

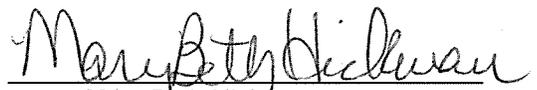
**CITY CLERK MEMORANDUM**  
**20-13**

DATE: July 15, 2020  
TO: Honorable Mayor and Members of City Council  
FROM: Mary Beth Hickman, City Clerk  
SUBJECT: SPECIAL MEETING OF CITY COUNCIL

At the request of the City Manager, and in accordance with Article II, Section 2, of the Charter of the City of Oak Ridge, Tennessee, a special meeting of City Council is hereby called for **Tuesday, July 21, 2020 at 6:00 p.m.** in the Municipal Building Courtroom, 200 S. Tulane Avenue. The meeting will be limited to consideration of the following:

- A RESOLUTION AUTHORIZING ACTIONS FOR THE CONTINUED APPLICATION AND DEVELOPMENT OF THE OAK RIDGE GENERAL AVIATION AIRPORT, INDICATION OF THE TRANSFER TO THE CITY OF OAK RIDGE AS PRIMARY SPONSORING PARTY FROM METROPOLITAN AIRPORT AUTHORITY (MCAA), AND AUTHORIZING THE CITY MANAGER TO TAKE ANY NECESSARY ACTIONS TO PURSUE FEDERAL AVIATION ADMINISTRATION (FAA), TENNESSEE AERONAUTICS DIVISION (TAC), AND APPALACHIAN REGIONAL COMMISSION (ARC) IMPLEMENTATION OF THE PROJECT.
- A RESOLUTION REQUESTING GOVERNOR BILL LEE ALLOW AUTHORITY TO MUNICIPALITIES TO ISSUE ORDERS OR MEASURES REQUIRING OR RECOMMENDING THE WEARING OF FACE COVERINGS WITHIN THEIR JURISDICTIONS DURING THE COVID-19 PANDEMIC.

In accordance with the City Charter, matters transacted at this special meeting shall be limited to the subjects recited in the notice of the meeting.

  
Mary Beth Hickman

cc: Mark S. Watson, City Manager  
Kenneth R. Krushenski, City Attorney  
Department Directors  
The Oak Ridger  
Oak Ridge Today  
The Knoxville News Sentinel  
BBB Communications

**ADMINISTRATIVE MEMORANDUM**  
**20-07**

DATE: July 15, 2020  
TO: Mary Beth Hickman, City Clerk  
FROM: Mark S. Watson, City Manager  
SUBJECT: SPECIAL CITY COUNCIL MEETING

In accordance with Article II, Section 2 of the Charter of the City of Oak Ridge, you are hereby requested to call a special meeting of the Oak Ridge City Council for **Tuesday, July 21, 2020 at 6:00 p.m.** in the Municipal Building Courtroom, 200 S. Tulane Avenue. This meeting will be limited to consideration of the following:

- A RESOLUTION AUTHORIZING ACTIONS FOR THE CONTINUED APPLICATION AND DEVELOPMENT OF THE OAK RIDGE GENERAL AVIATION AIRPORT, INDICATION OF THE TRANSFER TO THE CITY OF OAK RIDGE AS PRIMARY SPONSORING PARTY FROM METROPOLITAN AIRPORT AUTHORITY (MCAA), AND AUTHORIZING THE CITY MANAGER TO TAKE ANY NECESSARY ACTIONS TO PURSUE FEDERAL AVIATION ADMINISTRATION (FAA), TENNESSEE AERONAUTICS DIVISION (TAC), AND APPALACHIAN REGIONAL COMMISSION (ARC) IMPLEMENTATION OF THE PROJECT.
  
- A RESOLUTION REQUESTING GOVERNOR BILL LEE ALLOW AUTHORITY TO MUNICIPALITIES TO ISSUE ORDERS OR MEASURES REQUIRING OR RECOMMENDING THE WEARING OF FACE COVERINGS WITHIN THEIR JURISDICTIONS DURING THE COVID-19 PANDEMIC.

  
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Mark S. Watson

**OAK RIDGE CITY COUNCIL  
SPECIAL MEETING**

Municipal Building Courtroom  
Tuesday, July 21, 2020

6:00 p.m.

