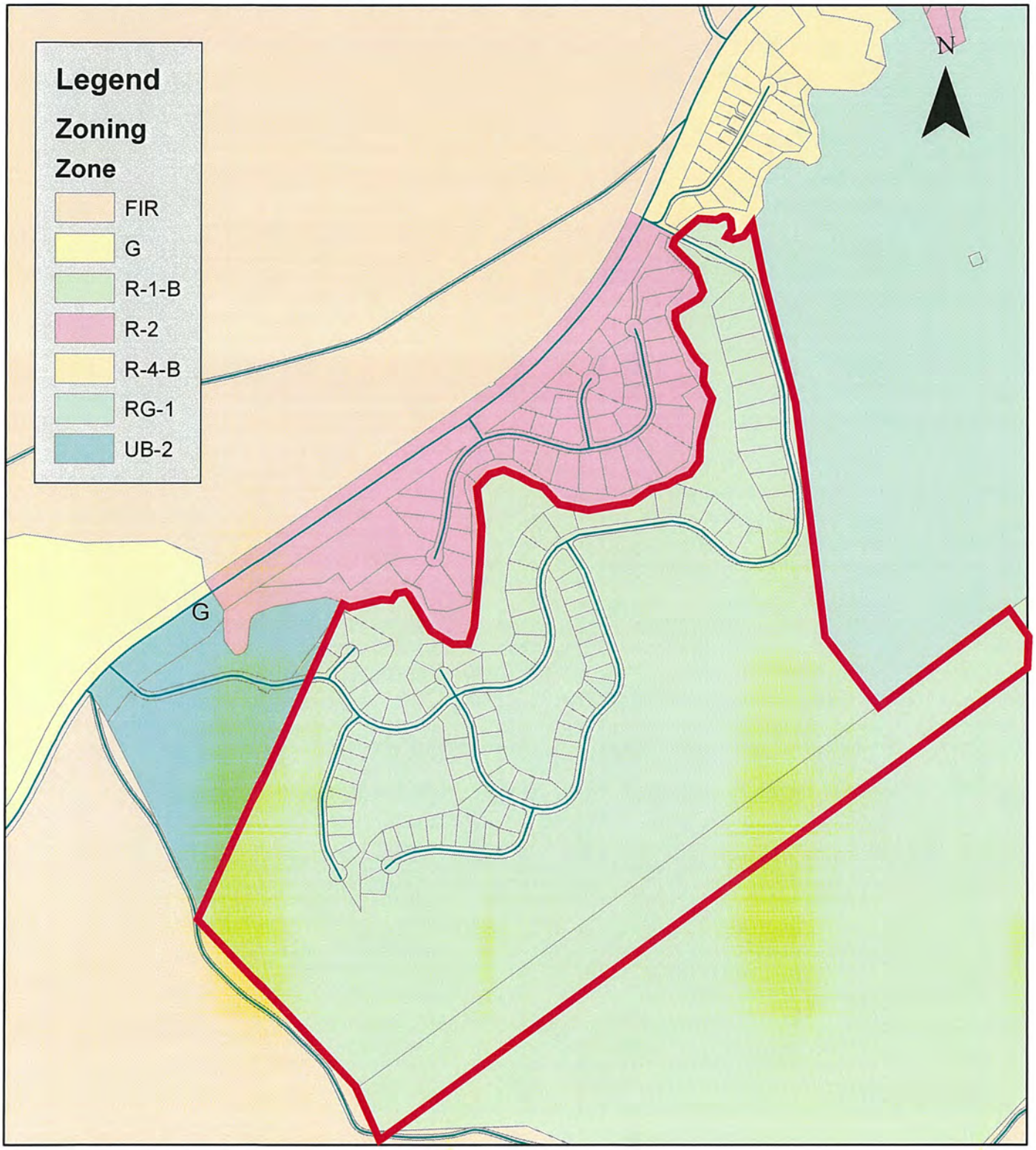
City Manager's Comments:

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

Mark S. Watson 6/2/2020

Mark S. Watson Date

Forest Creek Village Rezoning: R-1-B to R-1-C



0 462.5 925 1,850 Feet

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

Date: 5/22/2020

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF AN APPROXIMATE 201.917 ACRE PORTION OF FOREST CREEK VILLAGE SUBDIVISION (FORMERLY RARITY OAKS SUBDIVISION), FROM R-1-B, SINGLE FAMILY RESIDENTIAL, TO R-1-C, SINGLE FAMILY RESIDENTIAL.

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

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

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

Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars for the Forest Creek Village Subdivision, which is bounded by the Oak Ridge Turnpike, Southwood Estates, the Oak Ridge Golf and Country Club, and the DOE Patrol Road:

Property/Parcel Description	Acreage	Present Zoning District	New Zoning District
0015 001.05 (a portion) Open Space/Undeveloped	± 96.85	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 02.00 Open Space/Undeveloped	± 2.603	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 01.00 Open Space/Undeveloped	± 8.067	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 01.00 Open Space/Undeveloped	± 8.935	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 30.00 Open Space/Undeveloped	± 6.702	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 24.00 Open Space/Undeveloped	± 5.866	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015 07.01 Open Space/Undeveloped	± 33.83	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 20.00 Cherry Oak Drive	± 0.271	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 21.00 Cherry Oak Drive	± 0.253	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 22.00 Cherry Oak Drive	± 0.267	R-1-B, Single Family Residential	R-1-C, Single Family Residential

Property/Parcel Description	Acreage	Present Zoning District	New Zoning District
015P A 23.00 Cherry Oak Drive	± 0.281	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 24.00 Cherry Oak Drive	± 0.25	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 25.00 Cherry Oak Drive	± 0.279	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 26.00 Cherry Oak Drive	± 0.267	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 27.00 Cherry Oak Drive	± 0.267	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 28.00 Cherry Oak Drive	± 0.266	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 29.00 Cherry Oak Drive	± 0.278	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 8.00 Willow Oak Drive	± 0.233	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 9.00 Willow Oak Drive	± 0.251	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 10.00 Willow Oak Drive	± 0.306	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 11.00 Willow Oak Drive	± 0.358	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 12.00 Willow Oak Drive	± 0.376	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 13.00 Willow Oak Drive	± 0.338	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 14.00 Willow Oak Drive	± 0.312	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 15.00 Willow Oak Drive	± 0.30	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 16.00 Willow Oak Drive	± 0.263	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 17.00 Willow Oak Drive	± 0.289	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 18.00 Willow Oak Drive	± 0.280	R-1-B, Single Family Residential	R-1-C, Single Family Residential

Property/Parcel Description	Acreage	Present Zoning District	New Zoning District
015P A 19.00 Willow Oak Drive	± 0.386	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 01.00 Black Oak Drive	± 0.529	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 02.00 Black Oak Drive	± 0.337	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 03.00 Black Oak Drive	± 0.345	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 04.00 Black Oak Drive	± 0.414	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 05.00 Black Oak Drive	± 0.468	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 06.00 Black Oak Drive	± 0.389	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015P A 07.00 Black Oak Drive	± 0.362	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 01.00 Black Oak Drive	± 0.391	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 02.00 Black Oak Drive	± 0.260	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 03.00 Black Oak Drive	± 0.266	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 04.00 Black Oak Drive	± 0.266	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 05.00 Black Oak Drive	± 0.266	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 06.00 Black Oak Drive	± 0.266	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 07.00 Black Oak Drive	± 0.266	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 08.00 Black Oak Drive	± 0.272	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 09.00 Black Oak Drive	± 0.250	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 10.00 Black Oak Drive	± 0.244	R-1-B, Single Family Residential	R-1-C, Single Family Residential

Property/Parcel Description	Acreage	Present Zoning District	New Zoning District
015I E 11.00 Black Oak Drive	± 0.276	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 12.00 Black Oak Drive	± 0.291	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 13.00 Black Oak Drive	± 0.289	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 14.00 Black Oak Drive	± 0.283	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 15.00 Black Oak Drive	± 0.266	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 16.00 Black Oak Drive	± 0.606	R-1-B, Single Family Residential	R-1-C, Single Family Residential015I E 13.00
015I E 17.00 Black Oak Drive	± 0.553	R-1-B, Single Family Residential	R-1-C, Single Family Residential015I E 13.00
015I E 18.00 Black Oak Drive	± 0.339	R-1-B, Single Family Residential	R-1-C, Single Family Residential015I E 13.00
015I E 19.00 Black Oak Drive	± 0.368	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I E 20.00 Black Oak Drive	± 0.347	R-1-B, Single Family Residential	R-1-C, Single Family Residential015I E 13.00
015I E 21.00 Black Oak Drive	± 0.337	R-1-B, Single Family Residential	R-1-C, Single Family Residential015I E 13.00
015I E 22.00 Black Oak Drive	± 0.345	R-1-B, Single Family Residential	R-1-C, Single Family Residential015I E 13.00
015I E 23.00 Black Oak Drive	± 0.416	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 03.00 Forest Creek Parkway	± 0.780	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 04.00 Forest Creek Parkway	± 0.720	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 05.00 Forest Creek Parkway	± 0.728	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 06.00 Forest Creek Parkway	± 0.737	R-1-B, Single Family Residential	R-1-C, Single Family Residential

Property/Parcel Description	Acreage	Present Zoning District	New Zoning District
015I C 07.00 Forest Creek Parkway	± 0.774	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 08.00 Forest Creek Parkway	± 0.754	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 09.00 Forest Creek Parkway	± 0.752	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 10.00 Forest Creek Parkway	± 0.711	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 11.00 Forest Creek Parkway	± 0.603	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 12.00 Forest Creek Parkway	± 0.458	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 13.00 Forest Creek Parkway	± 0.504	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 14.00 Forest Creek Parkway	± 0.513	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 15.00 Forest Creek Parkway	± 0.545	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 16.00 Forest Creek Parkway	± 0.557	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 17.00 Forest Creek Parkway	± 0.637	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I C 18.00 Forest Creek Parkway	± 1.323	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 02.00 Forest Creek Parkway	± 0.544	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 03.00 Forest Creek Parkway	± 0.541	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 04.00 Forest Creek Parkway	± 0.542	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 05.00 Forest Creek Parkway	± 0.550	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 06.00 Forest Creek Parkway	± 0.536	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 07.00 Forest Creek Parkway	± 0.510	R-1-B, Single Family Residential	R-1-C, Single Family Residential

Property/Parcel Description	Acreage	Present Zoning District	New Zoning District
015I D 08.00 Forest Creek Parkway	± 0.497	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 09.00 Forest Creek Parkway	± 0.493	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 10.00 Forest Creek Parkway	± 0.530	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 11.00 Forest Creek Parkway	± 0.503	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 12.00 Forest Creek Parkway	± 0.496	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 13.00 Forest Creek Parkway	± 0.436	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 14.00 Forest Creek Parkway	± 0.435	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 15.00 Forest Creek Parkway	± 0.411	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 16.00 Forest Creek Parkway	± 0.348	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 17.00 Forest Creek Parkway	± 0.340	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 18.00 Forest Creek Parkway	± 0.339	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 19.00 Forest Creek Parkway	± 0.346	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 20.00 Forest Creek Parkway	± 0.446	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 21.00 Forest Creek Parkway	± 0.625	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 22.00 Forest Creek Parkway	± 0.660	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 23.00 Forest Creek Parkway	± 0.559	R-1-B, Single Family Residential	R-1-C, Single Family Residential
015I D 24.00 Forest Creek Parkway	± 0.603	R-1-B, Single Family Residential	R-1-C, Single Family Residential

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

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

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

ELECTRIC DEPARTMENT MEMORANDUM

20-16

DATE: May 22, 2020

TO: Mark S. Watson, City Manager

FROM: Eric A. Ault, Process Improvement Specialist

THROUGH: Jack L. Suggs, Electric Director

SUBJECT: REVISIONS TO ELECTRIC RULES AND REGULATIONS ORDINANCE

Introduction

An item for City Council's consideration is an ordinance replacing Ordinance Number 5-11 titled "Rules and Regulations Governing Electric Power Distribution", with a version that is updated to reflect the new policies and procedures that are enabled by the upcoming installation of the Cayenta Software Suite.

Funding

There is no significant funding associated with this item.

Consideration

The implementation of the Cayenta Software Suite that was purchased to update the financial management, enterprise management, and billing software for the City will enable the Utility Business Office to update its policies and procedures to better serve our constituents and better protect our assets. Doing so requires changes to the Rules and Regulations regarding electric power distribution.

Policy changes that require updating the Rules and Regulations include changing the customer utility bill. The bill will no longer be a post card, but will instead be a full sheet of paper containing detailed information on the customer's current as well as historic utility usage. The envelope will also provide a low cost method of communication with the public through inserted newsletters and/or bulletins.