AGENDA

- I. ROLL CALL
- II. RESOLUTIONS
  - a. A RESOLUTION AUTHORIZING ACTIONS FOR THE CONTINUED APPLICATION AND DEVELOPMENT OF THE OAK RIDGE GENERAL AVIATION AIRPORT, INDICATION OF THE TRANSFER TO THE CITY OF OAK RIDGE AS PRIMARY SPONSORING PARTY FROM METROPOLITAN AIRPORT AUTHORITY (MCAA), AND AUTHORIZING THE CITY MANAGER TO TAKE ANY NECESSARY ACTIONS TO PURSUE FEDERAL AVIATION ADMINISTRATION (FAA), TENNESSEE AERONAUTICS DIVISION (TAC), AND APPALACHIAN REGIONAL COMMISSION (ARC) IMPLEMENTATION OF THE PROJECT.
  - b. A RESOLUTION REQUESTING GOVERNOR BILL LEE ALLOW AUTHORITY TO MUNICIPALITIES TO ISSUE ORDERS OR MEASURES REQUIRING OR RECOMMENDING THE WEARING OF FACE COVERINGS WITHIN THEIR JURISDICTIONS DURING THE COVID-19 PANDEMIC.
- III. ADJOURNMENT

**CITY COUNCIL MEMORANDUM**  
**20-22**

Date: July 17, 2020  
To: Mayor and City Council  
From: Mark S. Watson, City Manager  
Subject: RESOLUTION OF INTENT TO ASSUME DEVELOPMENT OF OAK  
RIDGE GENERAL AVIATION AIRPORT

Introduction

An item for consideration is a Resolution of Intent by the City of Oak Ridge to authorize actions in the continued application and development of the Oak Ridge General Aviation Airport, allowing transfer of the project from MKAA to the City of Oak Ridge as a primary sponsoring party, and authorizing the City Manager to take any necessary actions to pursue the implementation of the project.

Funding

The Oak Ridge General Aviation Airport project has been pursued as a state funded and federal funded project since its inception. Funding is available for completing the Planning Phase of the project and taking next steps involving selection of engineers for an Environmental Assessment and Preliminary Airport Design, with transferal of the project from MKAA jurisdiction to the City of Oak Ridge jurisdiction.

Background

In 2009, the City of Oak Ridge was advised of an initiative to begin the process of developing a new general aviation airport in the city. The initiative was taken by the Community Reuse Organization of East Tennessee (CROET) and in 2012, engaged the expertise of the Metropolitan Knoxville Airport Authority (MKAA) to begin significant planning efforts on the project. In June of 2012, the City of Oak Ridge acted supporting the project, recognizing MKAA as the lead agency with situs support from CROET on the project. Local funding match was intended to be provided by MKAA through a series of local match and grants.

Between 2012 and today, July of 2020, planning, funding, technical reviews and official contacts have been made to demonstrate the need for the regional general aviation airport. The Planning stage is now being completed with cost benefit submittals and

numerous reviews with the Federal Aviation Administration offices in Memphis, Atlanta and Washington, D.C. The Tennessee Aeronautics Administration has also expressed support for the project. Additional support is reserved with the Appalachian Regional Commission. As the project moves into a next phase of design and environmental assessment, the City of Oak Ridge has been approached about becoming principal sponsor of the project. This has occurred in other jurisdictions as the major planning work and expertise was coordinated by the major commercial airport facility while eventually transferring the project to a county or city government to build a new facility. The MKAA has suggested such a change to begin as we examine the remaining implementation phases of the project.

The purpose of the Resolution is to take immediate actions that will allow the continued development and design work of the project. Allocated funds from previous years are now needing to be obligated. The City of Oak Ridge through the work of the City Manager, Electric Director Jack Suggs, Consultant Ray Evans and others have agreed procurement needed to utilize grant funding can move more quickly with our focus on the project. A City sponsorship application with the TAC and FAA is proposed. The City of Oak Ridge with an approved application would become the principal agent on the project and grant funding will be transferred to the City of Oak Ridge's name. Current funding is 100% provided for in the next 24 months with TAC/ARC funding which is presently sitting at approximately \$22 million, representing \$19 million from the State of TN and \$3 million from the Appalachian Regional Commission.

The City Manager is being asked to be authorized to proceed with implementation of requests that will 1) submit a cost/benefit analysis to the FAA, 2) file a project sponsorship application with the TAC and FAA for the project, 3) establish an initial Department of Aviation as a City department and financial location for monitoring the costs of the various steps of the project and 4) develop contacts and awareness of people associated with the project at FAA, ARC and TAC with the support and assistance of MKAA.

The estimated cost of a total Oak Ridge General Aviation Airport project is \$55 million with ongoing operational costs once complete at an estimated \$150,000 or average of seven comparable airports within the region. \$22 million in funding is currently available and allocated for the airport project through the Appalachian Regional Commission and the Tennessee Department of Transportation Aviation Division's Aeronautics Economic Development Fund and anticipated in-kind land transfer value from CROET at no cost to the project. An additional \$11 million in State funding is contingent upon approval by the Federal Aviation Administration.

### Summary

The City of Oak Ridge has expressed support for the project since 2009. During the interim, organization and planning have occurred for the project and feasibility has been

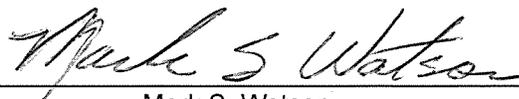
confirmed on a shared project basis with federal, state and local support. At this point, funding is available for the City at no cost as we consider design and environmental assessment with payment through existing grant. MKAA has provided expertise and aviation contacts that have allowed the project to proceed to the end of the planning and justification phase. MKAA has identified that it is in the best regional interest to turn the project over to the City as a sponsor agency, particularly as we look at jurisdictional controls such as zoning and clear zones for the in which the airport is located. Controlled by the City, such protections are easier made by the jurisdiction versus a separate Airport Authority many miles away.

With the passage of the resolution, it allows the City more time to be engaged in the project, where in the past we have been a support role. The change does not commit the City to the full implementation of the project, but allows us to continue to design, analyze and assess an ultimate design and costs. Future partnerships may be in order as the Oak Ridge General Aviation Airport continues to develop, with various economic development efforts. New developments of isotopes are expected to be in production by 2026 with Coqui Pharmaceuticals. Large data centers and carbon fiber production facilities are projected. The airport adds a time/service/delivery dimension of product availability.

The passage of the resolution will have the effect of 1) transferring work sponsorship, oversight and work product to the City of Oak Ridge from MKAA, 2) Authorize the actions for continuing submittals to the FAA and others for required cost/benefit analysis of the project, and 3) allowing the City Manager to take necessary actions to cause the same to occur with authorities including but not limited to the FAA, ARC and TAC, 4) establishment of an Aviation Department for the City of Oak Ridge.

### Recommendation

The resolution of intent to continue the planning efforts and implementation of a general aviation airport is recommended for approval.



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Mark S. Watson

**RESOLUTION**

A RESOLUTION AUTHORIZING ACTIONS FOR THE CONTINUED APPLICATION AND DEVELOPMENT OF THE OAK RIDGE GENERAL AVIATION AIRPORT, INDICATION OF THE TRANSFER TO THE CITY OF OAK RIDGE AS PRIMARY SPONSORING PARTY FROM METROPOLITAN AIRPORT AUTHORITY (MCAA), AND AUTHORIZING THE CITY MANAGER TO TAKE ANY NECESSARY ACTIONS TO PURSUE FEDERAL AVIATION ADMINISTRATION (FAA), TENNESSEE AERONAUTICS DIVISION (TAC), AND APPALACHIAN REGIONAL COMMISSION (ARC) IMPLEMENTATION OF THE PROJECT.