The change to the utility bill will also include changes to the disconnect notice. Instead of a separate disconnect notice, customers will be informed of disconnection on the next bill following the delinquent payment period. In addition to streamlining our billing process, this change will result in substantial cost savings to the City. Currently, the City issues and mails 37,500 notices each year, with well over half sent to customers who receive multiple notices. By placing these notices on the bill, the printing and mailing cost can be eliminated.

Some instances will still result in a separate disconnect notice. An example of this would be for items such as returned checks.

Note that staff intends to continue to send separate notices throughout the reinstatement of normal policies after the suspension of disconnects due to the COVID-19 epidemic.

Some changes were necessary to fulfill the new billing schedule under the Cayenta Software Suite, such as the change to when penalties are billed. Other changes were made to give the City more flexibility when it comes to decisions such as extending the discount date for customers.

A few changes were made to correct minor errors within the current iteration of the Rules and Regulations.

Staff is recommending one change not related to the updates from the Cayenta Software Suite, the creation of 4.13 Renewable Generation Facilities. With the continued growth of home-based, renewable generation facilities such as solar panels, it is important that rules be created to ensure that they are safely and securely installed to protect the electric grid, residents, and city employees. Section 4.13 has been created in accordance with Tennessee Valley Authority (TVA) suggested practices regarding renewable generation facilities.

All changes proposed have been reviewed and approved by TVA. Should the Council choose to make changes to proposed documents; staff will resubmit those changes for TVA review. It is proposed that TVA review would take place between first and second reading.

CHANGE	RATIONALE
2.3.1c Residential Deposit	Reduced the minimum required payment history for customers to not need to undergo mandatory deposit reevaluation.
Creation of 4.13 Renewable Generation Facilities	Policy was created to ensure household generation facilities are safely installed.
5.3 Billings	Extended the amount of time City Manager can extend discount date for customers.
5.4 Utility Bill	Redesign of the utility bill to provide customers with more information on their utility consumption and other programs.
9.1 Termination Notice Required	Updated to reflect moving away from the post card bills and the elimination of the separate termination notice.
9.1.1d The Notice Contents	Corrected to reference a different section of the Rules and Regulations.
9.1.1e The Notice Contents	Changed to reflect new billing policies needed to facilitate the Cayenta software
9.1.1f The Notice Contents	Changed to reflect new billing policies needed to facilitate the Cayenta Software and corrected reference a different section of the Rules and Regulations
9.3 Reinstatement of Utility Services	Changed to reflect new policy on how and when penalties are billed to accounts

Recommendation

Staff recommends approval of the adoption of the ordinance changes.

Eric A. Ault

Jack L. Suggs

City Manager's Comments:

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

Mark S Watson

Mark S. Watson

6/2/2020

Date

cc: Marlene Bannon, Business Office Manager
Margaret A. Elgin, Electric Engineering Manager

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO REPEAL ORDINANCE NO. 5-11 WHICH ADOPTED THE RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER, AND TO ADOPT NEW RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER WITHIN THE CITY OF OAK RIDGE, TENNESSEE.

WHEREAS, the City of Oak Ridge presently has rules and regulations governing distribution of electric power within the City of Oak Ridge; and

WHEREAS, the City desires to make changes to the present rules and regulations; and

WHEREAS, the new rules and regulations are recommended for adoption by City Council.

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

Section 1. Ordinance No. 5-11 which adopted and established the Rules and Regulations Governing Electric Power Distribution within the City of Oak Ridge is hereby repealed.

Section 2. There is hereby adopted and established Rules and Regulations Governing Electric Power Distribution within the City of Oak Ridge, which rules and regulations are attached hereto and incorporated herein as fully as if set forth verbatim.

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

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

CITY OF OAK RIDGE
OAK RIDGE, TENNESSEE
RULES AND REGULATIONS
GOVERNING
ELECTRIC POWER DISTRIBUTION

1 GENERAL PROVISIONS

1.1 SCOPE

These rules and regulations and the regularly established rate schedules are a part of all contracts for receiving electric service from the City of Oak Ridge, hereinafter referred to as "Distributor," and apply to all service received, whether the service is based upon contract, agreement, signed application, or otherwise.

1.2 REVISIONS

These rules and regulations may be revised, amended, supplemented, or otherwise changed from time to time. Such changes, when effective, shall have the same force as the present rules and regulations.

1.3 SEVERABILITY

If any clause, sentence, paragraph, section, or part of these rules and regulations or rate schedules shall be declared invalid or unconstitutional, is shall not affect the validity of the remaining parts of these rules and regulations or rate schedules.

1.4 CONFLICT

In case of conflict between any provision of any rate schedule and these Rules and Regulations, the rate schedule shall apply.

1.5 POSTING AND FILING

A copy of these Rules and Regulations together with copies of the Distributor's Schedule of Rates and Charges shall be kept open to inspection at the office of the Distributor and made available through the Distributor's web site or other electronic means when feasible.

2 OBTAINING ELECTRIC SERVICE

2.1 APPLYING FOR SERVICE

2.1.1 Application for Service

Prospective customers over eighteen (18) years of age, desiring electric service, shall make a formal request for service and may be required to complete an application for service and/or the Distributor's form of contract before service is supplied but, in the absence of a completed application or contract, the use of electricity shall bind the customer by the terms of Distributor's standard form of application for service. The completion of an application for service shall not obligate the Distributor to furnish the service for which application has been made. A

prospective customer under eighteen (18) years of age may apply for electric service with a letter from a co-signee (who qualifies as a valid customer under this section of the Rules and Regulations) guaranteeing payment for said utility service.

2.1.2 Ineligible Persons Due to Previous Service

Utility service shall not be supplied to or benefit any prospective customer if that person has any outstanding and unpaid utility charges or installments arising from prior utility service that benefited the prospective customer. The Distributor shall, in the event service is not furnished, refund to the customer any deposits or fees accepted by Distributor in contemplation of the furnishing of such service.

2.1.3 Request for Service

Any request for service shall include the following information:

a) The name of the applicant;
b) The service address to be supplied electric service and the billing address if different from the service address;
c) The prior residential address of a prospective residential customer;
d) The desired date for commencement of electric service;
e) Name and address of employer if applicable;
f) Two forms of valid identification for the sole purpose of establishing the identity of the prospective customer, one of which must be government issued and include a photo;
g) Evidence that the applicant has the right to effect service at the address, in a form acceptable to the Distributor; and
h) Indication as to whether the applicant or other person(s) will be directly utilizing the service at the service address or the service is to the benefit of a third party.

2.2 CONNECTION CHARGES

Whenever a connection order is issued for the connection of a service, an order for service to a new customer, service is transferred from one customer's name to another, or service that has been discontinued is reinstated, the Distributor shall charge a nonrefundable connection charge specified in the Distributor's fee schedule to cover the expense of this connection. When more than one utility service is involved in a single connection order, not more than one charge will be made. Additional charges may be levied, however, if multiple trips are required to accomplish the connection.

Upon request of the customer, connection charges can be applied to the first bill.

2.3 DEPOSITS

2.3.1 Residential

a) Deposits for new residential service will be established by Council Resolution. The amount of the deposit shall not exceed twice the average maximum bill of customers in the residential class.

b) Deposits for an individual customer may be reduced or eliminated based on a review of the risk of default poised by the person obtaining or benefiting from the service. The City Manager shall develop and maintain a written policy for the reduction or waiver of deposits which shall be available for inspection at the Utility Business Office.

c) The City Manager may develop a policy regarding residential customers with an acceptable payment history who have been customers of Oak Ridge for a minimum of three (3) years whereby said customers shall not have their deposit requirement re-examined when one account is closed and another account is opened for similar use and purpose (for example, a customer who moves from one residential location to another similar residential location).

d) Except as provided for in section 2.3.3, residential deposits are not to be refunded or reduced while service is active.

2.3.2 Commercial and Industrial

a) All new commercial and industrial customers shall provide a deposit in the amount equal to two (2) month's average bill (estimated) either as a cash deposit, approved surety bond, letter of credit, or any other form of deposit accepted by the Distributor.

b) Deposits will not be required from customers who, through participation in an approved program, release the Distributor from liability for the wholesale portion of the power consumed.

c) Additional deposits shall not be required from existing commercial or industrial customers with an acceptable payment history which are increasing their average total monthly electric utility obligation less than 25% above existing levels, even if such increase represents a new account.

2.3.3 Adjustments of Deposits

a) Inspection of Deposits: Any customer shall have the right to review the amount of the deposit on file (including interest) for accounts tied to that customer.

b) Increasing Deposits: Distributor reserves the right to raise the deposits of residential, commercial, or industrial customers based on unacceptable payment histories, including two or more late payments in a twelve (12) month period, issuance of a termination of service notice for non-payment, or other reasons where the Distributor determines that the customer has a demonstrable increase in risk of default. Notwithstanding the above, the amount of the total deposit shall not exceed twice the average maximum bill of

the customer over the previous twenty-four month period. For hardship cases, the Distributor may accept installment payments on the deposit increase.

c) Decreasing Deposits:

i. Residential customers who have an acceptable payment history may request a re-evaluation of the deposit requirements for potential adjustment every twenty-four months. Such evaluations will be conducted as if for a new customer and might result in a decrease, elimination, or increase in the required deposit.

ii. Commercial customers who have an acceptable payment history may request a re-evaluation of the deposit requirements for potential adjustment every twelve months. Such evaluations will be made based on a review of the customer's actual electrical usage in the context of the customer's operations, weather, and other factors. The Distributor's decision regarding deposit amount will be final.

2.3.4 Payment of Interest of Deposits

All deposits greater than one month's average bill and retained longer than twelve months, shall earn interest at the rate paid by Tennessee Local Government Investment Pool (LGIP). Such earned interest shall be paid, or credited against power bills annually on June 30.

2.3.5 Refund of Deposits

Upon termination of service, the deposit (along with any unpaid accredited interest) may be applied by the Distributor against any obligation of the customer to the Distributor. Any part of the deposit, not so applied, will be refunded to the customer.

2.4 CUSTOMER AIDE TO CONSTRUCTION

Provision of electric power distribution facilities is generally provided under the rate base. Under the conditions below; however, additional contribution by the customer may be required.

2.4.1 Unusual System Demands

In special cases where a customer requests service that requires special facilities, extensions into areas where electric power is not available or significant additions to the electrical infrastructure which necessitate a substantial investment by the Distributor and the anticipated net revenue from the regular power bill will not, in the Distributor's opinion, fairly support system operation and the investment required to be made by the Distributor to serve the customer, the Distributor may require the customer to contribute to the construction through either:

a) A minimum bill contract to support the investment required; or,

b) Customer installation of some portion of the facilities; or,

c) A contribution toward the cost of installation.

Customer contributions may or may not be refundable, based upon the length of the contract term and/or the relationship of cost of the additional facilities to the annual gross revenue from the customer.

2.4.2 Underground Service

Customers desiring underground service lines from Distributor's overhead system must make construction contributions that include trenching, the installation of all conduits, vaults, commercial transformer pads and other such equipment. Specifications and terms for such construction will be furnished by Distributor on request.

2.4.3 Non-Standard Service

Customer shall pay the cost of any special installation necessary to meet his peculiar requirements for service at other than standard voltages, for duplicate feeds (including the cost of circuitry and the cost of substation reserve capacity), or for the supply of closer voltage regulations than required by standard practice.

2.4.4 Failure to Take Service

If for any reason the customer, after signing a contract or application for electric service does not take service, the customer shall reimburse Distributor for the cost incurred by Distributor to provide service.

2.5 TEMPORARY SERVICE AND CHARGES FOR TEMPORARY SERVICE

Customers requesting electric service on a temporary basis may be required to pay all costs, as determined by the Distributor, for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for electricity used. This rule includes, but is not limited to: circuses, carnivals, fairs, temporary construction and requirements. Standard fees for various types of temporary services, as well as the temporary service policy are available at the Distributor's principal offices.

3 CONDITIONS OF DISTRIBUTOR SUPPLIED POWER

3.1 AVAILABLE VOLTAGES

The voltages available from the Distributor are affected both by the load required and by the location of the customer. Generally, the Distributor will endeavor to make the following voltage/phase combinations available:

Overhead Area:

120/240 volt 1 phase 3 wire	0 to 150 KW

208Y/120 volt 3 phase 4 wire	20 to 1500 KW
480Y/277 volt 3 phase 4 wire	20 to 1500 KW
240 volt 3 wire Delta	20 to 1500 KW
480 volt 3 wire Delta (Existing Only)	20 to 1500 KW
13,200Y/7620 volt 3 phase 4 wire	500 to 1500 KW
69,000 volt 3 wire Wye	1000 to 1500 KW

Note: Underground service drops and pad-mounted transformers may be required for some loads even in overhead areas.