WHEREAS, by Resolution 7-71-09, City Council supported the efforts of the Community Reuse Organization of East Tennessee (CROET) to study the feasibility of bringing a general aviation airport to Oak Ridge to be located on property which was either currently owned by CROET or slated to be transferred to CROET from the U.S. Department of Energy (DOE), with no intent by CROET to request funding from the City; and

WHEREAS, by Resolution 6-49-2012, City Council supported the creation of a general aviation airport at the East Tennessee Technology Park (ETTP), identified the Metropolitan Knoxville Airport Authority (MCAA) as the lead agency with situs support from CROET, specified an intent of the City to relinquish any claim of ownership to the proposed aviation facilities, and specified the local funding match would be provided by MCAA; and

WHEREAS, through recent meetings between the City Manager and MCAA, the City has been advised that MCAA has now reached the end of the planning phase of the new airport development project, and, it is determined in the best interest of the development and operation of the proposed airport to designate the City as the sponsoring agent and affirmed by reciprocal action supporting such by the MCAA Board in August, 2020 in support of this change, and

WHEREAS, City Council finds the creation of a general aviation airport at ETTP to be a benefit to local economic development; and

WHEREAS, approximately \$22 million in funding is currently available and allocated for the airport project through the Appalachian Regional Commission and the Tennessee Department of Transportation Aviation Division's Aeronautics Economic Development Fund, as well as in-kind funding from DOE and CROET for the value of land to be transferred at no cost for this project, and an additional \$11 million in State funding is contingent upon approval by the Federal Aviation Administration (FAA); and

WHEREAS, for the project to proceed with the City as the responsible party for the airport, the FAA requires the transfer of sponsorship from MCAA to the City; and

WHEREAS, City Council desires to authorize the City Manager to continue the development of a general aviation airport at ETTP utilizing current existing funding, seeking various approvals to reach a capital constitution stage.

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

That City Council hereby renews the City's support for the creation of a general aviation airport at the East Tennessee Technology Park (ETTP) and expresses the City's intent to become the responsible sponsoring party for the airport project.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to facilitate the development of a general aviation airport at ETPP, including the following actions:

- Execute the appropriate legal instruments with the Federal Aviation Administration (FAA) to request the transfer of sponsorship from the Metropolitan Knoxville Airport Authority (MKAA) to the City of Oak Ridge, Tennessee.
- Initiate the transfer of existing and future allocated funds from state and federal sources from MKAA to the City as the beneficiary of said funds.
- Request, and accept, no-cost land transfers from the U.S. Department of Energy (DOE), the Community Reuse Organization of East Tennessee (CROET), and other private landowners for the necessary real property to operate a general aviation airport at ETPP.
- Create a new department at the City, to be called the Aviation Department, which department's focus shall be to develop the airport and shall report directly to the City Manager.
- Submit the Cost Benefit Analysis of this project in conjunction with the President of MKAA.
- Support changes of federal and state documents to recognize the City of Oak Ridge as principals on this project.

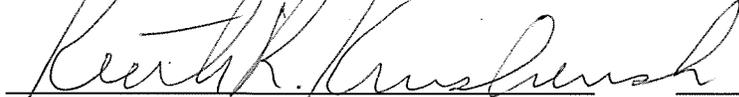
BE IT FURTHER RESOLVED that any commitment of City funds in excess of the City Manager's signature authority shall require additional City Council action and approval for such matters as contracts, bids, and in-kind service match.

BE IT FURTHER RESOLVED that this resolution supersedes Resolution 7-71-09 and Resolution 6-49-2012 to the extent of any conflicts, specifically the City's original intent to not contribute funding for this project, the City's intent to relinquish ownership of the airport facilities, and MKAA's intent to pursue this project as the sponsoring organization with the FAA.

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 21st day of July 2020.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

**CITY COUNCIL MEMORANDUM**  
**20-21**

Date: July 16, 2020  
To: Mayor and City Council  
From: Mark S. Watson, City Manager  
Subject: A RESOLUTION REQUESTING THE GOVERNOR TO ALLOW  
AUTHORITY OF MUNICIPALITIES TO DETERMINE MASK USAGE

Introduction

An item for the Agenda is a resolution from the Oak Ridge City Council members to the Governor of Tennessee strongly suggesting local municipal authority to require the wearing of face coverings within the city limits of a community.

Funding

No funding is associated with this item.