Underground Area:

120/240 volt 1 phase 3 wire	0 to 150 KW
208Y/120 volt 3 phase 4 wire	20 to 1500 KW
480Y/277 volt 3 phase 4 wire	20 to 1500 KW
13,200Y/620 volt 3 phase 4 wire	500 to 1500 KW

Voltages indicated are nominal and do not reflect the exact voltage supplied. Additional voltages, or voltages at load levels other than indicated, will be supplied when possible, but may require financial contribution on the part of the customer. The Distributor reserves the right to provide service at only primary or higher voltages and/or to provide delivery points remote from the point of electrical consumption under specific conditions; including electrical loads greater than those listed above or where access to the Distributor's equipment would be unduly limited.

3.2 INTERRUPTION OF SERVICE

3.2.1 Consistency of Service

The Distributor will endeavor to furnish continuous electric service and to maintain reasonable constant voltage, but the Distributor cannot and does not guarantee to the customer any fixed voltage or continuous service. The Distributor shall not be liable for any damages for any interruption or disturbances of service whatsoever.

3.2.2 System Maintenance and Repair

In connection with the operation, maintenance, repair, and extension of the Distributor's electric system, the electric supply may be shut off without notice when necessary or desirable, and each customer should be prepared for such emergencies. The Distributor shall not be held liable for any damages from such interruption of service or for damages from the resumption of service without notice after such interruption.

3.3 LOSS OF PHASE, VOLTAGE, OR CURRENT FLUCTUATIONS

The Distributor shall not be liable for personal injuries or for any damage to a customer's equipment or property which may be caused by high voltage, by low voltage, loss of one or more phases in a multiphase system, or by fluctuations in voltage or current on the Distributor's lines. The customer shall be responsible for protecting his service from current

and voltage fluctuations by installing fuses, circuit breakers, loss of phase protection relays, and other standard protective devices.

3.4 RESTRICTIONS ON USE OF ELECTRICITY

In the event of an emergency or other condition causing a shortage in the amount of electricity for Distributor to meet the demand on its system, Distributor may, by an allocation method deemed equitable by Distributor, fix the amount of electricity to be made available for use by customer and/or may otherwise restrict the time during which the customer may make use of electricity and the uses which the customer may make of electricity. If such actions become necessary, the customer may request a variance because of unusual circumstances, including matters adversely affecting the public health, safety and welfare.

If the customer fails to comply with such allocation or restriction, Distributor may take such remedial actions as it deems appropriate under the circumstances including temporarily disconnecting electric service and charging additional amounts because of excess use of electricity. The provisions of the section entitled "Interruption of Service' of this Schedule of Rules and Regulations are applicable to any such allocation or restriction.

3.5 DISCONTINUANCE OF SERVICE BY DISTRIBUTOR

3.5.1 Violation of Rules

Distributor may refuse to connect or may discontinue service for a violation of any of its Rules and Regulations, or for violation of any of the provisions of the Schedule of Rates and Charges, or false information on the application of the customer or as otherwise specified in the contract with customer.

3.5.2 Interference with the Electric System

Distributor may immediately disconnect and refuse to reconnect any service where evidence exists that the customer's load is interfering with the normal operations of the electric system from factor including, but not limited to, harmonics, flicker, load factor, or excessive demand.

3.5.3 Theft of Electricity

Distributor may discontinue service to customer for the theft of current or the appearance of current theft devices on the premises of the customer.

3.5.4 Conditions Deemed Unsafe

Distributor may discontinue service immediately and without notice upon discovery of any condition which, in the opinion of the Distributor, represents a reasonable and immediate threat to persons or property. Such conditions include frayed or damaged wiring, damaged weather heads for overhead service, heating conductors observed or reported by a reputable party, or any other such condition that could reasonably be expected to pose a threat to either the public or distributor

personnel. Service will be restored only after approval by the electrical inspection authority having jurisdiction. Failure to disconnect shall not render Distributor liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from violation of Distributor's rules, or from accidents which may occur upon customer's premises.

3.5.5 Inadvertent Provision of Service

If the Distributor should inadvertently or by mistake begin to render service to an applicant to whom the Distributor has good and valid reason for refusing to render such service, the Distributor shall have the right to discontinue such service at any time after service has begun, even though such customer does nothing to justify the discontinuance of service during the time such service is being rendered.

3.5.6 No Release of Obligation

The discontinuance of service by Distributor for any cause as stated in this rule does not release the customer from his obligation to Distributor for the payment of minimum bill as specified in customer's application for service or other provisions of any contract between the customer and the Distributor.

3.6 DISTRIBUTOR'S LIABILITY FOR FAILURE TO CUT OFF SERVICE

Distributor shall not be liable for any loss or damage resulting from failure to cut off service after proper notification. Customer shall rely exclusively on privately owned disconnect switches rather than on the Distributor's cutting off of service.

3.7 METERING OF ELECTRIC USE

3.7.1 Meter Installations

The Distributor will install and maintain adequate metering facilities to measure the electric power used in accordance with the appropriate rate schedule. All meters, bases, connection boxes, and devices supplied by the Distributor remain its property and will be sealed by the Distributor for the proper protection of its metering equipment. Meters installed shall be readily accessible to the Distributor's representatives for meter reading, testing, and maintenance and shall not be enclosed in areas where free and open access is not available. Meters will not be located where they may be subject to damage or severe vibrations. Meters will not be located less than four (4) feet or more than six (6) feet from the ground.

3.7.2 Meter Tampering

No one shall do anything, which will in any way interfere with or prevent the proper registration of a meter. No one shall tamper with or work on an electric meter without the written permission of the Distributor. No one shall install any wires or other devices, which will cause electricity to pass through or around a meter without the passage of such electricity being registered fully by the meter.

3.7.3 Meter Seals

Except as provided in this paragraph, no one shall tamper with or remove an electric meter seal except for employees of the Distributor. Where seals are found to be open or cut, the Distributor shall conduct an evaluation of the meter installation for safety reasons and investigate for possible theft of electric power. The customer shall be charged a fee for these inspections as specified in the Distributor's rate schedule. Exception: Under certain conditions and on a case by case basis, the Distributor may grant a properly licensed electrician permission to remove a meter seal for the purpose of making electrical repairs.

3.7.4 Meter Tests

The Distributor will at its own expense make periodic tests and inspections of its meters to maintain a high standard of accuracy. The Distributor will make additional tests or inspections of its meters at the request of the customer. If test made at customer's request show that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in the customer's bill and a testing charge established in the Distributor's fee schedule will be made to the customer. In the case where the test shows the meter to be in excess of two percent (2%), slow or fast, an adjustment may be made in the customer's bill for a period of not over thirty (30) days prior to the date of the test, and the cost of making the test shall be borne by the Distributor.

4 CUSTOMER RESPONSIBILITY AND OBLIGATIONS

4.1 CUSTOMER'S RESPONSIBILITY FOR VIOLATIONS OF RULES AND REGULATIONS

Where the Distributor furnishes electric service to a customer, such customer shall be responsible to the Distributor for all violations of the Rules and Regulations and Rate Schedules of the Distributor, whether violations occur on the premises served or in connection with such service. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on the customer.

4.2 POINT OF DELIVERY

The point of delivery is the point, as designated by Distributor, on customer's premises where current is to be delivered to building or premises. Normally, for commercial and residential overhead installations, the point of delivery is the weather head. For residential underground, the point of delivery is normally the meter base (except for down-run conduit). For commercial or multifamily underground, the point of delivery is normally the secondary terminal of the transformer. Where voltage is delivered at a primary voltage, the point of delivery is the meter point. All wiring and equipment beyond this point of delivery shall be maintained by the customer, unless such maintenance is the responsibility of the owner of the premises occupied by the customer.

4.3 NOTICE OF TROUBLE

Customer shall notify the Distributor immediately should the service be unsatisfactory for any reason, or should there be defect, trouble, or accident affecting the supply of electricity.

4.4 CUSTOMER'S WIRING

All wiring of customer, or of the owner of the premises occupied by the customer, must conform to Distributor's requirements and accepted modern standards as exemplified by the requirements of the National Electrical Safety Code and the National Electric Code. Distributor shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any later time, and reserves the right to reject any wiring or appliances not in accordance with Distributor's standards and to discontinue service to customer until such deficiency has been corrected. Inspection or failure to inspect or failure to reject after inspection shall not render Distributor liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from violation of Distributor's rules, or from accidents which may occur upon customer's premises.

The Distributor will discontinue service immediately to any premises which, in the sole opinion of the Distributor, is unsafe or unsuitable for service delivery.

4.5 POWER FACTOR

Each commercial and industrial customer is required to maintain a minimum power factor of at least eighty-five percent (85%) but not more than one hundred percent (100%) and to provide at his expense such devices as are necessary to provide such a power factor. Power factors of commercial or industrial customers may be monitored through periodic checks of constant metering. After Distributor makes an initial determination of a power factor problem, a period of ninety (90) days will be allowed for installation of capacitors or other devices to correct for power factors. After such period, the customer shall pay charges for power factors as specified in the rate structure.

4.6 UNBALANCED LOADS

Every precaution shall be taken by the customer to maintain load balance on customer's single and three phase circuits. No load will be allowed on the Distributor's service conductors, which will create a seriously unbalanced condition.

4.7 NOTICE OF ADDITIONAL LOAD

The service connection, transformers, meters, and equipment supplied by Distributor for each customer have definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of Distributor. Failure to give notice of additions or changes in load and to obtain Distributor's consent for same, shall render customer liable for any damage to any Distributor's lines or equipment caused by the additional or changed load.

4.8 EFFECT ON THE ELECTRIC SYSTEM

Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to Distributor's system. Distributor may require customer, at his own expense, to install suitable apparatus, which will reasonably limit such fluctuations.

4.9 UNAUTHORIZED USE OR INTERFERENCE WITH ELECTRIC SUPPLY

No person shall operate any of the Distributor's switches or equipment without permission or authority from the Distributor.

4.10 ACCESS TO CUSTOMER'S PREMISES

The Distributor's identified representatives and employees shall be granted access to customer's premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, and replacing all equipment belonging to the Distributor, and for inspecting customer's wiring, appliances, and premises in order to determine whether or not the customer is complying with the Distributor's Rules and Regulations. Provision of appropriate real estate rights at no cost to the Distributor for the installation and operation of electrical lines to the customer is considered a condition of service.

4.11 CUSTOMER'S RESPONSIBILITY FOR DISTRIBUTOR'S PROPERTY

Customer, or owner of the premises occupied by customer, shall provide a space for and exercise proper care to protect the property of the Distributor on the premises, and in the event of loss or damage to the Distributor's property arising from neglect of customer to care for same, the cost of necessary repairs or replacements, as determined by the Distributor, shall be paid by the customer.

4.12 STANDBY AND RESALE SERVICE

All purchased electricity (other than emergency or standby service) used on the premises of the customer shall be supplied exclusively by the Distributor and the customer shall not directly or indirectly sell (or otherwise charge) or otherwise dispose of the electric energy or any part thereof.

4.13 RENEWABLE GENERATION FACILITIES

Customers desiring to operate renewable generation facilities (i.e. wind, solar, biomass, hydro, etc.) which are in any way tied to Distributor's power system will be required to complete the Interconnection Application, obtain an Interconnection Agreement, and pay any applicable fees as required by the Distributor. Customers shall provide the Distributor the completed application packet and obtain written approval prior to operating the system. Customer's facility and installation shall comply with Distributor's Interconnection Agreement, the latest version of the NESC, NEC, UL, ANSI, and any other applicable standards as required. Electric generators of any type are required by Distributor to install a load-break AC disconnect or transfer switch (Switch) between the Distributor's facilities and the Customer's interconnected equipment. Such Switch must be installed on the Customer's side of the electrical interconnection with Distributor (behind the meter), and must be able to isolate the generation source from the Distributor's electric grid automatically when source power from the Distributor is lost, and manually when needed for emergencies, to perform

maintenance, to assist in the restoration of service, or any other time/event deemed appropriate/necessary by Distributor. The Switch must be accessible to Distributor personnel at all times, located in close proximity to the Distributor's point of delivery, able to provide a clear visible open point of disconnection and a clear visible indication of switch position, have padlock provisions for locking the Switch in the open position, and labeled "Generation Disconnect Switch". Failure by Customer to notify Distributor of generator installation, or failure by Customer to install the Switch according to the specifications listed herein, will result in immediate disconnection of Customer's electric service. Electric service will be reconnected by the Distributor when the Switch is installed and inspected/approved by the City of Oak Ridge Building and Codes Department and by Distributor Department. Standalone systems which operate completely isolated (air gap) from the Distributor's system are exempt from this section.

5 ELECTRIC RATES AND BILLING

5.1 RATES AND CHANGES

All electricity furnished by the Distributor shall be charged at the applicable rate in effect at the time. The Distributor shall not be obligated to consider a request for an adjustment of any bill unless, within ninety (90) days after the questioned bill is paid, the customer files with the Distributor a written objection to said bill specifying the basis for desired adjustment.

5.2 BILLING ADJUSTED TO STANDARD PERIODS

The demand charges and the blocks in the energy charges set forth in the rate schedules are based on billing periods of approximately one month. In case of the first billing of new accounts (temporary service and seasonal customers excepted) where the period covered by the billing involves fractions of a month, the demand charges and the blocks of the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended.

5.3 BILLINGS

The Distributor elects a standard net payment period of fifteen (15) days for all classes of service after the date of the bill. However, the City Manager is authorized to provide an extension of the discount date, not to exceed fifteen (15) days, when in the best interest of the utility and when such extension is defined in a written policy, developed and available for inspection at the Utility Business Office.

The Distributor establishes for any class of service a late payment charge of five percent (5%) for any portion of bill not paid after the net payment period. Should the final date of payment of bill at the net rate fall on a Sunday or holiday, the next business day following the final date will be the last day to obtain the net rate. Remittance of net rate payment received by mail after the time limit for payment of said net rate will be accepted by the Distributor if the incoming envelope bears the United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto.

Failure to receive bill shall not release customer from payment obligation, nor extend the discount date. No customer shall be entitled to pay any bill at the net rate while such customer is delinquent in the payment of any obligation in connection with electric service owed the Distributor by such customer.

If a meter fails to register, or if a meter is removed to be tested or repaired, or if electricity is received other than through a meter, the Distributor reserves the right to render an estimated bill based on the best information available.

5.4 UTILITY BILL

A residential utility bill shall be mailed or, with customer's consent, delivered through a mutually agreed electronic means (such as text messages, email, or other) monthly to every residential customer for utility service supplied during the time period shown on the utility bill. Each utility bill shall contain the following information:

a) The time period and number of days of utility service covered by the utility bill;
b) The utility charge and/or installment due;
c) The date of the utility bill;
d) The date when complete payment is due at the utility, which shall be at least fifteen (15) days from the date of the utility bill;
e) An indication if the utility bill is based on actual or estimated measurement of the amount of utility service supplied;
f) Notice that residential customers may call the Utilities Business Office, whose telephone number shall be listed on the utility bill, in order to:
    - Dispute the amount of the utility charge and/or installment
    - Request the establishment of a deferred payment and execute the same in writing
    - Avoid the termination of utility service for non-payment of the amount(s) shown on the utility bill
    - Request the restoration of utility service

5.5 RESIDENTIAL CUSTOMER INFORMATION

The Distributor shall provide information on the following upon request:

a) The availability and operation of deferred payment plans;
b) The procedure to dispute a utility charge and/or an installment;
c) The procedure to avoid termination of utility service due to non-payment of utility charges and/or installments;
d) The procedure for tenants to avoid termination of utility service due to their landlord's non-payment of utility charges and/or installments; and
e) The procedure to obtain reinstatement of utility service.

6 RESIDENTIAL CUSTOMER DISPUTES

6.1 GENERAL APPLICABILITY

At any time prior to date of termination of utility service for non-payment of the amount(s) shown on a utility bill, a notice of rejection, or a notice of termination, a residential customer may dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of this standard. A residential customer shall not be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute.

6.2 DISPUTE PROCEDURE

The City Manager shall develop and have available for inspection at the Utilities Business Office a written policy and procedure for disputed amounts. The procedure will include the opportunity for a customer to state their objections to the billing and to receive due consideration and receive a written response which delineates the findings and reasoning of the City.

7 RESIDENTIAL RENTAL PROPERTY

7.1 GENERAL

A residential customer who is the owner of residential rental property housing one or more tenants who are not residential customers of the Distributor for utility service to the dwelling in which such tenant is housed, shall provide the following when requesting termination of utility service to such dwelling:

a) Name of all tenants residing in such dwelling where service is to be terminated; and
b) Mailing address of all such tenants.

7.2 NOTICE BY PROPERTY OWNER

The residential customer shall in addition thereto give such tenants written notice that utility service is to be terminated for the dwelling in which said tenants reside.

7.3 NOTICE BY DISTRIBUTOR

The notice shall include the date such service is to be terminated. Provisions hereafter requiring the Distributor to notify the tenants of such dwelling shall not relieve the residential customer from giving notice herein required.

Upon notification from a landlord of residential rental property that tenants are occupying rental units at the service address for which service termination is requested, the Distributor will delay termination of utility service for three (3) days and serve notice to the tenant(s) by posting a notice on the premise in a conspicuous location.

The notice shall include the following:

a) Landlords name, address and telephone number;

b) Address of utility service that is to be terminated;
c) Date of utility service(s) disconnection;
d) Advisement to the tenant's on what procedures are necessary to avoid termination of utility service(s); and
e) The Distributor's office location, hours of operation and telephone number.

8 DEFERRED PAYMENT PLAN

The City Manager shall develop and have available for inspection at the Utilities Business Office a written policy allowing for deferred payment of residential accounts. The policy shall be specific in the requirements and qualifications for residential customers and provide for written acceptance of the plans by the customer.

9 SERVICE TERMINATION PROCEDURE FOR NON-PAYMENT

The provision of this section shall govern all terminations of utility service for non-payment of utility charges and/or installments.

9.1 TERMINATION NOTICE REQUIRED

If by the payment date shown on a utility bill, the Distributor has not received complete payment of the amount(s) shown on the bill, the Distributor shall mail to, deliver through a mutually agreed electronic means (such as text messages, email, or other), or personally serve upon the customer a notice of termination. Notice on a second bill is considered notice under this section even if a separate notice is not mailed; however, no termination notice shall be served upon the bill for the current period of that bill, only the past due and previously billed amount.

9.1.1 The Notice Contents

a) The date of the notice of termination.
b) The amount to be paid.
c) The date of termination, which shall be at least five (5) days from the date of the notice of termination.
d) Notice that unless the Distributor receives complete payment of the amount shown prior to the date of termination, utility service shall be terminated under item 9.1.2-1 of this section.
e) Notice that in lieu of paying the amount shown, an eligible residential customer, prior to the account being finalled, may request the establishment of a deferred payment plan.
f) Notice that in lieu of paying the entire amount shown, a residential customer, prior to the account being finalled, may notify the utility that he or she disputed the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under Section 6.

9.1.2 Customer Response to Notice

If the Distributor receives payment of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of this standard.

The Distributor shall terminate utility service to the residential customer on the date of termination if, prior to the date of termination:

1) The Distributor has not received complete payment of the amount shown on the notice of termination;
2) The residential customer has not requested the establishment of a deferred payment plan; and
3) The residential customer has not notified the Distributor that he/she disputes the correctness of all or part of the amount shown on the notice of termination.

9.2 LIMITATION ON TERMINATION OF UTILITY SERVICE

a) The Distributor shall terminate utility service for non-payment of utility charges and/or installments only during the hours of 8:00am to 5:00pm, Monday through Thursday. No terminations for non-payments shall be permitted on a legal holiday or on the day before a legal holiday as declared by the Distributor.

b) The City Manager shall develop, maintain, and have available for inspection at the Utilities Business Office a written policy with regards to service termination during severe weather, including specifically severe heat or severe cold. The policy shall provide that postponement not extend beyond the period during which extreme weather exists or is forecasted to exist.

c) The City Manager shall develop, maintain, and have available for inspection at the Utilities Business Office a written policy with regards to termination of service due to non-payment in cases of a documented medical hardship. The policy shall specify what documentation is accepted as evidence of medical hardship, provide for periodic review and renewal of such documentation, and provide that a written notice of pending termination be delivered at least twenty-four (24) hours, which must include one full business day, prior to disconnection to allow for the customer to resolve the billing delinquencies or to make other arrangements for housing or medical care. Delay of termination for medical hardship shall not exceed three (3) days, except for circumstances described in sections a) and b) above.

d) Service may not be terminated for non-payment of a bill except after affording the affected customer due process. Reasonable prior written notice shall be given before termination for non-payment.

9.3 REINSTATEMENT OF UTILITY SERVICES

In the event of termination of utility service in accordance with the provisions of this standard, the Distributor shall reinstate utility service to the residential customer within twenty-four (24) hours of the utility's receipt of the complete payment of the amount whose non-payment prompted the termination. Payment of fees as specified below for reconnection will be applied to the customer's next bill. Such payment shall not be considered a timely payment for purposes of this standard.

10 RECONNECTION OF ELECTRIC POWER

10.1 RECONNECTION CHARGE (NON-PAYMENT ACCOUNTS)

Whenever service has been discontinued by Distributor as provided previously, a service charge specified in the Distributor's fee schedule will be assessed and collected in addition to any delinquent balance due before service is restored to the customer. When Distributor makes a call to disconnect service and if for any reason does not disconnect service, a charge-specified in the Distributor's fee schedule will be made. Different charges for residential and commercial accounts and higher charges will be established and collected when connections and reconnections are performed after normal hours or when special circumstances warrant. The Distributor shall have the authority to waive this connection charge in any case where such waiver is to the best interest of the Distributor.

10.2 CONNECTION AND RECONNECTION CHARGES

Whenever a customer requests that power be disconnected for routine maintenance or scheduled work, the Distributor will provide such services when practical during normal business hours for no charge. Such work done after the Distributor's normal operating hours, or scheduled in such a way that they are not completed in normal operating hours will only be conducted at the full cost of the requesting party; providing however, that there shall be no charge in the event of connection in relation to emergency disconnections and connections.

11 TERMINATION OF SERVICE BY CUSTOMER

Customers who have fulfilled their contract term and wish to discontinue service must give the Distributor at least ten (10) days written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract term will not relieve customer from any minimum or guaranteed payment under contract or applicable rate schedule.

12 INFORMATION TO CUSTOMERS

Distributor shall reasonably inform customers about rates and service practice policies by making such information available upon application for service and at any other time upon request. Such items shall also be available through electronic means, including the Distributor's web page if feasible.

Distributor, as it determines appropriate, shall utilize channels such as mail, annual report, newspaper, radio, public meetings and agendas, and utility bill to inform customers about rates and service policies.

All retail rate actions initiated by Distributor shall be conducted at a public meeting of the City Council, announced in accordance with Tennessee State Law. The agenda for the meeting must be available to the public for inspection or via the City of Oak Ridge website. Further, the agenda, including pending rate actions must be provided to media outlets prior to the meeting.

Distributor, on request by the customer of record, shall provide a statement of the monthly consumption for the prior twelve (12) months if it is reasonably ascertainable. A non-customer requesting a statement of a particular account shall be required to pay the cost incurred by the Distributor to provide the statement, as established in the fee structure.

13 CITY MANAGER AUTHORIZED TO EXECUTE POWER CONTRACTS

A written contract between the Distributor and customer shall be required in all instances where a customer's demand for electric power exceeds fifty (50) kilowatts. The City Manager or his specifically authorized representative shall be authorized to enter into and execute such contracts on behalf of the Distributor. The provisions of such contract shall be in accordance with these Rules and Regulations, applicable Rate Schedules, and all actions of City Council regarding the provision of electric power and service.

FINAL ADOPTION OF ORDINANCES

COMMUNITY DEVELOPMENT MEMORANDUM
19-34

DATE: April 24, 2020

TO: Mark S. Watson, City Manager

THROUGH: Wayne E. Blasius, Community Development Director WB

FROM: Nathalie A. Schmidt, Senior Planner

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT – SELF-STORAGE FACILITIES

Introduction

An item for City Council's consideration is an ordinance to amend the Zoning Ordinance to add a definition and development standards for self-storage facilities as a specified commercial land use, allowable in certain zoning districts.

Funding

No funding is associated with this item.

Background

In March 2019, the Planning Commission received a request from a private developer to amend the Zoning Ordinance in order to allow indoor self-storage in UB-2 Districts, where the use is not currently permitted. Land use regulations, such as allowable types of land uses, correspond to zoning districts rather than individual properties. Changes to these regulations are accomplished through zoning ordinance text amendments, which require review and recommendation by the Planning Commission, a public hearing, and a decision by City Council.