Background

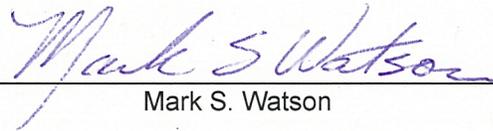
The COVID virus remains a threat to the health, safety and welfare of the Oak Ridge community and other communities throughout the State of Tennessee. Although the State of Tennessee has taken actions through the process of Executive Orders, the effective implementation of those executive orders is limited through the conflicting powers associated between county governments and city governments. The COVID-19 health pandemic is a public health disaster and unlike tornadoes and floods, the ability to react is vested in the authorities of regional health authorities only and most recently county government executive or county mayors. Governor Lee has declared the ongoing state of emergency since July 3, 2020 and urged the wearing of masks or face coverings. By Executive Order #54, the Governor has also delegated authority to County Mayors in 89 counties the authority to singularly declare the need for face coverings consistent with CDC guidelines, whether in areas that are rural, urban or suburban.

The City of Oak Ridge is located in two counties and is required to have designation by two county mayor/executives to decide whether our urban community can require face masking. Executive Order #54 is silent on allowing cities located within a county to decide their interests in requiring face masks. Nor is it clear that an emergency

declaration can be made by the county official for a portion or a city within the county. Needless to say, this is further compounded by cities that are in multiple counties. The City believes it is appropriate to allow the municipality to make this determination. With a market region serving 200,000 people, the spreading of the COVID-19 virus can occur quite rapidly in not only our county but surrounding counties if actions are not taken.

Recommendation

Approval of the attached resolution is recommended.

A handwritten signature in blue ink that reads "Mark S. Watson". The signature is written in a cursive style and is positioned above a horizontal line.

Mark S. Watson

**RESOLUTION**

A RESOLUTION REQUESTING GOVERNOR BILL LEE ALLOW AUTHORITY TO MUNICIPALITIES TO ISSUE ORDERS OR MEASURES REQUIRING OR RECOMMENDING THE WEARING OF FACE COVERINGS WITHIN THEIR JURISDICTIONS DURING THE COVID-19 PANDEMIC.

WHEREAS, Coronavirus Disease 2019 (COVID-19) remains a threat to citizens, the healthcare system, and the economy; and

WHEREAS, on July 3, 2020 by Executive Order No. 54, Governor Bill Lee declared a continuing state of emergency and major disaster in order to facilitate the response to COVID-19 and strongly urged people to wear cloth face coverings or other similar coverings in public settings where being in close proximity to others is anticipated and particularly where social distancing measures are difficult to maintain; and

WHEREAS, on July 3, 2020 by Executive Order No. 54, Governor Bill Lee also specifically delegated authority to the county mayors in the 89 counties that do not have a locally run county health department to issue orders or measures requiring or recommending the wearing of face coverings within their jurisdictions consistent with CDC guidelines and the minimum requirements as set forth in Executive Order No. 54; and

WHEREAS, the City of Oak Ridge is located within two counties, Anderson and Roane, that do not have locally run county health departments; and

WHEREAS, the Anderson County Mayor and the Roane County Executive have both elected to not require face coverings in public; and

WHEREAS, the number of positive COVID-19 cases continue to rise in Anderson and Roane Counties, as well as in our neighboring communities; and

WHEREAS, the wearing of a face covering is a simple step that can be taken to help slow the spread of the virus, which protects our citizens, our healthcare system, and our economy; and

WHEREAS, the City of Oak Ridge respectfully requests Governor Bill Lee issue an executive order giving authority to municipalities to issue orders or measures requiring or recommending the wearing of face coverings within their jurisdictions for the safety of the public during the COVID-19 pandemic.

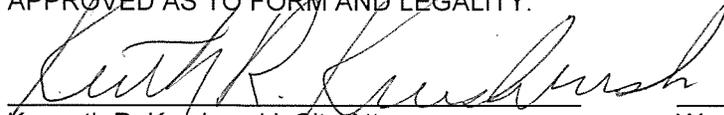
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City of Oak Ridge, Tennessee, respectfully requests Governor Bill Lee give authority to municipalities to issue orders or measures requiring or recommending the wearing of face coverings within their jurisdictions consistent with CDC guidelines, and in a similar manner as authority was given by Executive Order No. 54 to the county mayors in the 89 counties that do not have a locally run county health department.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Governor Bill Lee.

This the 21st day of July 2020.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Richard G. Chinn, Jr., Mayor Pro Tem

Kelly S. Callison, Councilmember

James Dodson, Councilmember

Derrick Hammond, Councilmember

Charles J. Hope, Jr., Councilmember

Ellen D. Smith, Councilmember

Mary Beth Hickman, City Clerk