The Planning Commission examined the following information during the course of considering an amendment to the Zoning Ordinance:

- City of Oak Ridge Zoning Ordinance and Zoning Map
- Other zoning ordinances and recently developed storage facilities in surrounding communities
- City Blueprint Plan, which includes visionary goals based on community feedback that support a general plan for the City
- Discussion with the developer in April 2019 about the original request for UB-2 Districts

Review

Upon examination of the Zoning Ordinance and the requested type of land use, the Planning Commission addressed two key questions:

1) *Does the Zoning Ordinance adequately allow for self-storage facilities?*

By reasonable interpretation, self-storage facilities are allowable in two zoning districts: B-2 and IND-1. However, the Ordinance does not provide a definition or land use classification for storage. Certain types of storage are regulated (indoor, outdoor, portable, warehouse, industrial, and hazardous); however, commercial self-storage is not specified, nor would the use fall within the current definitions for retail business or service establishment.

In B-2, General Business Districts, the use would fall under the current use description "wholesale, storage and warehouse facility, freezer and locker," which is allowable by special exception upon approval by the Board of Zoning Appeals.

The IND-1, Light Industrial District, is described as being established to provide areas in which the principal use of land is for light manufacturing and assembly plants, storage, warehousing, wholesaling, and distribution. Within this description, self-storage is permitted by right.

"Wholesale, storage and warehouse facility, freezer and locker" was previously allowed in UB-2, Unified General Business Districts, in the same manner as B-2 Districts, but was removed in 2015 by Ordinance 08-2015. The same ordinance also removed mortuaries, bus passenger stations, commercial greenhouses/nurseries, car dealerships, cemeteries, and transitional accessory uses. Public museums were added to the UB-2 District as a use permitted by right, and multifamily dwellings were added as a use allowed only within a Planned Unit Development. The staff memo presented to the Planning Commission regarding this amendment noted: *"The proposed Zoning Text Amendment will facilitate redevelopment of the Main Street site, as well as provide a wide variety of development possibilities for other sites currently zoned UB-2 and properties selected to promote a walkable commercial/residential mixed use concept."*

2) *What changes to the Zoning Ordinance are necessary to ensure logical and orderly development patterns and compatibility among uses, and therefore to promote efficient and responsible development within the city, regarding self-storage facilities?*

At their June 20, 2019 business meeting, the Planning Commission considered specific development standards for self-storage facilities, and unanimously voted to recommend approval of the attached amendment to the Zoning Ordinance. In summary, the amendment accomplishes:

- New standards for self-storage land use
  - Definition
  - Use-specific development standards
  - Parking standards

- Identified zoning districts where the use is allowable
  - IND-1, Light Industrial (permitted by right)
  - B-3, Roadside Business (permitted by right)
  - B-2, General Business (allowable by special exception upon BZA approval)

New standards are recommended to address the lack of information in the Zoning Ordinance regarding commercial self-storage and potential impacts to surrounding land uses, especially regarding the recent trend or demand for new 3-story, indoor climate-controlled storage facilities. This type of building typically has limited fenestration (windows and doors) and low customer activity. New standards are intended to address compatibility with surrounding commercial uses and reduce parking requirements.

Besides the IND-1 and B-2 Districts, where storage was previously allowable, the recommendation is to also allow self-storage in B-3 Districts, which are located on arterial streets where business generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

When the Planning Commission deliberated whether self-storage should be allowable in UB-2 Districts, they reiterated the purpose of Ordinance 08-2015, which redefined UB-2 Districts as allowing a wide variety of development possibilities to promote walkable mixed uses. The Commission considered applying certain conditions to indoor self-storage facilities that would support the character of the district, such as incorporating more active commercial uses at the street level, but ultimately decided that self-storage is not an appropriate use in UB-2 Districts.

All of the recommended changes to the Zoning Ordinance are included in the attached bold-strikethrough document.

Recommendation

Approval of the attached ordinance is recommended.

Nathalie Schmidt

Nathalie A. Schmidt

Attachments: Addendum, dated April 24, 2020
Zoning Text Amendment for Self-Storage Facilities (bold-strikethrough document)
Zoning Map Diagram
Request from RealtyLink, dated March 26, 2019
Ordinance

City Manager's Comments:

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

Mark S Watson 5-6-2020

Mark S. Watson Date

ADDENDUM TO

Community Development Memo 19-34

DATE: April 24, 2020

TO: Mark S. Watson, City Manager

FROM: Wayne E. Blasius, Community Development Director WB

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT – SELF-STORAGE FACILITIES

Several zoning, planning, and development activities have been initiated or progressed since the Planning Commission received the request for a self-storage Text Amendment, more than a year ago.

These "milestones" are presented below, to briefly illustrate recent factors that are influencing growth and change in our community.

- City Blueprint, a citywide vision for future growth, was approved in May 2019 following a two-year planning process. A follow-up Blueprint Annual Report was published in March of this year, and all plan-related information is now being made available on a new website: oakridgeblueprint.info.

- The Master Plan for the Main Street Oak Ridge development was amended in May 2019, which replaced planned multifamily uses with additional retail space, and designated future mixed-use areas facing Wilson Street. A pedestrian circulation plan and green open spaces were also added to the plan.

- Phase II-A of the Main Street development, including five stores between JC Penny and PetSmart, received approvals for design (October) and construction (February), and site work was begun prior to restrictions from the virus outbreak.

- Phase I of the Main Street Lofts planned development, for 226 apartments on the old AMSE site, received approvals for design (February) and construction (April), and the developer appears ready to proceed.

- The 2019 amendment to the Main Street PUD relocated the mixed-use town center proposal from the central east-west axis, northward to the Wilson Street district edge. Community Development received a planning grant to study this Wilson Street corridor for improved bicycle and pedestrian use supported by a mix of residential, retail, and office uses. The study involved a traffic study and land use analysis prior to a three-day intensive design workshop in October. Property owners participated in the planning effort and have remained engaged in development and zoning-related considerations since then.

- The American Museum of Science and Energy (AMSE) successfully relocated from its original location to a former retail space in the Main Street project.

- A grant of $2.9 million was secured from the State of Tennessee for build out of a new conference center in order to increase visitor and lodging activity in Oak Ridge.

i. Self-Storage Facilities. For self-storage buildings with only centralized or interior access to units, 1 per fifty (50) storage units plus 1 per two hundred fifty (250) square feet of related office space. For all other storage facilities, a minimum of 5 spaces plus 1 per fifty (50) storage units with interior-only access.

Section 7. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading:	5/11/2020
Publication Date:	5/14/2020
Public Hearing:	_____
Publication Date:	_____
Second Reading:	_____
Publication Date:	_____
Effective Date:	_____

Attachment to Memo 19-34 – "Zoning Text Amendment for Self-Storage Facilities"

The text amendment presented in this document involves changes to several sections of the Zoning Ordinance, with changes shown in **bold** to indicated added text, and ~~**bold strikethrough**~~ to indicated deleted text, as recommended by the Municipal Planning Commission on June 20, 2019.

ARTICLE II Definitions

SELF-STORAGE FACILITY
A commercial facility containing multiple storage units for lease to individuals or businesses for temporary or long-term self-service storage. Self-storage facilities may include indoor storage units with centralized building access, units with individual exterior access, secured outdoor storage areas, or a combination of these. A facility that leases, transports, and/or stores on-site portable storage containers, shipping containers, and other individual units for temporary or long-term storage is not included within this type of storage use.

ARTICLE III General Provisions

Section 3.01 General Statement of Intent

This article provides regulations and conditions for certain uses that are unusual in their nature or complexity or are potentially incompatible with their surroundings unless special protective restrictions are applied. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this article establishes specific development standards for these uses that allow for flexibility in development while protecting the existing surrounding areas. Each use listed in this article shall comply with the regulations of the district in which it is located, and with the requirements specified herein.

Sec. 3.37 Self-Storage Facilities

(a) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

(b) Regulations of the base zoning district shall apply. In addition, new construction and redevelopment are subject to the standards and guidelines in Article XIII, Landscaping and Design Standards.

(c) When located adjacent to, or across the street from, a commercial, office, or residential district, individual storage unit doors and areas for loading or unloading shall be permanently screened or located so that they are not directly visible from properties in those districts or from public streets.

(d) Outdoor storage areas, where permitted, shall not exceed fifty (50) percent of the leasable storage facility area, shall be located only to the side or rear of buildings, and shall be screened by an opaque perimeter fence or wall constructed with materials that are similar or complementary to the primary building.

(e) Storage units and outdoor storage areas are not permitted to be used as a retail business, service establishment, or temporary use involving on-site customer or sales activity.

(f) Additional Standards for Indoor Self-Storage Facilities. These standards apply to buildings that provide internal building access to individual self-storage units.

1. Buildings shall include a visible, pedestrian-scale entrance facing the primary street for the site.
2. Avoid blank walls that are visible from streets, particularly those that appear large and monotonous relative to surrounding development and public spaces. Mitigate negative effects of blank walls through design techniques such as, but not limited to the following:
    a) Visual interest at a pedestrian scale, such as building modulation, change in building materials and/or color, and decorative building features
    b) Upper story setbacks, eaves, recessed/raised elements, and/or banding of contrasting materials to reduce perceived scale
    c) Roofline modulation techniques such as hipped or gabled rooflines and modulated flat rooflines
    d) Quality building materials such as brick, stone, timber, and metal, with masonry or other durable materials near the ground level
    e) Landscaping with a variety of plant species and height in front of walls
    f) Wall-mounted trellises with climbing vines or plant materials
    g) Artwork on the wall surface
    h) Decorative lighting fixtures

ARTICLE XI Off Street Parking and Loading Requirements

Section 11.02 Required Off-Street Parking

(f) Number of Parking Spaces Required

Unless otherwise provided in this section, the minimum number of parking spaces required for each use shall be determined in accordance with the following standards. Requirements of fractions of a space shall be rounded up to the next whole space.

1. Commercial Uses.

a.	Beauty parlor or barber shops.	2 per barber or beauty shop chair.
b.	Exhibition halls, assembly halls and conference centers without fixed seats	1 per one hundred fifty (150) square feet of usable floor area.
c.	Furniture and appliance; warehousing; racquetball courts/clubs; household equipment repair shops; showroom of a plumber, decorator, electrical, or similar trade; motor vehicle sales.	1 per eight hundred (800) square feet of usable floor area exclusive occupied in processing of usable floor area or manufacturing; for requirements, see industrial establishments below
d.	Hotels, motels, tourist homes and bed and breakfast establishments	1 per guest bedroom
e.	Restaurants, on-premise food, beverages or refreshments.	1 per one hundred fifty (150) square feet of usable floor area. For each drive-in window, a storage lane adequate in length for five vehicles to approach the window and a storage lane adequate in length for three vehicles between the window and the right-of-way at the exit to the public street.
f.	Retail stores except as otherwise specified herein.	1 per two hundred fifty (250) square feet of usable floor area. For each drive-in window, a storage lane adequate in length for three vehicles to approach the window and a storage lane adequate in length for two vehicles between the window and the right-of-way at the exit to the public street
g.	Shopping Centers.	4.5 spaces per thousand square feet of usable floor area.
h.	Theaters, Auditoriums, Churches, Mortuaries	1 per four (4) seats in the principal meeting or assembly room(s).
i.	**Self-Storage Facilities.**	**For self-storage buildings with only centralized or interior access to units, 1 per fifty (50) storage units plus 1 per two hundred fifty (250) square feet of related office space. For all other storage facilities, a minimum of 5 spaces plus 1 per fifty (50) storage units with interior-only access.**

ARTICLE VII Parking and Business Districts

Section 7.03 B-2, General Business Districts

The following regulations shall apply in B-2 General Business Districts.

(a) Permitted Principal Uses:

1. Any retail business, whose principal activity is the sale of new merchandise in an enclosed building.

2. Open air business use as follows:

   a. Retail sale of trees, shrubbery, plants, flowers, seed, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

   b. Retail sale of fruit and vegetables.

   c. Retail sale of automobiles, house trailers and boats.

   d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, children's amusement park, theater, or similar recreation uses.

   e. Rental services for bicycles, trailers, motor vehicles, or home improvement.

   f. Transient circuses, carnivals, or exhibitions, providing the proposed use will have adequate water supply, waste disposal and other necessary facilities, including off-street parking, and will not cause undue traffic congestion or create a traffic hazard, and further providing that such use is located at least four hundred (400) feet from the nearest residential district line.

3. Office building uses resulting from any of the following occupations: professional services, business services, accounting, banking, drafting, and graphic arts. (Ord. No 5-2014 Revised Effective 6/12/2014)

4. Office, showroom and workshop of a plumber, electrician, decorator, dressmaker, tailor, baker, printer, upholsterer, or an establishment doing photographic reproduction, laundering, dyeing, cleaning, radio or home appliance repair, and similar establishments that require a retail adjunct of no more objectionable character subject to the following provisions: not more than five (5) persons shall be employed at any time in the manufacturing or processing activities of such establishments.

5. Restaurant, tea room, cafe, or other place serving food or beverage.

6. Enclosed theater, radio and television studio, assembly hall, concert hall, dance hall, bowling alley, skating rink, or similar recreation use or place of assembly.

7. Service establishments such as:
   Laundromat
   Dry cleaning
   Shoe repair and shoe shine shops
   Barber shops and Beauty shops

8. Church, school, public library.

9. Clinic, mental health clinic, but excluding penal or correctional institutions.
   (Ord. No. 11-06, Revised Effective 8/3/06)

10. Community buildings and meeting rooms, nonprofit school, religious, educational,

charitable, philanthropic, civic, or professional club except where a principal activity thereof is a service customarily carried on as a business.

11. Filling station, off-street parking lot, and general garage.

12. Public and semipublic uses: Municipal use, state or federal uses, public utility building, telephone exchange, electric transmission towers, pumping station, gas regulation station, transformer station with service yard but without storage yard.

13. Mortuary establishment.

14. Bus passenger station.

15. Commercial greenhouse or nursery.

16. Hotel, motel, or tourist home. (Ord. No. 6-99 Revised Effective 5/13/99)

17. Research laboratory including incidental pilot plant processing operations that will not be incompatible with the general business character of the district and will not create any more dangerous or objectionable elements than are characteristic of other uses expressly permitted.

18. Family day care home, child care center, and private education institution. (Ord. No. 16-90 Revised Effective 7/5/90)

19. Adult entertainment establishment, as defined and subject to the regulations set forth in Chapter 7 of the Code of Ordinances, City of Oak Ridge, Tennessee. (Ord. No. 17-99 Revised Effective 8/26/99)

20. Escort services, as defined and subject to the regulations set forth in Chapter 7 of the Code of Ordinances, City of Oak Ridge, Tennessee.

21. Massage establishments, as defined and subject to the regulations set forth in Chapter 7 of the Code of Ordinances, City of Oak Ridge, Tennessee. (Ord. No. 17-99 Revised Effective 8/26/99)

22. Veterinary clinic and small animal hospital, provided there be no animal pens or runs outside the building. (Ord. No. 11-06 Revised Effective 8/03/06)

23. Fitness and Recreational Centers (Ord. No. 5-2016 Added Effective 6/23/16)

24. Mixed Use Developments provided the following are met:

    a. Other than residential uses, only those uses already permitted within the B-2 district will be allowed.

    b. Regardless of project scale, any change in use resulting in a mixed use development shall be required to submit a Site Development Plan to the Planning Commission for review in accordance with Section 16.11. In reviewing a mixed use development proposal, the Planning Commission must consider the project's relationship to the surrounding area in addition to the standards listed in this section. Projects should promote pedestrian activity and mobility and be similar in mass and scale to other nearby developments.

    c. All mixed use proposals must maintain some nonresidential function directly accessible from a street. The Planning Commission may waive this requirement if the applicant demonstrates that their proposal is compatible with the definition of a mixed use development and the other standards in this section.

    d. All applicable building and fire codes must be met.
    (Ord. No. 3-2019 Revised Effective 1/24/2019)

(b) Permitted Accessory Uses:

1. Any use customarily incidental to permitted principal uses.

2. Signs (see Article XIV). (Ord. No. 31-86 Revised Effective 1/1/87)

3. Automobile parking (see Section 11.02).

4. A single dwelling unit as quarters for a watchman, caretaker or custodian on the premises.

(c) Special Exception Requiring Board of Zoning Appeals Approval: (Ord. 5-2014 Revised Effective 6/12/2014) Under such conditions as the Board of Appeals may impose to ensure that the following uses will not cause undue traffic congestion; create a traffic hazard; or otherwise impair the public health, safety, morals, convenience, comfort, prosperity, or other aspects of the general welfare.

1. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and stadiums; providing the proposed use will have adequate water supply, waste disposal, and other necessary facilities; and will not cause undue traffic congestion or create a traffic hazard.

2. Public museum.

3. Hospital, provided that the lots shall have two thousand five hundred (2,500) square feet for each bed in such hospital and precautions of building location and other precautions necessary to preserve the character of the district.

4. Cemetery, providing such use will have a minimum lot area of 200,000 square feet, will have a setback of fifty (50) feet from all property lines in which monuments and all other structures are prohibited and will not cause undue traffic congestion, or create a traffic hazard.

~~**5. Wholesale, storage and warehouse facility, freezer and locker.**~~

5. Self-Storage Facility, as regulated by Section 3.37, provided there shall be no outdoor storage.

6. Outdoor theater or golf driving range.

7. Veterinarian clinic and small animal hospital, provided there be no animal pens or runs outside a building. (Ord. No. 26-91 Revised Effective 12/19/91)

8. Depot for the collection and delivery of articles and merchandise, including facilities for the storage and servicing of vehicles and equipment used in connection therewith.

9. Helicopter passenger station.

10. Transitional Accessory Uses (see Section 4.08 for Criteria). (Ord No. 4-98 Revised Effective 1/15/98)

11. Light manufacturing provided that the Board, in addition to the conditions in Subsection 7.03 (c) above, shall apply the following criteria in reviewing the appropriateness of the proposal:

    a. If the proposed developed portion of the property is within 300 feet of a residential zone, buffer screening to mitigate potential impacts on the residential area may be required.

    b. In addition to being Light Manufacturing, the proposed business shall be compatible in use and appearance with B-2 office/retail uses, with regard to

the following performance characteristics: parking, the production of smoke, dust, dirt, fly ash, noise, light, glare, heat, odor, gases, radiation, vibration, and the safe use or storage of hazardous materials (See Section 6-501-510 for city-wide limits).

c. All proposed Light Manufacturing uses must submit information on their proposed use and storage of hazardous materials to be reviewed by the Fire Department; the Department's recommendations must be made to the Board before final action is taken. (Ord. No. 2-99 Revised Effective 3/11/99)

12. Night Clubs, Dance Clubs, Taverns, Clubs (private), Lodges and Similar Uses. (Ord No. 6-99 Revised Effective 5/13/99)

13. Towers (Ord. No. 2-00 Revised Effective 1/13/00)

14. Indoor Shooting Range (Ord. No. 5-2014 Added Effective 9/18/14)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 100%.

Minimum size of District: None.

Minimum Required Setback Dimensions in Feet: Front - 20 ft.; Side - 0 ft.; Rear - 0 ft.
(Ord. No. 11-93 Revised Effective 5/13/93)

Section 7.05 B-3, Roadside Business Districts

The Roadside Business District is intended to apply to arterial streets where business establishments primarily not of a neighborhood or community service type may be properly located to serve large sections of the city and surrounding area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists. The following regulations shall apply in B-3, Roadside Business Districts.

(a) Permitted Principal Uses:

1. Filling station.
2. Automobile, truck, trailer, motor home and boat sales or rental. Repair of the same items accessory to sales. (Ord No. 22-99 Revised Effective 10/14/99)
3. Appliance and furniture stores.
4. Restaurant.
5. Building and hardware stores.
6. Commercial greenhouses and nurseries.
7. The outdoor sale and storage of merchandise shall be permitted provided the following criteria are met:
   a. Merchandise is displayed or stored in a permanent area designed for such use:
   b. Required yard setbacks for principle buildings are met for the storage/display area: and
   c. Access to the display/storage area shall be restricted by means of a physical barrier such as a fence, a berm, landscaping, or other similar means.
8. **Self-Storage Facility, as regulated by Section 3.37.**

(b) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal uses.
2. Signs (see Article XIV).
3. Automobile parking (see Section 11.02)
4. A single dwelling unit as quarters for a watchman, caretaker, or custodian on the premises.
5. Car wash.

(c) Special Exception Requiring Board of Zoning Appeals Approval: (Ord. 5-2014 Revised Effective 6/12/2014)

1. Veterinarian clinic and small animal hospital, provided there be no animal pens or runs outside a building. (Ord. No. 26-91 Revised Effective 12/19/91)
2. Transitional Accessory Uses (see Section 6-302 for Criteria). (Ord. No. 22-99 Revised Effective 10/14/99)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 50%

Minimum Required Setback Dimensions in Feet: Front - 30 ft.; Least One Side - 30 ft.; Total of Two Sides - 60 ft.; Rear - 30 ft. (Ord. No. 25-93 Revised Effective 9/30/93)

Maximum Height in Feet: 35.

Maximum Height in Stories: 1.

ARTICLE VIII Industrial Districts

Section 8.01 IND-1, Industrial Districts

The following regulations shall apply in IND-1, Industrial Districts.

(a) General Description:

The IND-1, light industrial district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, storage, warehousing, wholesaling, and distribution. Enterprises engaged in the manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials (but not the processing of raw materials). Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

(b) Permitted Principal Uses:

1. Research facilities, testing laboratories, and facilities for light manufacturing, fabrication, or assembly of products, provided that such facilities are completely enclosed and provided that any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination produced by such facilities is confined to the lot upon which such facilities are located and is controlled in accordance with the applicable city, state, or federal regulations.
(Ord No. 19-99 Revised Effective 8/26/99)

2. Commercial uses, excluding retail stores, including, yard equipment and supply dealers, firewood operations, lumber yards, building materials sales, boat and recreational vehicle sales, household equipment and appliance repair, rental establishments, car washes, animal hospitals, kennels, bulk cleaning and laundry plants, cold storage lockers, ~~and~~ furniture and carpet warehouses, **and self-storage facilities,** provided that adequate safeguards are taken to protect adjoining properties from objectionable or harmful substances, conditions, or operations.

3. Offices, administrative, technical, and professional services.
(Ord. No. 11-06 Revised Effective 9/03/06)

4. Municipal and public utility services. (NAICS #'s 22112, 2212, and 2213)

5. Food processing limited to dairy products, bakery products, and beverage products, (including a microbrewery) provided all activities are conducted in an enclosed building. (NAICS #'s 3115, 3118, 31192 and 3121)

6. Broadcasting, Publishing, Recording and Telecommunications. (NAICS #'s 511, 512, 513 and 514)

7. Enclosed building for service of motor vehicles, mobile homes, campers, boats, motorized equipment, and accessories for such vehicles, but excluding junkyards.

8. Plumbing, heating, machine, welding, plating, electrical, printing, sheet metal, fabricators and similar shops to include sales, service and repair.

9. Art or craft studio space.

10. Offices, administrative, technical and professional.

11. Industrial and scientific research laboratories, research and development centers.

12. Fitness and Recreational Centers (Ord. No. 5-2016 Added Effective 6/23/16)

(c) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal uses.

2. Signs (see Article XIV)

3. Automobile parking (see Section 11.02). (Ord No. 19-99 Revised Effective 8/26/99)

4. A single dwelling unit as quarters for a watchman, caretaker, or custodian on the premises. (Ord. No. 19-99 Revised Effective 8/26/99)

(d) Special Exception Requiring Board of Zoning Appeals Approval: (Ord. 5-2014 Revised Effective 6/12/2014)

The judgment of the Board of Appeals will be guided by a desire to encourage industrial development in order to improve the basic economy. Such interest will include the promotion of orderly industrial districts containing industries compatible with each other. Judged against this interest will be considerations of the effect of the industry on the environs and the general character of the entire community. Before issuing a permit, consideration will be given to the probabilities that the proposed industrial use may violate the regulations of Article XII and Article XIII Sections 13.01 through 13.06; but the issuance of a zoning compliance permit or a certificate of occupancy shall not waive the subsequent enforcement of Article XII and Article XIII Sections 13.01 through 13.06. The following use or similar and no more objectionable use may be permitted:

1. Child care center to serve employees of the industrial area in which they are located.

2. Storage facilities for coal, coke, building material, sand, gravel, stone, lumber, open storage of construction contractor's equipment and supplies, nonhazardous solid waste transfer station, vehicle towing and storage but not junkyards, provided such uses are entirely enclosed within an eight (8) foot obscuring fence or wall, or otherwise so located as not to be obnoxious to the orderly appearance of the district.

3. Transitional Accessory Uses (see Section 4.08 for Criteria).

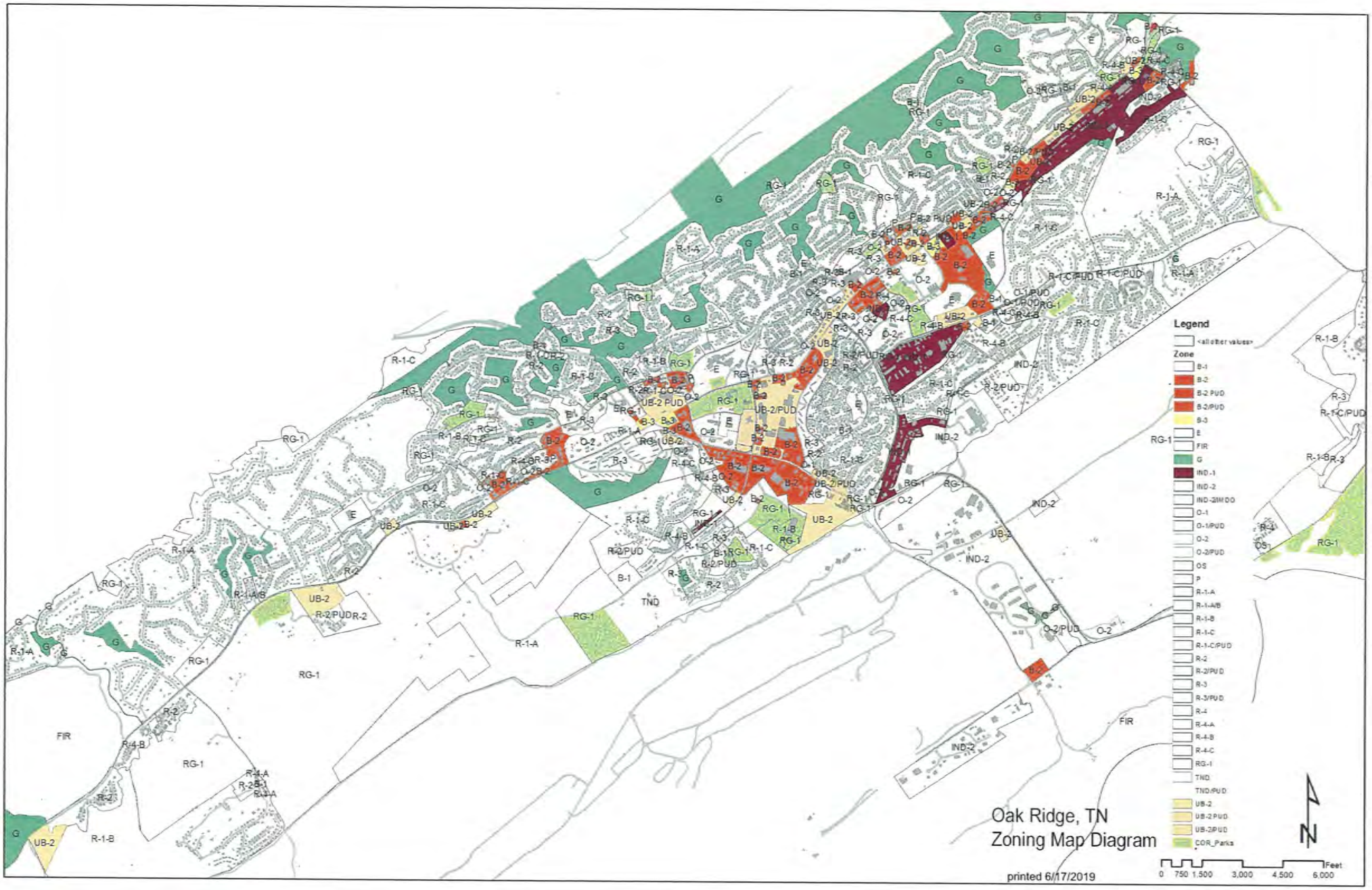
(e) Area, Height, Bulk, and Placement Regulations

Maximum Usable Floor Area to Lot Area: 50%.

Minimum Required Setback Dimensions in Feet: Front - 30 ft.; Side - 25 ft.; Rear – 0 ft.

Maximum Height in Feet: 40.

Maximum Height in Stories: 3.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COR_Parks
0 750 1,500 3,000 4,500 6,000 Feet
N
Oak Ridge, TN
Zoning Map Diagram
printed 6/17/2019

TN OAK RIDGE RUTGERS, LLC

March 26, 2019

Nathalie Schmidt
Senior Planner
City of Oak Ridge TN.

RE: **Conditioned Self Storage Conditional Use Petition**

Nathalie

TN Oak Ridge Rutgers, LLC (developer) request that the Oak Ridge Tn Planning Commission review this petition to allow for the development of an approximate 100,000 square foot (3 story) conditioned Self –Storage facility within the Oak Ridge Main Street PUD. The developer request this item be added to the agenda for the April 11 Planning Commission Work Session and the April 18th Planning Commission Meeting.

Should you have any questions feel free to contact me at (864) 263-5426 or via email: brogers@realtylinkdev.com

Thank you.

Sincerely,
Brett Rogers
Dir of Construction

550 S. Main Street, Suite 300, Greenville, SC 29601 • Office (864) 242-4008 • Fax (864) 232-0160

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY ADDING A DEFINITION FOR SELF-STORAGE FACILITY IN ARTICLE II, TITLED "DEFINITIONS"; BY CREATING A NEW SECTION 3.37, TITLED "SELF-STORAGE FACILITIES"; BY MODIFYING SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," SUBSECTION (C)(5) TO ALLOW SELF-STORAGE FACILITIES AS A USE REQUIRING A SPECIAL EXCEPTION; TO MODIFY SECTION 7.05, TITLED "B-3, ROADSIDE BUSINESS DISTRICTS," TO ADD SUBSECTION (A)(8) TO ALLOW SELF-STORAGE AS A PERMITTED PRINCIPAL USE; TO MODIFY SECTION 8.01, TITLED "IND-1, INDUSTRIAL DISTRICTS," TO CHANGE SUBSECTION (B)(2) TO ALLOW SELF-STORAGE FACILITIES AS A PERMITTED PRINCIPAL USE; AND TO MODIFY SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," TO ADD A NEW SUBSECTION (F)(1)(I) REGARDING SELF-STORAGE FACILITIES.

WHEREAS, this amendment will update the Zoning Ordinance to allow self-storage facilities as a permitted principal use in B-3, Roadside Business Districts, and IND-1, Industrial Districts, as well as set forth a definition and standards for self-storage facilities; and

WHEREAS, this amendment also replaces the text "wholesale, storage and warehouse facility, freezer and locker" with the text "self-storage facility, as regulated by Section 3.37, provided there shall be no outdoor storage," as a use requiring a special exception from the Board of Zoning Appeals in the B-2, General Business Districts; and

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

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article II, titled "Definitions," is hereby amended by adding the following new definition to be inserted alphabetically:

ARTICLE II
DEFINITIONS

SELF-STORAGE FACILITY: A commercial facility containing multiple storage units for lease to individuals or businesses for temporary or long-term self-service storage. Self-storage facilities may include indoor storage units with centralized building access, units with individual exterior access, secured outdoor storage areas, or a combination of these. A facility that leases, transports, and/or stores on-site portable storage containers, shipping containers, and other individual units for temporary or long-term storage is not included within this type of storage use.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article III, titled "General Provisions," is hereby amended by creating a new Section 3.37, titled "Self-Storage Facilities," which new section shall read as follows:

Section 3.37 Self-Storage Facilities

(a) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

(b) Regulations of the base zoning district shall apply. In addition, new construction and redevelopment are subject to the standards and guidelines in Article XIII, Landscaping and Design Standards.

(c) When located adjacent to, or across the street from, a commercial, office, or residential district, individual storage unit doors and areas for loading or unloading shall be permanently screened or located so that they are not directly visible from properties in those districts or from public streets.

(d) Outdoor storage areas, where permitted, shall not exceed fifty percent (50%) of the leasable storage facility area, shall be located only to the side or rear of buildings, and shall be screened by an opaque perimeter fence or wall constructed with materials that are similar or complementary to the primary building.

(e) Storage units and outdoor storage areas are not permitted to be used as a retail business, service establishment, or temporary use involving on-site customer or sales activity.

(f) Additional Standards for Indoor Self-Storage Facilities. These standards apply to buildings that provide internal building access to individual self-storage units.

1. Buildings shall include a visible, pedestrian-scale entrance facing the primary street for the site.

2. Avoid blank walls that are visible from streets, particularly those that appear large and monotonous relative to surrounding development and public spaces. Mitigate negative effects of blank walls through design techniques such as, but not limited to the following:

a) Visual interest at a pedestrian scale, such as building modulation, change in building materials and/or color, and decorative building features

b) Upper story setbacks, eaves, recessed/raised elements, and/or banding of contrasting materials to reduce perceived scale

c) Roofline modulation techniques such as hipped or gabled rooflines and modulated flat rooflines

d) Quality building materials such as brick, stone, timber, and metal, with masonry or other durable materials near the ground level

e) Landscaping with a variety of plant species and height in front of walls

f) Wall-mounted trellises with climbing vines or plant materials

g) Artwork on the wall surface

h) Decorative lighting fixtures

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.03, titled "B-2, General Business Districts," Subsection (c), titled "Special Exception Requiring Board of Zoning Appeals Approval," is hereby amended by deleting the existing subpart 5 and replacing it with a new subpart 5, which new subpart shall read as follows:

Section 7.03 B-2, General Business Districts

The following regulations shall apply in B-2 General Business Districts.

(c) Special Exception Requiring Board of Zoning Appeals Approval:

5. Self-Storage Facility, as regulated by Section 3.37, provided there shall be no outdoor storage.

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.05, titled "B-3, Roadside Business Districts," Subsection (a), titled "Permitted Principal Uses," is hereby amended by adding a new subpart 8, which new subpart shall read as follows:

Section 7.05 B-3, Roadside Business Districts

The Roadside Business District is intended to apply to arterial streets where business establishments primarily not of a neighborhood or community service type may be properly located to serve large sections of the city and surrounding area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists. The following regulations shall apply in B-3, Roadside Business Districts.

(a) Permitted Principal Uses:

8. Self-Storage Facility, as regulated by Section 3.37.

Section 5. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.01, titled "IND-1, Industrial Districts," Subsection (b), titled "Permitted Principal Uses," is hereby amended by deleting the existing subpart 2 and replacing it with a new subpart 2, which new subpart shall read as follows:

Section 8.01 IND-1, Industrial Districts

The following regulations shall apply in IND-1, Industrial Districts.

(b) Permitted Principal Uses:

2. Commercial uses, excluding retail stores, including, yard equipment and supply dealers, firewood operations, lumber yards, building materials sales, boat and recreational vehicle sales, household equipment and appliance repair, rental establishments, car washes, animal hospitals, kennels, bulk cleaning and laundry plants, cold storage lockers, furniture and carpet warehouses, and self-storage facilities, provided that adequate safeguards are taken to protect adjoining properties from objectionable or harmful substances, conditions, or operations.

Section 6. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article XI, titled "Off Street Parking and Loading Requirements," Section 11.02, titled "Required Off-Street Parking," Subsection (f), titled "Number of Parking Spaces Required," Subpart 1., titled "Commercial Uses," is hereby amended by adding a new paragraph (i), which new paragraph shall read as follows:

Section 11.02 Required Off-Street Parking

(f) Number of Parking Spaces Required

Unless otherwise provided in this section, the minimum number of parking spaces required for each use shall be determined in accordance with the following standards. Requirements of fractions of a space shall be rounded up to the next whole space.

1. Commercial Uses.

RESOLUTIONS

PUBLIC WORKS DEPARTMENT MEMORANDUM
20-42

DATE: May 26, 2020

TO: Dr. Mark S. Watson, PhD City Manager

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

SUBJECT: **REPLACEMENT EASEMENT MACHINE FOR PUBLIC WORKS**

Introduction

An item for City Council consideration is a resolution approving the purchase of a replacement easement machine for the Public Works Department through Sourcewell contract pricing. Sourcewell in Oliver Springs, Tennessee is awarded the contract in the not to exceed amount of **$70,647.**

Funding

Funding for this expense is budgeted and available in the Water Works Fund.

Background

The equipment shop has evaluated the existing equipment and recommends that it be replaced based on its condition and maintenance requirements. The current easement machine is a 2002 model with approximately 2,700 hours of use. These machines are used to access areas off road which cannot be reached by the Vacuum Trucks. This includes easements across country and sewer lines behind residential and commercial buildings. New models were evaluated by Public Works staff and chosen based on the needs of the wastewater collections maintenance group including cleaning lines and removing roots.

Recommendation

Staff recommends approval of the attached Resolution.

Shira McWaters
Shira A. McWaters, P.E.

Attachment:
Jet-Vac Estimate
Resolution

City Manager's Comments:

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

Mark S Watson
Mark S. Watson

6/2/2020
Date

JET-VAC Equipment Company, LLC

5746 Broad Street
Sumter, SC 29154

Sumter, SC 803-494-4430
Atlanta, GA 470-867-8535
Oliver Springs, TN 865-806-7071

ESTIMATE

Date	Estimate #
5/7/2020	Q2020-634

PLEASE VERIFY SHIP TO ADDRESS

City of Oak Ridge
Attn: Tony Morris
100 Woodbury Lane
Oak Ridge, TN 37830

Phone 865-425-1875 Office Fax 865-425-1843

Name / Address
City of Oak Ridge PO Box 1 Oak Ridge, TN 37831-0001

With over 404 years of combined experience, we have accumulated field knowledge beyond the books. We know what works, and what doesn't. Not only can we train you on the proper techniques, but also pass along valuable tips to help you. We offer:

- **Training and Demonstrations held at our location or yours.**
- **World-class service and repair from our trained technicians.**
- **Tried and True Products that stand the test of time.**
- **On-site service and repair is available.**
- **Extensive inventory to fill your needs faster.**
- **Classes and seminars held throughout the year.**

Terms	Due on receipt	Rep	JA	FOB Shipping Point	PP & Add

Description	Qty	Amount	Total
OUTRIGGERS (FOUR) FLOOD LIGHT (LED) ROTATING BEACON (LED) 12 VOLT POWER OUTLET TRANSPORT TRAILER WO-8212 - 8' x 12', TANDEM AXLE, 7000# GVWR, 5' FOLD DOWN SPLIT GATE W/ ELECTRIC BRAKES			
Sourcewell Discount		-2,111.94	-2,111.94
Shipping & Handling		2,360.00	2,360.00
Total sales tax calculated by AvaTax		0.00	0.00

This Estimate may not include applicable freight charges unless specified

Subtotal	$70,646.06
Total	$70,646.06

Sumter, SC 803-494-4430
Oliver Springs, TN 865-806-7071
Atlanta, GA 470-867-8535

FINANCING AVAILABLE

Replace 715
2002 model 2700 hrs

JET-VAC Equipment Company, LLC

5746 Broad Street
Sumter, SC 29154

Sumter, SC 803-494-4430
Atlanta, GA 470-867-8535
Oliver Springs, TN 865-806-7071

ESTIMATE

Date	Estimate #
5/7/2020	Q2020-634

PLEASE VERIFY SHIP TO ADDRESS

City of Oak Ridge
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100 Woodbury Lane
Oak Ridge, TN 37830

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City of Oak Ridge PO Box 1 Oak Ridge, TN 37831-0001

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- **World-class service and repair from our trained technicians.**
- **Tried and True Products that stand the test of time.**
- **On-site service and repair is available.**
- **Extensive inventory to fill your needs faster.**
- **Classes and seminars held throughout the year.**

Terms	Due on receipt	Rep	JA	FOB Shipping Point	PP & Add

Description	Qty	Amount	Total
SOURCEWELL CONTRACT #122017-SCA			
JAJ-600 WH Work Horse Easement Machine WO-8211 to include: Power System: Gas powered, Hydraulically driven Dual Independent Extendable Tracks Skid Style steering Dual Hydraulic Tool Circuit 5 or 10gpm Hose Reel: Rotating Safety Hose Reel 600' x 1" Sewer Hose Capacity Pressure Relief Valve Hose Reel Variable Speed Control Features: 10' Leader Hose Hydraulic Pressure Gauge Water Pressure Gauge Hour Meter 1) Paper Operator Manual AUTOMATIC LEVEL WIND w/ HYDRAULIC UP/DOWN ACTION FOOTAGE METER (MTD ON JET HOSE REEL) 1" x 500' 2500 PSI SEWER HOSE	1	70,398.00	70,398.00

This Estimate may not include applicable freight charges unless specified

Subtotal

Sumter, SC 803-494-4430
Oliver Springs, TN 865-806-7071
Atlanta, GA 470-867-8535

Total

FINANCING AVAILABLE

BEST PRODUCTS, BEST LOCAL SUPPORT

SEWER EQUIPMENT CO. of AMERICA

JAJ-600 Series

Are certain sewer pipes in your community neglected due to hard to reach manholes? Do your maintenance crews have to manually drag hose across easements or do they cause damage to yards, golf courses or environmentally sensitive areas when trying to get their trucks close enough to service these remote lines? If this is the case, a Sewer Equipment Company of America easement machine would be an invaluable asset to your fleet. Offered in two configurations, the JAJ-600WH (extendable track) and JAJ-600SK (skid mounted) units extend the reach of your sewer jetting truck or trailer by 500 feet or more and reduce sewer overflows by easing maintenance tasks.

The JAJ-600WH is driven by a Honda V-twin engine on a hydrostatically powered tread drive platform. This simple design eliminates drive chains and sprockets and provides clean and quiet operation. Obstacles that leave wheel drive units spinning, such as small logs, rocks, creeks, hills, curbs, stairs, sand, mud and snow, are all easily traversed by the JAJ's tread drive system while pulling your jet hose to the manhole. While offering tremendous traction, rubber tracks distribute weight evenly and limit ground pressure to only four pounds per square inch; the same standard applied to golf course maintenance equipment.

Standard features for the tread drive unit includes skid steering with dual joystick controls, safety pressure relief valve, 180° rotating safety reel and a 5GPM/10GPM hydraulic tool circuit for powering bypass pumps and hydraulic saws. Available options include automatic level wind with hydraulic up/down action, safety lights, work lights, tandem transport trailer and more.

The JAJ-600WH has the ability to fit through standard 36" gates while offering superior lateral stability off road with tracks that hydraulically extend from 34" to 46" in seconds.

The JAJ-600SK mounts the same rotating hose reel assembly on a skid to be used with your existing skid steer tractor equipped with a fork attachment.

TOLL FREE 800.323.1604

NUMBER _____

RESOLUTION

A RESOLUTION APPROVING THE PURCHASE OF AN EASEMENT MACHINE FOR THE PUBLIC WORKS DEPARTMENT FROM JET-VAC EQUIPMENT COMPANY, LLC, SOUTH CAROLINA, THROUGH THE PURCHASING COOPERATIVE SOURCEWELL IN AN AMOUNT NOT TO EXCEED $70,647.00.

WHEREAS, the Public Works Department's current easement machine, which is needed to access off road areas that cannot be easily accessed by vacuum trucks for sewer line maintenance, is in need of replacement due to its condition and maintenance requirements; and

WHEREAS, an easement machine is available from Jet-Vac Equipment Company LLC, South Carolina, through the purchasing cooperative Sourcewell; and

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

WHEREAS, by Resolution 3-21-2018, City Council approved a master agreement with National Joint Powers Alliance (NJPA) (now known as Sourcewell) to allow the City to be a participating member in the purchasing cooperative; and

WHEREAS, the City Manager recommends approval of the purchase through Sourcewell.

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 purchase an easement machine from Jet-Vac Equipment Company, LLC, 5746 Broad Street, Sumter, South Carolina 29154, through the purchasing cooperative Sourcewell in an amount not to exceed $70,647.00.

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

This the 8th day of June 2020

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
20-39

DATE: May 13, 2020

TO: Dr. Mark S. Watson, PhD City Manager

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

SUBJECT: **FY20 ANNUAL ORDER – RECYCLED BIOSOLIDS DISPOSAL AMENDMENT**

Introduction

An item for City Council consideration is an amendment to Resolution 6-48-2019 for the addition of $55,000 in additional funds for the disposal of recycled biosolids generated at the Turtle Park Wastewater Treatment Plant to Waste Management, Chestnut Ridge Landfill, during the period of April 1, 2020 through June 30, 2020, in the not to exceed amount of $**195,000.**

Funding

Funding for this expense is budgeted and available in the Water Works Fund.

Background

Chestnut Ridge Landfill, owned and operated by Waste Management, is an approved solid waste landfill. It is the closest landfill to the Wastewater Treatment Plant, and is in Anderson County. Below is a table of the biosolids disposal costs and approximate tons for FY2017 through April 30, 2020.

	FY2017	**FY2018**	**FY2019**	**FY2020 as of 4/30/2020**
Annual Cost	$149,640	$127,069	$128,598	**$145,095**
Cost per Ton	$32.70	$33.52	$34.86	**$36.95**
Approximate Tons	4,576	3,791	3,852	**4,109**
Monthly Average Tons	381	316	321	**411**
Percent Change from Prior FY	33%	-17%	2%	**28%**

When estimating tonnage and associated costs the prior 10 months of disposal data was averaged to **278** tons per month. The estimated final tonnage for FY20 was anticipated to be 3,336 tons. The estimated final cost for FY20 was expected to be approximately $116,293. The actual monthly average has been **411** tons resulting in an expected annual cost of $185,000.

The amount of solids delivered to Waste Management from the Turtle Park Wastewater Treatment Plant have increased significantly in the past year. This has been caused by multiple issues including increased rainfall, equipment malfunction, and changes in operation.

Increased rainfall causing flows above ten million gallons per day requires the plant to operate the physical-chemical treatment train. This results in the accumulation of sludge from the process. This sludge is in addition to what is normally generated, requiring the sludge dewatering process to operate more quickly to reduce the volume of stored sludge in order to return to normal operations. When heavy rainfalls occur in succession such as in February of 2020 it requires the plant to remain in this operation mode. Faster dewatering is not able to remove as much water from the sludge resulting in a heavier and bulkier load being sent to the landfill and thus increased costs.

An additional contributing factor was the loss of the digester recirculation pump. The digesters are operated aerobically, and the pump keeps the sludge circulating to provide optimal breakdown. The loss of this pump resulted in a sludge that was more difficult to dewater. This has since been repaired but caused heavier loads of sludge containing more water during the time it was offline.

The cumulative effect of these events lead to the operation of the dewatering process expecting a sludge which was not optimally dewatered during the spring of 2020. This has been discussed with plant operations staff and it is understood that during normal operations it is imperative to produce an optimum sludge with more water removed to prevent excess loads and costs.

Additional disposal costs were incurred due to cleaning the Emory Valley Lift Station. This included four dumpsters of solids removed from the station. This material was dewatered and landfilled resulting in an additional cost of $3,000. The East Plant Lift Station also requires cleaning and is anticipated to incur $8,000 in disposal fees.

Recommendation

Staff recommends approval of the attached Resolution.

Shira A. McWaters

Shira A. McWaters, P.E.

Attachment:
Resolution

City Manager's Comments:

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

Mark S Watson

Mark S. Watson

6/2/2020

Date

NUMBER 6-48-2019

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO WASTE MANAGEMENT FOR DISPOSAL OF BIOSOLIDS AT THE CHESTNUT RIDGE LANDFILL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2020 IN AN AMOUNT NOT TO EXCEED $140,000.00.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2020 (July 1, 2019 through June 30, 2020) that do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, since 2015, the City has been exclusively disposing of all biosolids at the Chestnut Ridge Landfill owned and operated by Waste Management, which site is the closest approved solid waste landfill site; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Waste Management for the disposal of biosolids.

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

That the recommendation of the City Manager that competitive bids be waived is approved and award is hereby made to Waste Management for disposal of the City's biosolids at the Chestnut Ridge Landfill for the Public Works Department for FY2020 (July 1, 2019 through June 30, 2020), based on a unit rate of $34.86 per ton and in an amount not to exceed $140,000.00.

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

This the 10th day of June 2019.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

NUMBER _____

RESOLUTION

A RESOLUTION TO AMEND RESOLUTION 6-48-2019 TO INCREASE THE "NOT TO EXCEED" AMOUNT FOR DISPOSAL OF BIOSOLIDS AT THE WASTE MANAGEMENT CHESTNUT RIDGE LANDFILL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2020 BY $55,000.00.

WHEREAS, by Resolution 6-48-2019, City Council waived competitive bids and awarded a contract to Waste Management for disposal of biosolids at the Chestnut Ridge Landfill for the Public Works Department for FY2020 in an amount not to exceed $140,000.00; and

WHEREAS, due to the increased rainfall, equipment malfunctions, lift station cleaning, and changes in operations, the cost to dispose of biosolids this fiscal year has increased; and

WHEREAS, the Public Works Department is requesting an amendment to the resolution to provide for an additional $55,000.00 for Fiscal Year 2020, which the City Manager recommends.

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 Resolution 6-48-2019 is hereby amended to increase the available compensation to Waste Management by $55,000.00, for a new not to exceed amount of $195,000.00 for disposal of biosolids at the Chestnut Ridge Landfill for the Public Works Department for FY2020 (July 1, 2019 through June 30, 2020).

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

This the 8th day of June 2020.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk